



Oregon Department of Environmental Quality
March 21-22
Oregon Environmental Quality Commission Meeting
Agency Staff Report
Rulemaking Action Item **NO. XX**

Lane Regional Air Protection Agency (LRAPA) 2017 Industrial Air
Permitting Rules

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DEQ recommendation to the EQC

DEQ recommends that the Environmental Quality Commission:

1. Approve incorporating the LRAPA rule amendments into the Oregon Clean Air Act State Implementation Plan under OAR 340-200-0040 (the “SIP revision”); and
2. Direct DEQ to submit the SIP revision to the U.S. Environmental Protection Agency for approval.

Overview

Short summary

LRAPA's Board of Directors adopted the proposed air permitting rules as part of LRAPA's Rules and Regulations at their meeting on January 11, 2018.

DEQ proposes the Oregon Environmental Quality Commission approve the proposed Lane Regional Air Protection Agency's (LRAPA's) rules for incorporation into the Oregon Clean Air Act State Implementation Plan (SIP) and submittal to the U. S. Environmental Protection Agency (EPA) for its approval under the federal Clean Air Act (CAA).

Brief history

LRAPA proposes to streamline, reorganize and update Lane County's air quality permit rules.

LRAPA also proposes changes to particulate matter emission standards and the preconstruction permitting program to make rules at least as stringent as the state's.

In addition, LRAPA proposes rules to:

- Remove certain greenhouse gas permitting requirements to align with the June 23, 2014 Supreme Court decision,
- Expand preconstruction permitting flexibility for small facilities, and
- Specify small source permitting exemptions.

At the September 14, 2017 meeting the Board authorized staff to hold a hearing. A hearing was held at the November 9, 2017 Board meeting, but the Board did not take action at that meeting. A request for an extension of the comment period was received as part of the oral testimony at the November 9, 2017 meeting. At the December 7, 2017 meeting the Board authorized staff to reopen the written comment period from December 8 until December 29, 2017.

The Board was updated by DEQ on their corresponding rule changes at the June 23, 2014 Board meeting. LRAPA's permitted sources and interested parties list were sent notifications about DEQ's proposed permit changes during their comment period. At their April 2014 meeting, the LRAPA Citizen's Advisory Committee (CAC) received updates from DEQ on their corresponding rule changes. DEQ adopted their corresponding rules on April 15, 2015. LRAPA provided a summary of these changes at the May 2017 and July 2017 CAC meetings.

This document describes the proposed rules under the following eight categories:

1. Clarify and update air quality rules
2. Update particulate matter emission standards
3. Change permitting requirements for emergency generators and small natural gas or oil-fired equipment
4. Establish two new state air quality area designations, “sustainment” and “re attainment,” to help areas avoid and more quickly end a federal nonattainment designation
5. Designate Oakridge as a state reattainment area while retaining its federal nonattainment designation
6. Change the New Source Review preconstruction permitting program
7. Adjust industrial and commercial activity levels below which some categories of sources are exempt from permitting
8. Increase Air Contaminant Discharge Permit (ACDP) fees by 10% and change the annual increase from the Consumer Price Index (CPI) to 4%.

Regulated parties

The proposed rules affect:

- All businesses, agencies, local governments and other entities holding air quality permits; and
- Businesses and other entities required to submit construction approval notices.

Rule Options

Some of the proposed rules must be adopted by LRAPA to maintain rules that are at least as stringent as the corresponding state and/or federal rules. In other areas, LRAPA has options to adopt rules that are different from state permitting requirements. Attachment C – Board Roadmap in the Supporting Documents section outlines the key areas of the rules with each significant section identifying the proposed rule change need as “stringency”, “consistency”, and “other”.

Request for other options

During the public comment period, DEQ and LRAPA requested public comment on whether to consider other options for achieving the rules’ substantive goals while reducing the rules’ negative economic impact on business.

Statement of Need

1. Clarify and update air quality rules

After years of rulemakings and updates, LRAPA proposes to clarify, update and reorganize the air quality rules. Previous improvements to these programs began with the Board’s adoption of revisions to point source air management rules in 2008 and PM_{2.5} and greenhouse gas permitting updates in 2011. The existing rules contain multiple definitions for the same term, missing details, obsolete or outdated rules and rules that do not align with federal rules adopted by the U.S. Environmental Protection Agency, which causes confusion. This proposal would clarify and update the rules to address the needs listed in this table.

What need would the proposed rules address?	How would the proposed rules address the need?
Some important details are missing from the rules, such as specific compliance methods for determining compliance with an emission standard. This creates uncertainty for LRAPA and regulated parties implementing the air quality programs.	The proposed rules would incorporate the missing compliance methods and help businesses understand how to comply with the standards.
Some procedures are in definitions rules instead of procedural rules, creating confusion for regulated parties. For example, the procedures to determine a major modification, actual emissions and netting basis are in the definitions rules instead of procedural rules.	The proposed rules would move procedures from definitions rules to procedural rules.
The rules contain different definitions for the same term and definitions are located in multiple titles, making it difficult for regulated parties to find definitions or know how to apply the definitions.	The proposed rules would move all common definitions to Title 12, Definitions. The proposed rules would provide only one definition per term and add definitions for undefined terms such as control efficiency, internal combustion engine and removal efficiency.
<p>The excess emission rules do not contain all of the sources required to report excess emissions. They also do not contain source specific criteria for determining enforcement action.</p> <p>The excess emission rules require sources to report excess emissions to LRAPA as follows:</p> <ul style="list-style-type: none"> • Large sources must report all excess emissions immediately (within one hour of the event) 	<p>The proposed rules would add omitted sources required to report excess emissions and add the criteria for determining whether to take enforcement action for excess emissions, including:</p> <ul style="list-style-type: none"> • Whether any federal New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants apply and whether the excess emission

1. Clarify and update air quality rules

A “large” source is defined as any Title V source, any source whose emissions are equal to or exceed 100 tons per year of any regulated air pollutant, or which is subject to a National Emissions Standard for Hazardous Air Pollutants.

- Small sources must notify LRAPA immediately only of excess emissions events that could endanger public health.

A “small” source means any other stationary source with a Basic, General, Simple or Standard Air Contaminant Discharge Permit. In the definition of “small” sources in the excess emission rules, LRAPA inadvertently did not include sources that are on Basic permits.

Since the Board’s initial adoption of the excess emission rules, EPA adopted NESHAPs for many smaller sources, such as gas stations, hospital ethylene oxide sterilizers, and dry cleaners. These sources are missing from LRAPA’s rules, creating conflict between LRAPA’s rules and federal law.

The general provisions for NESHAP sources and some individual NESHAPs include excess emission reporting; therefore, LRAPA’s rules do not need to include these small sources with the large sources that are required to report excess emissions immediately.

Source-specific technology-based standards such as federal New Source Performance Standards and NESHAPs consider the achievable emissions of a facility that uses

event caused a violation of the federal standard; and

- Whether the excess emissions event was due to an emergency.

1. Clarify and update air quality rules	
<p>best demonstrated technology. Adding this criterion when determining whether to take enforcement action for excess emissions allows LRAPA to recognize that while a source may violate the general statewide standard, the source is still complying with the source-specific technology-based standard.</p> <p>The excess emission rules allow affirmative defense in incorrect circumstances. Affirmative defense is the ability to avoid civil penalties for violations. On Feb. 12, 2013, EPA proposed a new rule limiting the circumstances in which sources could claim affirmative defenses, and clarifying how such provisions may apply under Title V permits versus other permits under the SIP. Under EPA’s interpretation, LRAPA’s excess emissions rules incorrectly allow all permitted sources to assert an affirmative defense, rather than just Title V sources.</p>	<p>In addition, LRAPA proposes to limit affirmative defenses to Title V permitted sources only and not sources that are regulated under the State Implementation Plan.</p>
<p>DEQ updated the Source Sampling Manual Volumes 1 and II and the Continuous Monitoring Manual in 2015.</p>	<p>LRAPA worked with DEQ to update the manuals as part of the 2015 rulemaking. LRAPA proposes to adopt the updated versions. The manuals were last updated in 1992.</p>

2. Update particulate matter emission standards	
<p>LRAPA proposes more stringent particulate matter standards to help prevent violations of the federal fine particulate standard.</p> <p>Like many other states, Oregon adopted statewide particulate matter standards in 1970 as part of Oregon’s initial State Implementation Plan. Since 1970, health researchers have concluded that exposure to particulate pollution is more harmful than previously indicated. As a result, EPA lowered the ambient air quality standard for particulates from 260 micrograms per cubic meter; it established separate standards, including a coarse particulates standard at 150 micrograms per cubic meter and a fine particulates standard at 35 micrograms per cubic meter.</p> <p>EPA designates areas that violate air quality standards as nonattainment areas and designates all other areas as attainment or unclassified areas. With EPA’s adoption of the fine particulate ambient air quality standard in 2011, Klamath Falls and Oakridge are now</p>	

2. Update particulate matter emission standards

designated as nonattainment areas for fine particulate. Lakeview also violates the standard, but was not designated nonattainment because its data was not available at the time EPA designated Klamath Falls and Oakridge. Numerous other areas in Oregon are only slightly below the standard. More stringent state particulate matter standards may help prevent additional violations of the federal fine particulate standard in the future, especially if EPA continues to lower the standard.

Oregon’s initial State Implementation Plan included less protective emission standards for businesses that were in operation in 1970; these are known as grandfathered businesses. However, emissions from grandfathered businesses subject to the particulate matter standards do not adequately protect air quality. Routine exposure to air pollution at these levels can cause significant adverse health impacts to sensitive individuals.

LRAPA relies on two types of general standards to control emissions from permitted sources of particulate matter such as dust or smoke. One type of standard sets concentration-based emission limits as mass per unit volume of exhaust gas. A second type of standard, referred to as a visible emissions standard, limits the maximum visual density, or opacity, of a plume. Existing rules include different particulate concentration and opacity standards for units installed before or after 1970:

Pre-1970 unit 0.2 grain/dry standard cubic foot (gr/dscf) and 40 percent opacity

Post-1970 unit 0.1 gr/dscf and 20 percent opacity

What need would the proposed rules address?	How would the proposed rules address the need?
Update particulate matter emission rules to be at least as stringent as the Oregon DEQ’s.	Adopting the opacity and grain loading standards would align LRAPA’s rules with the state’s.
LRAPA rules conflict with federal guidance and DEQ’s updated rules. LRAPA’s current particulate matter standards have only one significant figure (e.g., 0.1 gr/dscf) whereas EPA expects all standards to have two significant figures (e.g., 0.10 gr/dscf) when comparing measured emissions data to the standards.	The proposed rules add a significant figure to all particulate matter standards to align with the EPA guidance that standards have two significant figures. The intent of the proposed rules is to ensure that LRAPA’s particulate standards are consistent with current EPA policy for significant figures when determining compliance with standards.
LRAPA’s rules do not contain a reference method necessary to demonstrate compliance with opacity standards. Oregon and LRAPA based its first adopted opacity standard on an aggregate of three minutes in a 60-minute period. However, LRAPA and DEQ didn’t develop a	The proposed rules would help ensure Oregon businesses use a reliable and defined method to measure compliance with statewide opacity standards that are consistent with EPA and other states’ methods.

2. Update particulate matter emission standards	
<p>reference test method for the three-minute aggregate limit. As a workaround to demonstrate compliance with this standard, Oregon businesses used a modified version of EPA’s Method 9 reference test method; however, this workaround is inconsistent with EPA and other states’ methods. DEQ decided to change their opacity test method to the straight EPA Method 9 and go with the more common 6-minute average basis for the standard. LRAPA prefers to retain the 3-minute aggregate basis, but will add language to specify the data reduction method needed to specify the reference method.</p> <p>Not having reference methods for these opacity standards makes it difficult for businesses to demonstrate compliance with the standards, and creates difficulty for LRAPA to assure compliance with and enforce the standards.</p>	<p>The proposed rules would amend all opacity standards, both countywide and industry specific, to retain the 3-minute aggregate limit but specify the data reduction method needed to evaluate opacity. This 3-minute aggregate basis is preferred by senior inspector staff, especially for evaluating opacity on batch operations. LRAPA does not expect this to change the overall stringency of the standards.</p> <p>LRAPA’s rules would retain the 3-minute aggregate basis for the standard and specify EPA’s Method 203B as the reference method data reduction procedures to measure 3-minute aggregate periods.</p>
<p>LRAPA needs to revise the method for addressing opacity from fugitive emission sources to be as stringent as DEQ’s corresponding rule.</p> <p>LRAPA and businesses currently use EPA Method 9 to determine compliance with opacity standards and ensure fugitive emissions are not causing a nuisance, but this method isn’t specific for fugitive sources. Fugitive particulate matter emissions are not emitted from a smoke stack and typically originate from storage piles, material conveying systems, unpaved roads or other dusty activities. In many situations, it is possible to take opacity readings to determine if the emitting source exceeded the opacity standard and then require action to abate the emissions. However, in other situations, opacity readings are difficult to take or the emissions do not exceed the opacity standard, but are nevertheless objectionable</p>	<p>The proposed rules would align LRAPA’s rules with DEQ’s rules to require businesses to take reasonable precautions to prevent fugitive emissions. LRAPA may request a business develop and implement a fugitive emissions control plan to prevent visible emissions from leaving the property for more than 18 seconds in a six minute period. This is a simpler, more comprehensive and effective approach to controlling these emissions than the current approach that requires LRAPA to make a nuisance determination outside of special control areas. LRAPA and businesses would use EPA Method 22, Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares to determine compliance. Method 22 is specific for fugitive sources, making it a much better method for determining compliance than Method 9.</p>

2. Update particulate matter emission standards	
to surrounding neighbors. Therefore, rules are needed to control fugitive emissions from leaving a business's property, regardless of their opacity.	

3. Change permitting requirements for emergency generators and small natural gas or oil-fired equipment

Federal law requires Title V permits to account for emissions from all activities at a regulated facility, including insignificant activities that do not warrant the kind of effort applied to the main emitting activities. When Oregon established the Title V permitting program in 1993, DEQ and LRAPA developed a list of “categorically insignificant activities” that may take place at a source but are not addressed individually in the permit; LRAPA incorporated that list into title 12. This list includes activities such as:

- Janitorial activities
- Groundskeeping activities
- Emergency generators

Businesses indicate they have categorically insignificant activities in their permit applications, but these activities are exempt from rigorous monitoring requirements because DEQ and LRAPA determined emissions from these activities are insignificant compared to other activities onsite.

LRAPA proposes to change the activities to align the rules with DEQ’s.

What need would the proposed rules address?	How would the proposed rules address the need?
<p>EPA recently adopted National Emission Standards for Hazardous Air Pollutants for stationary reciprocating internal combustion engines. EPA’s adoption added requirements for emergency generators currently exempt from permitting in Lane County because LRAPA lists them as categorically insignificant activities. In addition, the growing need for large amounts of backup power from emergency generators at data centers has shown that emissions from emergency generators can be significant.</p> <p>LRAPA also determined that small fuel burning equipment, currently listed as categorically insignificant because each unit has low emissions, could have</p>	<p>The proposed rules would remove emergency generators and small natural gas or oil-fired equipment from the list of categorically insignificant activities if:</p> <ul style="list-style-type: none"> • Those units are above size thresholds that make them subject to emission limits, or • Their aggregate emissions are greater than de minimis levels. <p>LRAPA would add these activities to existing permits.</p> <p>In cases where emissions from a non-permitted business with these activities exceed permitting thresholds, the non-permitted business might need to obtain a permit for these activities alone. If the</p>

3. Change permitting requirements for emergency generators and small natural gas or oil-fired equipment	
significant aggregate emissions if a business has multiple units. For example, one business has been identified that has eight small boilers that together have significant potential emissions of approximately 12 tons per year of nitrogen oxides.	aggregate emissions are less than permitting thresholds, the owner or operator may only need to obtain preconstruction approval from LRAPA when installing new units and not a permit.

4. Establish two new state air quality area designations, “sustainment” and “re attainment,” to help areas avoid and more quickly end a federal nonattainment designation

LRAPA proposes to change the activities to align the rules with DEQ’s.

EPA designates areas that violate air quality standards as “nonattainment” areas and designates all other areas as “attainment” or “unclassified” areas. Oregon and LRAPA law designate former nonattainment areas that EPA reclassified to attainment as “maintenance” areas to ensure those areas avoid future violations. LRAPA proposes to establish two new Oregon air quality area designations, “sustainment” and “re attainment,” to help areas avoid and more quickly end a federal nonattainment designation. If the Board approves these proposed rules, it would be able to designate specific areas of the county as “sustainment” or “re attainment” based on a local air quality analysis and public comment. To designate a specific area as “sustainment” or “re attainment” would require public notice and a rule change. These designations would provide communities and businesses with additional tools and incentives to improve air quality. Please view LRAPA’s [Oakridge’s Re attainment Area document](#) for supplemental information about the sustainment area designation.

What need would the proposed rules address?	How would the proposed rules address the need?
There are gaps in the current designation system, described in the next two sections, that can create disincentives for affected communities to improve air quality and unnecessarily impede economic development. While EPA does not establish designations for these areas, there is a need for LRAPA to establish designations to help these areas avoid and more quickly end a federal nonattainment designation.	<p>The proposed rules would establish two new designations with different permitting requirements for companies proposing a new or modified facility in areas that are close to or violating air quality standards:</p> <ul style="list-style-type: none"> • Sustainment area for a federally designated attainment area that is in danger of failing to meet air quality standards and which EPA has not yet designated a nonattainment area. • Re attainment area for a federally designated nonattainment area that is

<p>4. Establish two new state air quality area designations, “sustainment” and “re attainment,” to help areas avoid and more quickly end a federal nonattainment designation</p>	
	<p>meeting air quality standards and which EPA has not yet redesignated an attainment area.</p> <p>The Board would designate specific areas of the state as sustainment or re attainment based on a local air quality analysis, LRAPA recommendations and public comment. These classifications would provide communities and businesses with additional tools and incentives to improve air quality, as described below.</p>
<p>Communities are not provided sufficient opportunities to avoid nonattainment designation.</p> <p>This first gap in area designations is for attainment areas where the air quality is in danger of failing to meet air quality standards. While air pollution in these areas can cause health effects, new or modified businesses are not necessarily the sources that contribute to the problem. However, air pollution levels in the area make it difficult or impossible for new and expanding businesses to demonstrate that their added emissions will not cause or contribute to air quality violations. The current permitting rules for attainment areas do not include provisions for these businesses to offset their emission increases by a reduction in emissions from existing sources in the area. Designating these areas as nonattainment areas may be appropriate in some cases. However, in other cases, a nonattainment designation could impose prescriptive federal requirements and timelines that interfere with the more effective local efforts to improve air quality.</p>	<p>Establishing sustainment areas would provide communities more opportunities to avoid nonattainment designation.</p> <p>The proposed rules would allow LRAPA to work with the local community to determine if a state sustainment designation would be the best approach to improve air quality and prevent a nonattainment designation. LRAPA would identify potential sustainment areas based on an air quality analysis that may include monitoring, development of an emission inventory, and air quality modeling. The analysis would identify the air pollution sources that primarily contribute to public health concerns, and a boundary for the potential sustainment area. Upon approval by the local community, LRAPA would then propose the sustainment designation for public comment through its rulemaking process.</p> <p>A Board-designated sustainment area would remain a federal attainment area and new and modified facilities above the federal major source threshold would continue to be subject to federal attainment area requirements. However, the proposed rules for sustainment areas would address</p>

<p>4. Establish two new state air quality area designations, “sustainment” and “re attainment,” to help areas avoid and more quickly end a federal nonattainment designation</p>	
	<p>industrial source emissions below federal major source thresholds that the community could rely upon as part of an overall plan, such as EPA’s PM Advance program, for improving the ambient air quality. Within a sustainment area, new and modified facilities would receive incentives to obtain emission offsets from those existing air pollution sources that are identified as the primary cause of degraded air quality in the sustainment area under category six below (Change the New Source Review preconstruction permitting program). An area designated as a sustainment area could still become a federal nonattainment if air quality continued to degrade.</p>
<p>Communities designated as nonattainment areas must continue to require costly elements of an attainment plan when those elements are no longer necessary to protect air quality.</p> <p>This second gap in area designations is for nonattainment areas that have met federal ambient air quality standards by implementing an approved attainment plan. For these areas to be designated as federal attainment areas and state maintenance areas LRAPA must develop and EPA must approve a long-term air quality maintenance plan. In developing the maintenance plan, LRAPA may determine that some elements of the attainment plan are no longer required to maintain air quality. However, until EPA redesignates the area to attainment – a process that can take years – the area must continue implementing all elements of the attainment plan.</p>	<p>Establishing re attainment areas would allow communities to discontinue costly elements of an attainment plan when those elements are no longer necessary to protect air quality. The proposed rules would allow LRAPA to propose to Board a state re attainment designation for a federal nonattainment area with an approved attainment plan where air quality reliably meets the federal ambient air quality standards. The potential for a re attainment area designation would create an incentive for a community to improve air quality as quickly as possible. The boundary for the re attainment area would be the same as the nonattainment area boundary.</p> <p>A Board-designated re attainment area would remain a federal nonattainment area. All elements of the area’s attainment plan would continue to apply until EPA approves a maintenance plan and redesignates the area to attainment. However, within the re attainment area, new and modified facilities that fall below the federal major source threshold would be subject to less stringent requirements unless LRAPA has identified the facility as a significant</p>

4. Establish two new state air quality area designations, “sustainment” and “re attainment,” to help areas avoid and more quickly end a federal nonattainment designation	
	contributor to the air quality problems in the area under category six below (Change the New Source Review preconstruction permitting program).

5. Designate Oakridge as a state reattainment area while retaining its federal nonattainment designation

Air quality in Oakridge currently meets the ambient air quality standards for fine particulates. However, EPA has not yet designated Oakridge an attainment area because it just recently attained the standard. LRAPA now has the required three years of monitoring data to determine if the area was violating the federal standards. Please view LRAPA’s [Oakridge Reattainment Area document](#) and the [LRAPA webpage](#) for supplemental information about the designation for Oakridge.

What need would the proposed rules address?	How would the proposed rules address the need?
<p>Oakridge currently is designated as a nonattainment area for PM_{2.5}, but the area currently has three years of monitoring data showing that the area meets federal standards.</p> <p>It will take additional time to develop a maintenance plan and get the area approved to be redesignated from nonattainment to a “maintenance area”. The proposed rules would serve as a bridge between the nonattainment and maintenance area rules. There are currently no industrial sources in Oakridge for which offsets could be obtained; the proposed rules are designed to provide</p>	<p>The proposed rules would designate Oakridge as a state reattainment area proposed under category four above. While Oakridge would retain its federal designation as a nonattainment area, a state designation of reattainment would help the community in its efforts to improve air quality by providing more flexible permitting requirements for non-federal major emission sources</p> <p>The Oakridge Reattainment Area document includes LRAPA’s Attainment Plan used to describe the area, it’s emissions, and plans for how the area will meet federal standards for PM_{2.5}.</p>

5. Designate Oakridge as a state reattainment area while retaining its federal nonattainment designation	
<p>incentives for new or modified sources to obtain offsets from “priority” sources (i.e., residential wood combustion).</p>	
<p>Designating Oakridge as an attainment area with a maintenance plan will take much more time than it will to designate the area as a reattainment area under the proposed rules and would make it much more difficult for sources to locate or expand in Oakridge under the existing nonattainment rules.</p>	<p>The Attainment plan that has been developed for Oakridge outside the rulemaking process will address all PM_{2.5} emission sources, including residential wood stoves and open burning. LRAPA determined that the Attainment plan and designation as a reattainment area would complement each other to address stationary sources within the Oakridge area. Under the reattainment area designation, new and expanding businesses that do not exceed the federal major source threshold for particulate matter could be permitted by obtaining offsets under category six below (Change the New Source Review preconstruction permitting program). As an incentive, the offset requirement would be lowered for businesses that obtain offsets from residential wood heating, which is the primary cause of air quality violations in Oakridge.</p>

6. Change the New Source Review preconstruction permitting program
<p>LRAPA proposes changes to the New Source Review program to improve air quality in all areas of the county, especially those that are close to or exceed ambient air quality standards. New Source Review is a federally required preconstruction program that ensures new or modified facilities install the latest control technologies and do not have adverse impacts on ambient air quality standards. The intent of the Prevention of Significant Deterioration portion of the New Source Review program is to prevent degradation of air quality in areas that meet federal air quality standards. The intent of the nonattainment New Source Review program is to improve the air quality in designated nonattainment areas that violate air quality standards. LRAPA’s proposal would maintain consistency with DEQ by also establishing New Source Review requirements for the proposed new sustainment and reattainment area designations described in category four above.</p> <p>On June 23, 2014, the U.S. Supreme Court determined that the Clean Air Act neither compels nor permits EPA to adopt rules requiring a facility to obtain a Title V or Prevention of Significant Deterioration permit on the sole basis of its potential greenhouse</p>

6. Change the New Source Review preconstruction permitting program

gas emissions. LRAPA’s rules were not affected by the Supreme Court’s decision and remain in effect, requiring facilities to submit applications that are not required by the now-invalid federal greenhouse gas permitting rules. The Court did not completely invalidate EPA’s authority to require permitting for greenhouse gases; it determined that EPA reasonably interpreted the Clean Air Act to require facilities to comply with Prevention of Significant Deterioration permitting requirements for greenhouse gases if they were required to apply for a Prevention of Significant Deterioration permit based on emissions of other regulated pollutants. Please view DEQ’s NSR Program Supplemental Discussion for supplemental information about these changes.

What need would the proposed rules address?	How would the proposed rules address the need?
<p>The current New Source Review program rules apply to facilities that emit more than the federal major source threshold and to some facilities that emit less. Federal law requires states to have both a major and a minor New Source Review program. The requirements for the federal major New Source Review program are very prescriptive. States and local agencies have more flexibility in designing a minor New Source Review program if the state/local demonstrates that it will protect air quality. LRAPA’s current requirements for major and minor New Source Review are the same. This limits LRAPA’s ability to use the minor New Source Review program in the most effective way to protect air quality while enabling economic development.</p>	<p>The proposed rules for new and modified facilities would distinguish facilities above the federal major source threshold from facilities below the threshold. To do this, the proposed rules would:</p> <ul style="list-style-type: none"> • Establish a minor New Source Review program for smaller facilities called “State New Source Review.” • Tailor New Source Review requirements for smaller facilities to the air quality needs of an area in ways that are not allowed for larger businesses subject to EPA requirements.
<p>Current criteria for determining if a major new or modified facility would improve air quality in or near a nonattainment or maintenance area are known as Net Air Quality Benefit. Problems with the criteria include:</p>	<p>The proposed rules would establish a new process for companies proposing a new or modified facility in or near a nonattainment, sustainment or maintenance area. The proposal provides a simplified modeling demonstration that requires emission offsets to be greater than emission</p>

6. Change the New Source Review preconstruction permitting program	
<ul style="list-style-type: none"> • Based solely on air quality modeling, • Sometimes impossible for businesses to meet, unless the increasing and offsetting businesses are co-located, • Prevent potentially more beneficial local air pollution reduction projects from occurring, thereby creating an unnecessary construction ban, and • Require new or modified businesses to reduce emissions from other existing businesses and demonstrate that together the emission increases and reductions result in improved air quality at most modeled receptors within the area. 	<p>increases. The offset ratio would depend on:</p> <ul style="list-style-type: none"> • The area classification, and • Whether the new or modified source of emissions is a federal major source or minor source. <p>The proposed rules would provide incentives for new or modified businesses to help address ambient air quality problems. The incentives would reduce the emission-offset ratio if the business obtains reductions from priority sources, those that primarily cause air quality problems in the local area. In addition, the proposed rules would ensure no degradation of air quality in relation to the ambient monitoring for the area.</p>
<p>The current New Source Review program rules allow extensions of construction permits for good cause. The rules do not include criteria for approving or denying extensions of construction permits or the number of extensions allowed. Allowing construction permits to be extended multiple times without limit or additional review could:</p> <ul style="list-style-type: none"> • Tie up the business’s designated allowable emissions portion of the airshed indefinitely, • Result in the installation of less effective control technology if control technology has improved since the approval of the original construction permit, and • Unnecessarily impair air quality. 	<p>The proposed rules provide two 18-month extensions and procedures for requesting and approving extensions for New Source Review construction permits:</p> <ul style="list-style-type: none"> • For the first extension, the proposed rules would require a review of any new pollution control technologies that could be applied to the proposed source. • For the second extension, the proposed rules would require a review of the pollution control technology and a review of the impacts on the ambient air quality in the area.
<p>In 2011, the Board adopted rules substantively identical to the federal greenhouse gas permitting rules. The 2014 Supreme Court decision invalidated EPA’s</p>	<p>The proposed rules would address the need by removing certain greenhouse gas permitting requirements to align with the 2014 Supreme Court Decision.</p>

6. Change the New Source Review preconstruction permitting program	
<p>authority to impose the federal greenhouse gas permitting requirements. LRAPA’s rules continue to require Prevention of Significant Deterioration and Title V permits for greenhouse gases alone, causing inequity for facilities located in Lane County.</p>	

7. Adjust industrial and commercial activity levels below which some categories of sources are exempt from permitting	
<p>LRAPA proposes two source activity cutoffs to exempt smaller sources from the need to obtain an ACDP. The existing rules currently require permits for sources using very small amounts of surface coatings and producing very small amounts of woodworking products. LRAPA is specifying small-source cutoffs for permit activities including:</p> <ul style="list-style-type: none"> • <i>Surface coating operations that use less than 100 gallons/year of VOC and/or HAP containing coatings;</i> • <i>Sawmills and other wood products facilities that produce less than 5,000 board feet per maximum 8 hour finished product; and</i> • <i>Wood preserving (including waterborne solutions with actual or projected emissions of greater than 1 ton/year VOC and/or HAP).</i> <p>To clarify the third bullet above, prior to the rule changes adopted in 2008 LRAPA’s rules required air quality permits for all types of wood preserving activities. LRAPA adopted changes in 2008 that added an exemption for waterborne wood preservation operations. LRAPA is now removing that exemption, but is including a 1 ton/year VOC and/or HAP threshold above which sources would be required to obtain a permit.</p> <p>LRAPA is asking for comment on the range of de minimis cutoffs for surface coating operations. The range LRAPA is considering is between 100 and 250 gallons per year. Based on 2016 annual reporting information seven (7) sources on Basic ACDPs would qualify to be exempt if the rules specified a 100 gallon/year and 5,000 board feet per shift exemption. If the lower source cutoff were specified at 250 gallon/year and 5,000 board feet per shift, a total of nine (9) sources would qualify to be exempt from permitting. The total reduction in annual fees would be \$2,926 and \$3,762, respectively, for each option of de minimis cutoffs for surface coating operations.</p> <p>The Basic ACDP activity category for surface coating operations subject to the “autobody” NESHAP using less than 20 gallons/year is unused since it was adopted in 2008, and was proposed to be deleted, but subsequently was retained after the proposed version of the rules did not delete the category.</p>	
<p>What need would the proposed rules address?</p>	<p>How would the proposed rules address the need?</p>

7. Adjust industrial and commercial activity levels below which some categories of sources are exempt from permitting

<p>Some of the sources currently required to have an air permit under the surface coating and woodworking activity categories are very small businesses that generally do not emit significant amounts of regulated pollutants. They often have difficulty paying fees and completing annual reports, etc.</p>	<p>The rules would address the need by specifying that permit for surface coating activities is only required if actual or projected usage of VOC containing coatings is greater than 250 gallons/<u>year</u>. By comparison, DEQ only requires permits for surface coating operations with usages of more than 250 gallons/<u>month</u>.</p> <p>The rules would also address the need by specifying that permit for wood working activities is only required if actual or projected production is greater than 5,000 board feet per shift. By comparison, DEQ only requires permits for wood working sources with productions of more than 25,000 board feet per shift.</p> <p>These two changes are estimated to relieve the permitting requirements for at least seven (7) to nine (9) sources currently on a Basic ACDP.</p>
<p>LRAPA has determined that facilities that perform waterborne wood preservation activities can have relatively significant emissions of VOCs and or HAPs. LRAPA's (and DEQ's) rules currently only require an air permit for waterborne wood preservation activities if actual emissions are greater than 10 tons/year of VOC.</p>	<p>The rules would require air permitting for waterborne wood preservation activities if actual or projected emissions are greater than one ton/year VOC and/or HAP.</p>

8. Increase Air Contaminant Discharge Permit (ACDP) fees by 10% and Change the Annual Increase from the CPI to 4%

The Board's Resources Committee recommended, and the Board approved a 10% increase in LRAPA ACDP fees, at the October 2016 Board of Directors meeting. The Board approved an annual 4% increase in ACDP fees on July 1st of each year in lieu of the current increase by the CPI.

<p>What need would the proposed rules address?</p>	<p>How would the proposed rules address the need?</p>
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8. Increase Air Contaminant Discharge Permit (ACDP) fees by 10% and Change the Annual Increase from the CPI to 4%	
<p>The Board’s Resources Committee recommended, and the Board approved a 10% increase in LRAPA ACDP fees, at the October 2016 Board of Directors meeting. The Board approved an annual 4% increase in ACDP fees on July 1st of each year in lieu of the current increase by the CPI.</p>	<p>LRAPA is proposing a 10% increase in ACDP fees over existing fee amounts and to change the annual ACDP fee increase on July 1st of each year from the CPI to 4%.</p>

How will LRAPA know the rules have addressed the needs stated above?

To determine whether the rulemaking met its objectives, LRAPA would confirm, as part of ongoing interaction with regulated parties, whether regulated parties have a clearer understanding of the program and their obligations. LRAPA expects to see a reduction in the number of business that request help interpreting the rules.

LRAPA expects to see an improvement in air quality, which could result in fewer nonattainment areas, based on the following reductions in emissions from:

- Updates to the particulate matter standards;
- Offsets of priority sources causing air quality problems in areas that chose to become sustainment areas;
- Changes to the New Source Review preconstruction permitting program,

LRAPA expects to have more flexibility in how LRAPA provides notice of proposed permits, public meetings and hearings, more participation from the public and reduced costs.

If LRAPA adopts the proposed rules after considering public comments, LRAPA would submit the rules to the EQC for inclusion into Oregon’s State Implementation Plan (SIP). If approved by the EQC, the rules would be submitted to the EPA for publishing the changes in the Federal Register and include the changes into the SIP. LRAPA would know the goals of this rulemaking have been addressed when the EQC and EPA review and approve the State Implementation Plan revision.

Rules affected, authorities, supporting documents

Lead division

Operations

Program or activity

Permitting

Chapter 340 action

Amend - OAR

340-200-0040

Adopt LRAPA Section

12-025, 14-145, 14-147, 14-150, 14-155, 29-0300, 29-0310, 29-0320, 32-8010, 34-017, 33-500, 37-0068, 38-0025, 38-0045, 38-0055, 38-0245, 38-0250, 38-0255, 38-0260, 38-0270, 38-0500, 38-0510, 38-0510(3)*, 38-0530, 38-0540, 42-0046, 42-0048, 42-0051, 50-065, 51-007, 51-011

Amend LRAPA Section

12-001, 12-005, 12-010, 12-020, 12-030* (*Note: 12-030 was not amended but the asterisk included here is to clarify that it be removed from the SIP*), 14-110, 29-0010, 29-0020, 29-0030, 29-0040, 29-0050, 29-0060, 30-010*, 31-0010, 31-0020, 31-0030, 31-0040, 31-0050, 31-0060, 31-0070, 31-0080, 32-001, 32-005, 32-006, 32-007, 32-008, 32-009, 32-010, 32-015, 32-020, 32-030, 32-045, 32-050, 32-055*, 32-060, 32-065, 32-070, 32-075*, 32-0100, 33-005, 33-060, 33-065, 33-070, 33-070(1)* (*Note: Only the definition/references to “Non-condensables” and “Other sources” are excluded from SIP*), 33-070(3)(a)*, 33-070(4)(b)*, 33-070(5)(b)*, 33-070(6)(a)*, 33-070(6)(b)*, 33-075, 33-080*, 34-005, 34-010, 34-015, 34-020, 34-025, 34-030, 34-034, 34-035, 34-036, 34-037, 34-038, 34-170*, 34-180*, 34-190*, 34-200*, 35-0010, 35-0110, 35-0120, 35-130, 35-0140, 35-0200*, 35-0210*, 35-0220*, 35-0230*, 35-0240*, 35-0250*, 35-0260*, 35-0270*, 35-0280*, 36-001, 36-005, 36-010, 36-015, 36-020, 36-025, 36-030, 36-040*, 37-0010, 37-0020, 37-0025, 37-0030, 37-0040, 37-0052, 37-0054, 37-0056, 37-0060, 37-0062, 37-0064, 37-0066, 37-0070, 37-0082, 37-0084, 37-0090, 37-0094, 38-0010, 38-0020, 38-0030, 38-0040, 38-0050, 38-0060, 38-0070, 40-0010, 40-0020, 40-0030, 40-0040, 40-0045, 40-0050, 40-0060, 40-0070, 41-0020, 41-0030, 42-0010, 42-0020, 42-0030, 42-0035, 42-0040, 42-0041, 42-0042, 42-0055, 42-0060*, 42-0080, 42-0090, 48-001, 48-005, 48-010, 48-015, 49-005, 49-010, 49-020, 49-030, 50-001, 50-005, 50-015, 50-025, 50-030, 50-035, 50-040, 50-045, 50-050, 50-055, 51-005, 51-010, 51-015, 51-020, 51-025

Amend and Renumber LRAPA Section

14-140 renumbered to 14-115
 14-145 renumbered to 14-120
 14-150 renumbered to 14-125
 14-155 renumbered to 14-130
 14-160 renumbered to 14-135
 14-175 renumbered to 14-140
 14-200 renumbered to 14-160
 14-205 renumbered to 14-165
 14-210 renumbered to 14-170
 14-220 renumbered to 14-175
 14-235 renumbered to 14-185
 14-240 renumbered to 14-190
 14-245 renumbered to 14-200
 14-250 renumbered to 14-205
 35-0160 renumbered to 34-016
 37-0020 Table 1 renumbered to 37-8010
 37-0020 Table 2 renumbered to 37-0820
 38-0080 renumbered to 38-0034
 38-0100 renumbered to 38-0038
 40-0090 renumbered to 38-0520*
 49-040 renumbered to 32-050

Repeal LRAPA Section

12-001(2)*, 14-120, 14-170, 14-180, 14-225, 14-230, 32-080, 32-095, 33-020, 33-030, 33-045, 34-040, 34-080, 34-160, 42-0070, 49-050, 50-020

*Denotes rules that are not included in the State of Oregon Clean Air Act State Implementation Plan but are being submitted to show a complete account of the rulemaking package.

Statutory authority

ORS 192, 468, and 468A

Statute implemented

ORS 183, 192, 468, 468A, 477

Documents relied on for rulemaking

Document title	Document location
StaffReportApril2015EQC	http://www.oregon.gov/deq/EQCdocs/0415ItemJReport.pdf
EPA Method 203B – Visual Determination of Opacity Emissions From Stationary	https://www3.epa.gov/ttnemc01/promgate/m203B.pdf

Sources for Time-Exception Regulations	
Code of Federal Regulations	http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR
Federal Register	http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR
Oregon Administrative Rules	http://www.oregon.gov/deq/Regulations/Pages/Administrative-Rules.aspx
Oregon Revised Statutes	http://www.oregon.gov/deq/Regulations/Pages/Statutes.aspx
LRAPA Rules and Regulations	http://www.lrapa.org/205/Rules-Regulations
LRAPA Board October 2016 meeting minutes	http://www.lrapa.org/AgendaCenter/ViewFile/Minutes/_11102016-69

Fee Analysis

The proposed rules would increase existing fees, with the exception of greenhouse gas reporting fees which would remain the same or be reduced by the proposed rules. The Board authority to act on the proposed fees is ORS 468A.050 and 468A.135.

LRAPA's air contaminant discharge permit program administers federal health standards, air toxic requirements and other regulations to reduce the number of unhealthy air days and health risks from air toxics. The program issues, renews or modifies permits to prevent or reduce air pollution through permit requirements. In addition, it ensures that existing pollution sources comply with state and federal air emissions standards and that new sources of air pollution install controls such as filtration equipment, combustion controls and vapor controls needed to protect air quality. Other essential services include State Implementation Plan development, emission inventories, technical assistance, inspections, enforcement, rule and policy development, data management and reporting to EPA.

Brief description of proposed fees

The proposed rules would:

- Increase all air contaminant discharge permit fees in Title 37, Table 2 by 10 percent.
- Change the annual air contaminant discharge permit fee increase from the CPI to 4%.
- Reduce greenhouse gas reporting fees from 15 percent to 12.5 percent for air contaminant discharge permit holders.

Reasons

The proposed rules would address:

- The anticipated increase in the cost for goods and services for the next two years.
- Board Resources Committee concerns that the air contaminant discharge permit program have adequate funding and their recommended 10% increase in the fees and change from the CPI to 4% for the annual increase.
- The inconsistency of the fee for greenhouse gas reporting for air contaminant discharge permit holders that currently exists (LRAPA's is 15%, DEQ's is 12.5%).

Fee proposal alternatives considered

While developing the draft rules, LRAPA was notified of DEQ's intentions to increase their air contaminant discharge permit fees. DEQ considered a 22 percent across the board fee

increase, but, subsequently as part of their April 2017 Fiscal Advisory Committee meeting, decided to pursue a 14 percent increase and create new fees for construction applications, permit renewal applications, and source test review. The new fees proposed by DEQ for certain construction applications, permit renewal applications, and source test reviews allowed them to propose an across the board increase of 14 percent fee increase instead of the 22 percent DEQ determined is needed to fund the air contaminant discharge permit program [*Note: as of this writing, the increased ACDP fees proposed by DEQ have not been adopted*]. LRAPA considered adopting fee changes like DEQ's proposed changes, but decided to simply apply a 10% increase in fees to avoid some of the complications involved with the new fees proposed by DEQ.

Fee Payers

There are approximately 280 businesses that hold air contaminant discharge permits or are registered with the permit program, such as dry cleaners and auto body shops.

There are approximately 30 businesses that hold either an air contaminant discharge permit or Title V permit that pay greenhouse gas reporting fees.

Affected party involvement in fee-setting process

LRAPA's Board held a Resources committee meeting(s) and LRAPA's Citizen's Advisory Committee (CAC) considered the changes prior to public notice to determine LRAPA's need for additional resources.

Summary of impacts

LRAPA estimates the air contaminant discharge permit fee increase would affect:

- Eighty-one percent of the permit holders by increasing the annual fee in the range of \$44 to \$227,
- Eleven percent of the permit holders by increasing the annual fee in the range of \$232 to \$465, and
- Nine percent of the permit holders by increasing the annual fee in the amount of \$931.
- An additional proposed fee increase would affect about four percent of these permit holders each year by increasing the specific activity fee in the range of \$14 and \$5,088 per permit modification.

ACDP Revenue

The LRAPA fees for ACDP in fiscal year 2014-2015 were \$489,440; for fiscal year 2015-2016 the fees were \$450,893. The projected actual fees for fiscal year 2016-2017 are \$486,535. For the budget adopted for fiscal year 2017-2018, the fees are proposed to be \$490,430.

Fee Schedule

The fee table is included in the proposed rules under Title 37, Table 2.

Statement of fiscal and economic impact

Fiscal and Economic Impact

The proposed rules would have fiscal and economic impacts on the public, businesses, state agencies and units of local governments. LRAPA proposes to:

1. Streamline, reorganize and update air quality permit programs to improve air quality with more efficient and effective permitting programs,
2. Amend particulate matter standards and the preconstruction permitting program to help Lane County comply with EPA's adoption of the ambient air quality standard for fine particulate, also known as PM2.5 and respond to problems identified with LRAPA's permitting program that must be addressed to protect air quality,
3. Change permitting requirements for emergency generators and small natural gas or oil-fired equipment
4. Establish two new state air quality area designations, "sustainment" and "re attainment," to help areas avoid and more quickly end a federal nonattainment designation
5. Designate Oakridge as a state reattainment area while retaining its federal nonattainment designation
6. Add preconstruction permitting flexibility for smaller facilities,
7. Adjust industrial and commercial activity levels below which some categories of sources are exempt from permitting, and
8. Increase Air Contaminant Discharge Permit (ACDP) fees by 10% and change the annual increase from the CPI to 4%.

Statement of Cost of Compliance

This section organizes the cost of compliance by the eight categories of rule changes.

Impacts on state and federal agencies, local government and the public

1. Clarify and update air quality rules

The proposed rules to improve the organization and increase the clarity of the rules may have slight positive fiscal and economic impacts on state agencies, local governments and the public because the rules would be easier for people to understand. LRAPA lacks information to estimate individuals' time savings in using rules that are easier to understand. LRAPA expects the clarifications and updates would have no negative impacts except LRAPA's permitting staff would experience a slight workload increase until staff becomes familiar with the proposed rules followed by a workload decrease.

2. Update particulate matter emission standards

State and federal agencies and local government: The proposed particulate emission standards would have positive and negative fiscal and economic impacts on state agencies and local governments.

The proposed rules would create positive fiscal and economic impacts indirectly in the form of cost savings for LRAPA and Lane County communities. Reducing emissions before an area exceeds ambient air quality standards would help Lane County avoid additional nonattainment designations by EPA. As a result, LRAPA and Lane County communities could avoid the costs to develop and implement attainment plans for these areas. LRAPA is unable to estimate the cost savings because each plan is unique, but the recent plan for Oakridge took two years to develop and required resources from EPA, DEQ, LRAPA, the Citizen's Advisory Committee and other community members. LRAPA expects its permitting staff would experience a slight workload increase until staff becomes familiar with the proposed rules followed by a workload decrease.

The proposed rules would have no fiscal and economic impacts on state agencies and local governments holding permits because these facilities already meet the lower emission standards so none of these agency- or government-owned facilities would be required to make any changes to comply with the proposed rules. In Lane County, state agencies own zero (0) permitted facilities, federal agencies and tribes own zero (0) permitted facilities, and local governments own about 5 permitted facilities.

Public: LRAPA expects the proposed lower particulate matter standards would have no fiscal or economic impacts on the public directly. The proposed rules could affect the public indirectly if businesses change the price of goods and services to offset the costs of compliance. LRAPA expects any such price increases to be small but lacks available information to estimate potential increases accurately.

The proposed rules could create positive economic benefits and improvements in public health and welfare indirectly by reducing particulate matter emissions. Particulate matter causes serious health problems ranging from increased respiratory and pulmonary symptoms, hospital admissions and emergency room visits, to premature death for people with heart and lung disease. These health problems have negative economic impacts. LRAPA lacks available information to estimate the health and welfare benefits, but when EPA adopted the current 24-hour PM_{2.5} national ambient air quality standard in 2006, EPA estimated the following:

- The nationwide cost of meeting the revised 24-hour PM_{2.5} standards at \$5.4 billion in 2020. This estimate includes the costs of purchasing and installing controls for reducing pollution to meet the standard.
- The revised standards will yield \$9 billion to \$76 billion a year in health and visibility benefits in 2020. Health benefits include reductions in premature death, diseases and symptoms associated with fine particle pollution exposure.

3. Change permitting requirements for emergency generators and small natural gas or oil-fired equipment

State and federal agencies and local governments: The proposed changes to permitting requirements for emergency generators and small natural gas or oil-fired equipment would have a negative fiscal and economic impact on state agencies and local governments required to obtain a new permit for these generators or equipment. The initial cost to obtain a new permit is \$1,200 plus permit holders pay approximately \$1,300 in annual fees. However, LRAPA expects no state agencies and local governments would be required to obtain new permits as a result of the proposed rules because most facilities that have generators or equipment subject to the proposed rules already hold air quality permits. In Lane County, state agencies own zero (0) permitted facilities, federal agencies and tribes own zero (0) permitted facilities, and local governments own about five (5) permitted facilities.

If any state agencies and local governments that already hold air quality permits are subject to the proposed requirements for emergency generators and small natural gas or oil-fired equipment, LRAPA would add the new requirements to these facilities' permits at the time of permit renewal. The proposed rules would not affect these facilities' permit fees. These businesses might experience costs associated with additional recordkeeping depending on their current environmental managements systems. LRAPA lacks available information to estimate those costs of additional recordkeeping accurately.

LRAPA workload would increase initially and could level off or decrease depending on the number of new facilities that require permits.

Public: LRAPA does not anticipate any fiscal or economic impacts from the proposed rules directly on the public. The proposed rules could affect the public indirectly if businesses change the price of goods and services to offset the costs obtaining a new permit. LRAPA expects any such price increases to be small but lacks available information to estimate potential increases accurately. The proposed rules could create positive economic benefits and improvements in public health and welfare indirectly by helping Lane County protect air quality.

4. Establish two new state air quality area designations, “sustainment” and “re attainment,” to help areas avoid and more quickly end a federal nonattainment designation.

The proposed rules to establish new state air quality area designations would have positive fiscal and economic impacts.

State agencies: LRAPA expects the proposed rules to reduce the likelihood EPA will designate an area as nonattainment. By designating sustainment areas before areas exceed ambient air quality standards and are designated as nonattainment areas, LRAPA and Lane County communities would avoid the costs of developing and implementing attainment plans. LRAPA is unable to estimate the costs savings because each plan is unique.

Designating reattainment areas would require approximately the same work as designating a maintenance area, but reattainment designation could happen more quickly than maintenance designation. LRAPA's workload would initially increase as staff becomes familiar with the proposed rules followed by a workload decrease. The proposed rules would have no fiscal or economic impacts on state agencies because they do not permit businesses or hold permits in the areas affected by the proposed rules. There are no federally owned facilities with permits in the affected area so they are not affected by the sustainment or reattainment area designations.

Local government: The proposed rules would have a positive fiscal and economic impact in sustainment areas indirectly by allowing businesses to build or expand in the areas as long as air quality is protected. The proposed rules would have a positive fiscal and economic impact in reattainment areas indirectly because new and modified facilities that fall below the federal major source threshold would be subject to less stringent requirements provided they were not identified as significant contributors to the air quality problems in the area. The proposed rules would have positive fiscal and economic impacts on local governments by avoiding the costs of developing and implementing attainment plans, such as convening advisory committee meetings required under the nonattainment and maintenance area designations. LRAPA lacks available information to estimate these impacts accurately.

Public: LRAPA does not anticipate the proposed rules under this category to have any direct fiscal or economic impacts on the public. Positive fiscal or economic impacts to the public could occur indirectly, such as increased access to goods and services, if more businesses build or expand in the sustainment or reattainment areas. LRAPA lacks available information to estimate these impacts accurately.

5. Designate Oakridge as a state reattainment area while retaining its federal nonattainment designation

The proposed rules to identify Oakridge as a state reattainment area would have the same fiscal and economic impacts on state agencies, local governments and the public as establishing the new state air quality area designation described in category 4 above. In addition, if a new business locates in Oakridge and buys woodstove offsets, some members of the public may benefit from woodstove replacements.

6. Change the New Source Review preconstruction permitting program

State agencies and local government: LRAPA expects the proposed changes to the preconstruction permitting program would have no negative fiscal and economic impacts on state and federal agencies and local governments because it's unlikely these entities' permitted facilities would ever trigger requirements for New Source Review.

LRAPA expects the proposed rules would not change the workload of U.S. Forest Service and National Park Service land managers who currently review New Source Review permit applications for businesses located close to Class I areas, which are usually designated wilderness areas. LRAPA expects its permitting staff would experience a slight workload

increase until staff becomes familiar with the proposed rules followed by a workload decrease.

The proposed rules would create positive fiscal and economic impacts indirectly in the form of cost savings for LRAPA and Lane County communities. Reducing emissions before an area exceeds ambient air quality standards would help Lane County avoid additional nonattainment designations by EPA. As a result, LRAPA and Lane County communities would avoid the costs to develop and implement attainment plans for these areas. LRAPA is unable to estimate the cost savings because each plan is unique, but the recent plan for Oakridge took two years to develop and required resources from EPA, DEQ, LRAPA, the Citizen's Advisory Committee and other community members.

The proposed rules removing greenhouse gas permitting requirements would create positive fiscal and economic impacts in the form of cost savings for U.S. Forest Service, National Park Service land managers and LRAPA who currently review New Source Review permit applications since fewer application will be required.

Public: LRAPA expects the proposed rules would have no fiscal or economic impacts on the public directly. The proposed rules could affect the public indirectly if businesses change the price of goods and services to offset the costs of complying with the proposed rules. LRAPA expects any such price increases for goods or services to be small and lacks available information upon which it could accurately estimate potential increases.

7. Adjust industrial and commercial activity levels below which some categories of sources are exempt from permitting

State agencies and local government: LRAPA expects the proposed changes to the permitting program would have no negative fiscal and economic impacts on state and federal agencies and local governments because it's unlikely these entities' permitted facilities would ever trigger requirements for the types of modified permit activities such as small cabinet shops and surface coating operations. LRAPA will have a decrease in fees on the order of \$2,926 - \$3,762 by establishing the lower source cutoff levels for surface coating operations and small woodworking facilities.

LRAPA expects one or two facilities would require higher level and cost permits by removing the waterborne exemption for wood preservation facilities since those facilities would need Simple ACDPs (\$2,216/year) in lieu of a Basic ACDP (\$416/year).

Public: LRAPA expects the proposed rules would have no fiscal or economic impacts on the public directly. The proposed rules could affect the public indirectly if businesses change the price of goods and services to offset the costs of complying with the proposed rules. LRAPA expects any such price increases for goods or services to be small and lacks available information upon which it could accurately estimate potential increases.

8. Increase Air Contaminant Discharge Permit (ACDP) fees by 10% and Change the Annual Increase from the CPI to 4%

Increases in air contaminant discharge permit fees would affect approximately 280 permit holders and registrants directly and increase program revenue by \$48,653 per year in the first year and then increase by 4% each year on July 1st, thereafter (e.g., \$21,407 in the second year, etc.). Adjustments to the calculation of greenhouse gas reporting fees would affect approximately 30 permit holders directly.

State and federal agencies and local government: In Lane County, state agencies own zero (0) permitted facilities, federal agencies and tribes own zero (0) permitted facilities, and local governments own about five permitted facilities. The proposed fees would affect these permit holders directly. Changes to fees could affect these agencies indirectly if businesses change the price of goods and services to offset any increased or decreased costs from paying a permit fee.

Public: The proposed rules would not affect the public directly. Changes to fees could affect the public indirectly if businesses change the price of goods and services to offset any increased or decreased costs from paying a permit fee.

Large businesses - businesses with more than 50 employees

LRAPA anticipates the proposed rules would have the following fiscal and economic impact on approximately 156 large businesses.

1. Clarify and update air quality rules

The proposed rules to improve the organization and to increase clarity of the rules may have slight positive fiscal or economic impacts on businesses because the rules would be easier to use and understand. LRAPA lacks information to estimate large businesses' time savings in using rules that are easier to understand.

2. Update particulate matter emission standards

This section largely uses the information DEQ presented as part of their fiscal impact statement in a corresponding rule change adopted in 2015.

Positive: The proposed rules have positive fiscal and economic impacts on business indirectly by helping LRAPA and Lane County communities avoid severe restrictions for businesses that want to build or expand in some areas that are exceeding or are close to exceeding ambient air quality standards. Reducing emissions in these areas would help Lane County avoid nonattainment designations by EPA. When EPA designates an area as nonattainment, federal requirements automatically apply to industrial sources, such as requiring the most stringent control equipment for new or expanding sources or reasonable control measures, such as more strict opacity standards, and requirements for operation and maintenance plans and fugitive emission plans for existing sources. These restrictions may also prevent some industries from expanding or moving to the nonattainment area.

Negative: LRAPA reviewed ten years of source test data submitted to DEQ and LRAPA and determined approximately two businesses that own wood-fired boilers may need to optimize boiler or control equipment performance to comply with the proposed opacity and grain loading limits. One of these wood-fired boilers has no controls and is not currently operating; the owner and operator of this boiler might be required to install a multiclone system if the business decides to operate the boiler.

The costs depend on the methods of compliance or pollution control technology, such as boiler tune-ups or replacement, multiclone optimization or installation and source testing. Based on inquiries with boiler manufacturers, pollution control vendors, engineering design consultants, and the regulated businesses, as well as information provided by the fiscal advisory committee, DEQ estimated the cost of complying with the proposed standards as follows:

Boiler tune-ups: Conducting annual tune-ups is one way to optimize performance of a boiler. Vendors estimated a typical boiler tune-up that requires no replacement parts would cost between \$2,000 and \$11,000. A typical tune-up may include:

- A visual inspection of the system while operating, looking for obvious things that need repair
- Review of past performance checks and expected performance data
- Gathering performance data (oxygen and carbon dioxide readings, stack temperature, feed water temperature, fuel moisture and steam flow)
- Making adjustments to boiler air delivery settings

A more comprehensive boiler tune-up costs from \$33,000 to \$65,000. A boiler tune-up may or may not allow sources to comply with the new standards over time but could provide other benefits such as reduced fuel costs. Newly adopted federal law already requires wood-fired boilers to be tuned up every two to five years so this may not be an additional cost.

Multiclone optimization: If a tune-up is not adequate to comply with the standard, an owner or operator may choose to do a one-time optimization of its multiclone control technology. Nearly all wood-fired boilers in the state already have multiclones. Emissions from these boilers can be reduced by inspecting the integrity of all parts of the multiclone and checking for and repairing plugged or damaged tubes annually. A thorough multiclone inspection costs approximately \$3,000 to \$4,000. As part of the inspection, it may be necessary to install access panels and a gauge for accurately measuring the pressure drop across the multiclone at an additional cost of \$1,000 to \$2,000. Most wood-fired boilers with multiclones already have gauges to measure pressure drop. According to one vendor, the repair or upgrade of a multiclone is estimated to range in cost from \$10,000 to a \$200,000 per boiler, depending on upgrades employed. The upper-end cost estimate may be atypical since it exceeds other vendors' estimates for the cost of a new multiclone.

Another option for multiclone optimization is flue gas recirculation. Optimum performance of a multiclone occurs within a pressure drop range of about two to four inches of water

column. However, the pressure drop can vary significantly, depending on the gas flow rate through the multiclone. The actual gas flow rate for a wood-fired boiler varies due to many factors, including firing rate and fuel quality. It is possible, however, to optimize multiclone performance with varying firing rates by using flue gas recirculation, which provides a nearly constant gas flow rate and a consistent pressure drop across the multiclone. Installation of flue gas recirculation ranges in cost from \$30,000 to \$100,000.

Engineering analysis: If a boiler tune-up or multiclone optimization does not enable a wood-fired boiler to meet the proposed particulate matter standard of 0.15 gr/dscf, the owner or operator of the boiler may request a source specific particulate matter limit of 0.17 gr/dscf. Before receiving a source specific particulate matter limit, the owner or operator must submit to LRAPA a report by a registered professional engineer that specializes in boiler and multiclone optimization to evaluate existing equipment optimization options and certify a 0.15 gr/dscf standard cannot be met without installing additional controls. The cost of this engineering report will vary, depending on the reasons for the source specific particulate matter limit, but is expected to be within the range of \$8,000 to \$24,000.

Source test data shows all boilers currently operating in the state can meet 0.17 gr/dscf except for the one backup boiler described previously that is currently not in use. If boiler optimization does not allow this boiler to meet 0.17 gr/dscf, this facility may choose to install a multiclone if it decides to operate the backup boiler on wood rather than using the existing natural gas boiler.

Multiclone Installation: An owner or operator may choose to install multiclone pollution control equipment. Vendors state that compliance with a 0.15 gr/dscf particulate matter standard is possible with multiclones, especially with ceramic high-efficiency multiclones, but is not guaranteed. Ceramic high-efficiency multiclones have been shown to reduce particulate matter to as low as 0.06 gr/dscf, cost approximately \$110,000 to \$120,000, and last three to five times longer than iron multiclones. Typical iron multiclones cost approximately \$60,000 to \$150,000 for the purchase and installation and last approximately 12 to 15 years before needing replacement.

Source Testing: An owner or operator that makes changes to its wood-fired boilers or pollution control equipment to meet the standard must perform source testing to determine if the changes were effective. A particulate matter source test costs approximately \$12,000. Businesses are already required to perform periodic compliance source testing and could save \$12,000 if the tests could be aligned.

Continuous opacity monitoring systems: An owner or operator may voluntarily choose to install a continuous opacity monitor to ensure it complies with opacity limits at all times. The responsible official for each Title V source is already required to submit a compliance certification report every six months stating whether compliance is continuous or intermittent. Opacity is a good indicator of how well a boiler is operating. High opacity is a result of high emissions and can inform the operator that adjustments are needed to reduce emissions. Adding a continuous opacity monitoring system, along with flue gas

recirculation, would help the operator run the boiler efficiently and in compliance with the emissions standards at all times.

A continuous opacity monitoring system ranges in costs from \$13,000 to \$30,000. Installation costs range from \$5,000 to \$40,000 depending on the situation at the facility. Annual operating costs range from \$300 to \$6,000 per year. Equipment and installation cost of a recently installed system on a wood-fired boiler was \$27,800. These costs do not include the cost of a computer, which is a necessary component to these monitoring systems.

Electrostatic precipitators: Installation of an electrostatic precipitator is not required to meet the proposed standards, but a business could voluntarily elect to install electrostatic precipitators to reduce emissions. An electrostatic precipitator can easily meet the 0.15gr/dscf standard because it controls emissions over the wide range of operating conditions that may occur due to changing steam demand and fuel quality. Based on input from vendors, DEQ determined a new electrostatic precipitator costs from approximately \$700,000 to \$2.7 million. This cost could vary by plus or minus 40 percent. However, a facility could use a smaller electrostatic precipitator if its goal were simply to comply with the 0.15 gr/dscf standard. Smaller electrostatic precipitators suitable for the affected wood-fired boilers range in costs from approximately \$420,000 to \$700,000 installed. In early discussions on the proposed changes to the particulate matter standards, one business informed DEQ it was considering a used wood-fired package boiler with an electrostatic precipitator for approximately \$500,000.

Boiler replacement: Boiler replacement is not required to meet the proposed standards, but a business could voluntarily elect to replace a boiler to reduce emissions. A new wood-fired boiler with an electrostatic precipitator installed in 2006 cost about \$7 million. Boilers that provide 25,000 to 200,000 pounds of steam per hour are estimated to cost in the range of \$5.5 million to \$17.9 million. These costs include electrostatic precipitators and continuous opacity monitors.

Summary of annualized costs: The following table summarizes and compares the cost effectiveness of several pollution control devices for controlling PM10 emissions.

Cost Effectiveness for Controlling PM ₁₀ Emissions						
Pollution Control Device	Control Efficiency	PM ₁₀ Emissions Removed (tons/year)	Installed Capital Cost of Equipment	Annual Operating Costs	Total Annual Costs	Total Cost per Ton Removed
Cyclone	50%	0.9	\$2,243	\$580	\$791	\$930
Multiclone	75%	1.3	\$9,424	\$580	\$1,469	\$1,151
High Efficiency Multiclone	99%	1.3	\$62,878	\$800	\$6,980	\$4,159
High Efficiency Multiclone (valved)	99%	1.7	\$125,756	\$800	\$12,915	\$7,695
Core Separator (12")	94%	1.7	\$111,709	\$1,239	\$12,350	\$7,685
Core Separator (24")	72%	1.2	\$63,337	\$1,459	\$8,004	\$6,519
Cyclone + Baghouse	99%	1.7	\$109,878	\$3,920	\$14,291	\$8,483
ESP	95%	1.6	\$138,005	\$1,867	\$14,894	\$9,213

Note: This table is from "Emission Control for Small Wood-Fired Boilers" prepared for the U.S. Forest Service's Western Forestry Leadership Coalition in May 2010

DEQ estimated costs based on information from equipment vendors and EPA's Cost Control Manual. In addition to the size of the wood-fired boiler, the following are factors, which cause variability in capital costs and are not accounted for in the EPA Cost Control Manual:

- Change in the price of steel
- Foreign exchange rates for equipment purchased overseas
- Pollution control device design
- Fuel characteristics such as variable firing rates and wet fuels
- Space requirements
- Ancillary equipment such as ductwork
- Shipping costs

Note: DEQ originally considered proposing a much more stringent statewide particulate matter emission standard (0.10 gr/dscf and 20 percent opacity)). DEQ determined 11 businesses were at risk of non-compliance with the more stringent standard. Seven of these businesses were wood products facilities with wood-fired boilers, one was a pulp mill that operates its boiler on residual oil during natural gas curtailment, and three were asphalt plants. After receiving input from businesses and stakeholders following DEQ's August 2013 workshops, DEQ determined that compliance with the original proposal could have significant negative fiscal and economic impacts and possibly require process changes or expensive controls such as electrostatic precipitators. DEQ mitigated the negative impacts by proposing alternative standards that are based on well maintained and typically available control technology, often multiclones for wood-fired boilers. The three asphalt plants that were at risk of exceeding the original proposal are older plants that use wet scrubber

controls and are exempt because of the hours of operation exemption in DEQ's proposed rules. As a result of the mitigation, DEQ does not anticipate that the proposed rules would require any business to shut down, replace a boiler or change fuel types.

3. Change permitting requirements for emergency generators and small natural gas or oil-fired equipment

The proposed rules to change permitting requirements for emergency generators and small natural gas or oil-fired equipment would have a negative fiscal and economic impact on any facilities required to obtain a new permit for these generators and equipment. The initial cost to obtain a new permit is \$1,200 plus these permit holders pay approximately \$1,300 in annual fees. However, LRAPA expects no current facilities would be required to obtain a new permit as a result of the proposed rules because most facilities that have generators or small natural gas or oil-fired equipment already hold air quality permits. LRAPA would add the permitting requirements to these facilities' permits at the time of their permit renewals. The proposed rules would not affect these facilities' permit fees. These facilities might experience costs associated with additional recordkeeping depending on their current environmental managements systems. LRAPA lacks available information to estimate the costs of additional recordkeeping accurately.

4. Establish two new state air quality area designations, "sustainment" and "re attainment," to help areas avoid and more quickly end a federal nonattainment designation; and

5. Designate Oakridge as a state re attainment area while retaining its federal nonattainment designation

The proposed sustainment and re attainment area rules would have positive fiscal and economic impacts on large businesses. Without the new area designations, it will continue to be nearly impossible for businesses to obtain a permit to construct new smaller sources of air pollution in these areas. Although there is a cost associated with obtaining a permit, LRAPA believes the proposed rules have a net positive fiscal and economic impact by reducing restrictions and creating opportunities for new businesses to be constructed and operated. The proposed rules do not change the permitting requirements for Lane County's largest sources of air pollution, known as federal major sources, and therefore have no fiscal or economic impact on these sources. LRAPA expects creating the new area designations to have no negative fiscal or economic impacts on businesses.

6. Change the New Source Review preconstruction permitting program

The proposed rules to change the preconstruction permitting program would have positive and may have negative fiscal and economic impacts on large businesses. LRAPA is unable to quantify the magnitude of the impact accurately because New Source Review permitting requires LRAPA to perform a case-by-case analysis and the type of pollution controls and computer modeling varies for each case.

Positive: Establishing a preconstruction permitting program for small sources of air pollution (called State New Source Review) distinct from the New Source Review program for federal major sources, would have positive fiscal and economic impacts on businesses because the changes would eliminate restrictions on some smaller sources that wish to build or modify their facilities. The proposed rules would allow construction and modification as long as the area's air quality is protected.

The proposed rules would likely reduce costs for businesses in the State New Source Review program in areas LRAPA wants to transition from nonattainment to maintenance more quickly than EPA could redesignate the area to attainment (EPA does not have a maintenance area designation). The proposed rules allow these businesses to meet requirements for maintenance areas instead of more stringent requirements for nonattainment areas. The control technology required in a maintenance area is typically less expensive than technology required in a nonattainment area. If the technology required in maintenance areas results in fewer emission reductions than the business could achieve with technology required in nonattainment areas, the business might be required to purchase more offsets. As a result, there may be higher emission offset costs in maintenance areas if the less expensive control technology allows higher emissions.

The proposed rules clarify how LRAPA provides extensions of a construction permit when construction is delayed. This would have a positive fiscal and economic impact on a business that needs an extension because the permit fees for extensions are lower than the initial application fees for a construction permit. In addition, the business would be allowed to continue to use any offsets obtained under the original application as long as the offsets did not expire.

The proposed rules removing greenhouse gas permitting requirements would create positive fiscal and economic impacts in the form of cost savings for large businesses because permit applications and potential control technologies would not be required.

Negative: The proposed rules improve air quality by raising the amount of offsets a new or modified business would be required to purchase, which would have negative fiscal and economic impacts on businesses. The cost of offsets for industrial facilities varies from \$2,500 per ton to \$100,000 per ton, depending on the pollutant and the supply and demand for offsets. In areas where air quality is close to an ambient air quality standard, the proposed rules also create incentives by allowing fewer offsets to be obtained by a business that chooses to obtain its offsets from sources that are the greatest contributors to the area's air quality problems. The proposed rules would provide businesses the opportunity to obtain offsets from woodstoves. The cost to replace an uncertified woodstove is approximately \$3,000. A certified woodstove reduces emissions by about 0.03 tons per woodstove on an annual basis. The cost of one ton of offsets from woodstoves is approximately \$100,000.

7. Adjust industrial and commercial activity levels below which some categories of sources are exempt from permitting

Most of the affected businesses in this section of the proposed changes are small businesses. With regard to the proposal to remove the exemption for waterborne wood preserving, there may be a negative fiscal impact on large businesses. The establishment of production/usage levels below which surface coaters and woodworking sources are required to obtain a permit would have a positive fiscal impact on any large business; LRAPA believes that proposed change would not affect large businesses.

8. Increase Air Contaminant Discharge Permit (ACDP) fees by 10% and change the annual increase from the CPI to 4%

Direct Impacts Approximately 130 large businesses hold air contaminant discharge permits in Lane County and a fee increase would affect these permit holders directly. The proposed fee increase for the Simple and Standard permit, typical for these businesses, ranges from \$693 to \$1,385 in the first year and increases by 4% each year thereafter. The type of permit required for a facility determines the permit fees regardless of the number of employees.

LRAPA estimates that approximately one to two large businesses will apply for greenhouse gas permits or modifications each year due solely to the greenhouse gas regulations. These businesses would save \$7,200 in permit application fees.

Indirect Impacts Changes to fees could affect businesses indirectly if other businesses change the price of goods and services to offset any increased or decreased costs from paying a permit fee.

Impacts on Small businesses – businesses with 50 or fewer employees [ORS 183.336](#)

In addition to the fiscal and economic impact described under the section above “Large businesses - businesses with more than 50 employees,” the proposed rules could have the following impacts on small business.

Many small businesses (with 50 or fewer employees) have an air contaminant discharge permit. Generally, facilities with less complex permits experience a smaller economic impact from fee increases than larger facilities with more complex permits.

Direct Impacts The proposed rules would initially increase annual fees by \$18 to \$216 per year, and 4% annually thereafter, for small businesses that must:

- Have a Basic or General ADCP, or
- Register with LRAPA in lieu of applying for a permit.

Examples of these small businesses are dry cleaners and automotive body shops.

Some small businesses that hold more complex Simple and Standard permits could experience initial fee increases of between \$222 and \$886 per year.

Additional proposed fee increases would affect small businesses required to apply for a new permit or a modification to an existing permit, by initially increasing specific activity fees by \$18 to \$4,847 per permit application.

Indirect Impacts Changes to fees could affect small businesses if other businesses change the price of goods and services to offset any increased or decreased costs from paying a permit fee.

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

Overall, the proposed rules would affect approximately 150 small businesses, such as auto body shops, asphalt plants, rock crushers and sawmills. The proposed rules would affect approximately 5 small businesses that own or operate emergency generators and small natural gas or oil-fired equipment. The proposal to establish lower source usage and production levels below which sources would be exempt from permitting would affect 6 to 12 small business by no longer requiring them to be on permit.

Many of the small businesses subject to the lower grain loading and opacity standards already have the lower standards in their permits. Current compliance information indicates that all small businesses already comply with the proposed standards and would not experience fiscal or economic impacts.

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

The proposed rules would increase recordkeeping and reporting for emergency generators and small natural gas or oil-fired equipment over permitting thresholds.

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

The proposed rule changes will not affect these costs.

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

LRAPA presented to their standing advisory committee that includes small business representatives the proposed rule changes. In their

corresponding rule changes, DEQ notified small businesses (including Lane County small business) by mail, email, announcements on the DEQ website, stakeholder meetings, fiscal advisory committee meeting, and the DEQ/LRAPA Small Business Compliance Advisory Panel. LRAPA also provided similar notices regarding DEQ’s corresponding rule changes by email and website announcement. The Board and the LRAPA Citizen’s Advisory Committee also received presentations by DEQ on their corresponding rule changes.

Documents relied on for fiscal and economic impact

Document title	Document location
LRAPA Title 37: Air Contaminant Discharge Permits, Tables 1 and 2	http://www.lrapa.org/205/Rules-Regulations
EPA Air Pollution Control Cost Manual, Report No. 452/B-02-001, January 2002, Section 6, Chapter 1, Baghouses and Filters	https://www3.epa.gov/ttn/catc/dir1/cost_toc.pdf
Consumer Price Index Conversion Factors 1774 to estimated 2021 to Convert to Dollars of 1998. 2013 Robert C. Sahr, Political Science, Oregon State University, Rev 05/08/2013	http://liberalarts.oregonstate.edu/spp/polisci/research/inflation-conversion-factors-convert-dollars-1774-estimated-2024-dollars-recent-year
Emission Controls for Small Wood-Fired Boilers, Prepared for: United States Forest Service, Western Forestry Leadership Coalition, May 2010	http://www.biomasscenter.org/images/stories/emissions_rpt.pdf
Oregon Administrative Rules	http://www.deq.state.or.us/regulations/rules.htm
DEQ’s Staff Report to the EQC at the April 2015 meeting: Revisions to Air Quality Permitting , HeatSmart , and Gasoline Dispensing Facilities	http://www.oregon.gov/deq/Regulations/rulemaking/Pages/AQPerm.aspx
LRAPA Board Meeting Minutes, October 2016	http://www.lrapa.org/AgendaCenter/ViewFile/Minutes/_11102016-69

Advisory committee

LRAPA has a standing advisory committee that meets most months. LRAPA consulted their Citizen's Advisory Committee for this rulemaking and presented a summary of the changes to the committee at their May 2017, July 2017, and December 2017 meetings. The committee members that attended the meeting agreed to the proposed changes and had questions about LRAPA's proposal. The LRAPA advisory committee also received a presentation from DEQ on their corresponding proposed rule changes at the April 2014 meeting.

Housing cost

To comply with [ORS 183.534](#), LRAPA determined the proposed rules might 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. It is possible that a permit holder could change the price of goods and services to pass on any fee changes to consumers, though any estimate of the possible impact would be speculative using information available at this time.

Federal relationship

Relationship to federal requirements

This section complies with the requirements of [OAR 340-011-0029](#) and [ORS 468A.327](#) to clearly identify the relationship between the proposed rules and applicable federal requirements.

The following six categories of LRAPA’s proposed changes contain rules that are “in addition to federal requirements.”

- 1. Clarify and update air quality rules:** EPA has no rules that clarify and update existing LRAPA rules.

What alternatives to LRAPA consider, if any?

LRAPA considered doing nothing, but did not pursue this alternative because the existing rules contain errors and create confusion and misinterpretations for regulated parties.

- 2. Update particulate matter standards:** The proposed rules protect public health and the environment. DEQ has statewide opacity limits for new and existing sources, including fugitive emission sources. While some of EPA’s New Source Performance Standards have opacity and particulate matter limits for specific regulated industries, EPA regulations do not apply an equivalent opacity standard to all sources.

The proposed rules are in addition to federal requirements for two New Source Performance Standards that have opacity limits for fugitive emissions but different than federal requirements. The proposed rules would require a permit holder to abate any fugitive emissions that leave the permit holder’s property. Using EPA Method 9 to determine compliance, the New Source Performance Standard for Metallic Mineral Processing Plants (Subpart LL) requires fugitive emissions to meet 10 percent opacity and the NSPS for Nonmetallic Mineral Processing Plants (Subpart OOO) contains a limit of 7 percent opacity and allows an affected facility to rely on water carryover from upstream water sprays to control fugitive emissions.

The proposed changes to the current visible emission standards that apply to non-fugitive sources would make LRAPA’s standards substantively equivalent to EPA’s visible emissions standards. While DEQ changed their opacity standards from an aggregate period to a six-minute average in order for DEQ and permit holders to use EPA Method 9 for determining compliance, LRAPA proposes to retain the three-minute aggregate basis of the opacity standard.

The proposed change to add a significant figure to the particulate matter standard from 0.1 gr/dscf to 0.10 gr/dscf would align LRAPA rules with DEQ rules and with applicable federal requirements and policies.

What alternatives did LRAPA consider, if any?

LRAPA considered not amending Oregon's particulate matter standards, but did not pursue this alternative because protecting air quality and supporting economic development are important to Oregon. Most businesses constructed before 1970 have already updated their facilities and now meet the lower particulate matter standards. Furthermore, LRAPA is required to adopt rules that are at least as stringent as corresponding state and federal rules; LRAPA could have proposed even more stringent particulate limits, but proposes to align the limits with the DEQ-adopted limits to maintain consistency.

LRAPA is aware that DEQ considered phasing out the standards that apply to pre-1970 sources and requiring all sources to meet the post-1970 standard with the addition of a significant digit (0.10 gr/dscf, for example) by Jan. 1, 2020. Based on input from DEQ stakeholders suggesting that complying with a limit of 0.10 gr/dscf would present a significant economic hardship, DEQ proposed a different set of standards that will not require any businesses to replace existing equipment or change the type of fuel being used. The proposed changes to the standards by LRAPA are consistent with DEQ's adopted changes and are based on well maintained typically available control technology that will minimize particulate matter emissions to the extent practicable with existing equipment.

LRAPA considered amending the averaging time for opacity standards to be consistent with DEQ's, but did not pursue this alternative because LRAPA found an EPA reference method for the 3-minute aggregate basis. LRAPA inspectors indicated a preference to retain the averaging time for demonstrating compliance, especially for batch operations.

LRAPA considered not amending the opacity limits for fugitive emission sources, but did not pursue this alternative because implementation issues would still exist and the proposed new standard will reduce emissions more effectively than would trying to determine compliance with a 20 percent opacity limit. Additionally, LRAPA is required to adopt rules that are at least as stringent as DEQ's corresponding rules; DEQ determined that their revised opacity limits are more stringent than LRAPA's existing limits.

3. Change permitting requirements for emergency generators and small natural gas or oil-fired equipment: The proposed rules protect public health and the environment. The proposed rules would require facilities to obtain construction approvals or permits when emissions from emergency generators and small natural gas or oil-fired equipment are significant; these units' operations were previously treated as insignificant activities. LRAPA's Plant Site Emission Limit rules require LRAPA permits to regulate smaller units than EPA requires. EPA requires states and locals to have permitting programs for smaller emission units, but does not specify the details of a minor New Source Review program.

What alternatives did LRAPA consider, if any?

LRAPA did not consider alternatives because failure to change the permitting requirements would result in small sources potentially violating the internal combustion engine standards and LRAPA rules for operating without a permit. Additionally, LRAPA is required to adopt

rules that are at least as stringent as DEQ's corresponding rules; DEQ determined that their revised permitting requirements are more stringent than LRAPA's existing limits.

4. Establish two new state air quality area designations, "sustainment" and "re attainment," to help areas avoid and more quickly end a federal nonattainment designation; and

5. Designate Oakridge as a state re attainment area while retaining its federal nonattainment designation: The proposed rules would designate sustainment and re attainment areas identical to the corresponding rules adopted by DEQ. EPA has no equivalent designations. The changes would protect public health by improving air quality, while improving Lane County's New Source Review Program and increasing LRAPA's flexibility in permitting smaller businesses.

What alternatives did LRAPA consider, if any?

LRAPA considered doing nothing, but did not pursue this alternative because EPA supports the new area designations; LRAPA will discuss the proposal with Oakridge to seek their support for the new designation.

6. Change the New Source Review preconstruction permitting program: The proposed rules would continue to protect public health and the environment while addressing economic concerns. LRAPA's program is nearly identical to DEQ's, and, although different from EPA's regulations, provides a workable program equivalent to, and in some cases, more stringent than EPA's to accomplish the same Clean Air Act goal of preventing significant deterioration of air quality.

EPA considers LRAPA's program substantively equivalent.

- LRAPA has revised the proposed rules to be identical to DEQ's by separating the New Source Review program for federal major sources from that of minor sources with different requirements for large and small facilities. The program for smaller facilities would be called State New Source Review. This change, along with the designation of sustainment and re attainment areas, would increase LRAPA's flexibility in permitting smaller facilities while protecting ambient air quality.
- The proposed rules would create new differences between the LRAPA and EPA New Source Review preconstruction programs by defining two new area designations, sustainment and re attainment. These two new designations would help areas avoid exceeding ambient air quality standards and encourage economic development when a nonattainment area has improved air quality.

What alternatives did LRAPA consider, if any?

LRAPA considered doing nothing, but did not pursue this alternative because the existing preconstruction permitting program essentially creates a construction ban in areas that exceed the ambient air quality standard, but are still designated as attainment areas. The

existing rules governing demonstration of net air quality benefit in nonattainment areas are too prescriptive and do not meet the goals of the program.

The following three categories of the proposed rules are not “different from or in addition to federal requirements” and impose stringency equivalent to federal requirements.

6. Change the New Source Review preconstruction permitting program: The proposed rules would remove certain greenhouse gas permitting requirements to align with the 2014 U.S. Supreme Court decision.

What alternatives did LRAPA consider, if any?

LRAPA considered doing nothing, but did not pursue this alternative because LRAPA wanted to provide national consistency for facilities that would have triggered Prevention of Significant Deterioration or a Title V permit for greenhouse gases alone.

7. Adjust industrial and commercial activity levels below which some categories of sources are exempt from permitting: The proposed rules would establish production and usage levels under which two categories of source activities would be exempt from permitting. The proposed rules also essentially remove the waterborne exemption for the wood preservation source activity category.

What alternatives did LRAPA consider, if any?

LRAPA considered doing nothing, but did not pursue this alternative because LRAPA wanted to adjust the permitting requirements for the two categories of source activities to exempt certain sources and to require permits for others. LRAPA also considered setting the surface coating de minimis cutoff at 100 gallons/year or 250 gallons/year, and decided that it should be 250 gallons/year.

8. Increase Air Contaminant Discharge Permit (ACDP) fees by 10% and change the annual increase from the CPI amount to 4%: The proposed rules restore services for operating the air contaminant discharge permit program. While there is a federal requirement for Oregon to pay for its Clean Air Act Title V operating permit program with permit fees, and some of those permit holders must also sometimes obtain air contaminant discharge permits, the majority of facilities holding air contaminant discharge permits are required to hold the permit under state law and not federal law.

What alternatives did LRAPA consider if any?

LRAPA considered various percentage increases but chose to go with the 10% one-time and 4% annual increase recommended by the Board’s Resources Committee, as presented and approved by the Board at the October 2016 meeting.

LRAPA also considered proposing fee increases similar to those proposed by DEQ in 2017. DEQ has convened an advisory committee to evaluate their proposed fee increases and has included this explanation of the alternatives they considered in their corresponding staff report: “*While developing Policy Package 110, DEQ considered a 22 percent across the*

board fee increase. The proposed new fees for certain construction and permit renewal applications and source test reviews allows DEQ to propose a 14 percent across the board fee increase instead of the 22 percent increase in Policy Package 110 and that DEQ determined is needed to fully fund the air contaminant discharge permit program for the next two years.”

(see <http://www.oregon.gov/deq/Regulations/rulemaking/Pages/racdpfees2017.aspx>)

LRAPA chose to adopt a smaller percentage increase and continue to make small, incremental increases based on the consumer price index as we have done previously and as the Title V fees are increased each year.

LRAPA considered leaving the greenhouse gas reporting fees at current levels (15%), but decided against that option to ensure that the 12.5 percent fee is consistent with the fees assessed for DEQ’s permitted sources.

Request for other options

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

Land Use

“It is the (*Environmental Quality*) Commission's policy to coordinate the Department's (*DEQ's*) programs, rules and actions that affect land use with local acknowledged plans to the fullest degree possible.” [OAR 340-018-0010](#)

Land-use considerations

To determine whether the proposed rule involve programs or actions that are considered a *land-use action*, LRAPA considered the following state and/or DEQ program requirements:

- 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 rules will significantly affect land use. If yes, how DEQ will:
 - 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 rules.
- Present or future land uses identified in acknowledged comprehensive plans.

Determination

LRAPA determined that the following proposed rules, listed under the Rules affected, authorities, supporting documents section above, are existing rules that affect programs or activities that the DEQ State Agency Coordination Program considers a land-use program:

- LRAPA Title 34 Stationary Source Notification Requirements
- LRAPA Title 37 Air Contaminant Discharge Permits

The air quality permit programs require that a new business provide a Land Use Compatibility Statement from local government when applying for a permit. This assures that the business has an approved use for the property where it is located. Existing permittees have provided Land Use Compatibility Statements, which are on file with LRAPA. This rule proposal does not include any changes to land use procedures in the air quality permitting program.

DEQ's statewide goal compliance and local plan compatibility procedures adequately cover the proposed rules.

- OAR 340-018-0040(1) - compliance with statewide planning goals achieved by ensuring compatibility with acknowledged comprehensive plans
- OAR 340-018-0050(2)(a) - ensuring compatibility with acknowledged comprehensive plans may be accomplished through a Land Use Compatibility Statement.

Advisory Committee

Advisory committee

Background

LRAPA consulted their advisory committee for this rulemaking and presented a summary of the changes to the committee primarily at their May 2017 meeting. Staff was also had discussions with the committee at their July and December 2017 meetings. DEQ also presented their corresponding proposed rule changes at the April 2014 LRAPA advisory committee meeting. The May 2017 committee notes are at: <http://www.lrapa.org/DocumentCenter/View/2692>

Roster – May 2017 meeting:

LRAPA Advisory Committee	
Name	Representing
Maurie Denner, Chair	General Public
Chuck Gottfried, Co-Chair	Agriculture (absent)
Larry Dunlap, Member	Public Health
Jim Daniels, Member	Large Industry (absent)
Paul Engelking, Member	General Public (absent)
Laura Seyler, Member	Large Industry (absent)
Leonard Epstein, Member	General Public
Gery Vander Meer, Member	General Public (absent)
John Tamulonis, Member	Public Planning (absent)
Randy Hledik, Member	Industry
Kathy Lamberg, Member	General Public (absent)
Link Smith, Member	Fire Suppression (absent)
Terry Richardson, Member	General Public

Meeting notifications

To notify people about advisory committee's activities, LRAPA posted the agenda on their website at:

http://www.lrapa.org/AgendaCenter/ViewFile/Agenda/_05232017-80

- LRAPA sent a one-time notice to the Citizens Advisory Committee subscribers email list alerting to the meeting agenda for the month.

Committee discussions

The committee reviewed the proposed air contaminant discharge permit fee increases and other proposed rule changes. The committee concluded that the proposed rules will have a fiscal and economic impact but found it difficult to assess the extent of the impact. One member representing industry wanted to know about how the increase in permit fees would be used and, specifically, if permit holders would pay for LRAPA services beyond permitting (e.g., open burning and homewood heating, etc.). The Director explained that the ACDP fees are part of the Agency's general fund and are included in a fund with other similar funds; as a small agency, the cost of LRAPA's ACDP program isn't known in exact quantifiable terms, but the Director pointed to DEQ's more detailed staff analysis and noted that LRAPA's increased fees would be less than DEQ's.

The committee had questions about the time basis for the (non-fugitive) opacity standard and discussed whether the proposal to retain the three-minute aggregate basis of the standard is stricter or less stringent than the six-minute block average basis. LRAPA explained that DEQ and EPA both determined that each of the two versions could be stricter or less strict, depending on the situation. Staff explained that LRAPA inspectors prefer to retain the three-minute aggregate basis of the standard, especially when evaluating visible emissions from batch operations.

No other committee members offered suggestions.

LRAPA prior involvement

LRAPA shares general rulemaking information with the Board through the monthly Director's Report and information items on the Board agenda. LRAPA did not present additional information specific to this proposed rule revision beyond the periodic rule report. The Board received a presentation from DEQ's Jill Inahara on the DEQ corresponding proposed rules at the April 2014 Board & Budget meeting.

Public Notice

DEQ and LRAPA provided notice of the proposed rulemaking and hearing by:

- On September 14, 2017, filing with the Secretary of State for publication in the October 1, 2017 *Oregon Bulletin*
- On September 29, 2017:
 - Posting notice on the LRAPA Web page at:
<http://www.lrapa.org/calendar.aspx?CID=22> ;

- 221 notifications sent through the website posting Notify Me® subscriptions;
- 335 interested parties on the LRAPA Rulemaking List;
- Approximately 10,218 interested parties through GovDelivery (DEQ);
- Key legislators required under [ORS 183.335](#) including:
 - Senator Michael Dembrow, Chair, Senate Environment and Natural Resources Committee
 - Representative Ken Helm, Chair, House Energy and Environment Committee
- Sent notice to EPA
- LRAPA provided legal notices in the following newspapers:
 - Register Guard (Eugene)* Publication date – October 1, 2017; and
- On June 16, 2014, DEQ notified 240 interested parties and stakeholders provided to DEQ by LRAPA; DEQ notified LRAPA’s interested on their corresponding rule changes that are largely included in this proposed rulemaking because many of the proposed changes applied immediately in Lane County due to them (possibly) becoming more stringent.

Request for other options

During the public comment period, DEQ and LRAPA requested public comment on whether to consider other options for achieving the rules’ substantive goals while reducing the rules’ negative economic impact on business. This document includes a summary of comments and LRAPA responses.

Public Hearings

Public hearings

DEA and LRAPA held one public hearing. LRAPA received nine public comments from seven public commenters. Later sections of this document include a summary of comments received, LRAPA responses, and a list of the commenters. Original comments are on file with LRAPA.

Presiding Officers' Record

Hearing 1

Date: November 9, 2017

Place: Lane Regional Air Protection Agency Meeting Room

Start Time: 12:40 p.m.

Ending Time: 1:48 p.m.

Presiding Officer: Jeannine Parisi, LRAPA Board Chair

The presiding officer convened the hearing and summarized procedures for the hearing including notification that LRAPA was recording the hearing. The presiding officer asked people who wanted to present verbal comments to complete, sign and submit a registration form.

According to Oregon Administrative Rule 137-001-0030, the staff presenter summarized the content of the notice given under Oregon Revised Statute 183.335.

23 people attended the hearing. Three people presented oral testimony at the hearing.

DEQ public hearings on their corresponding industrial permit rule changes

For categories 1-4 and 6 listed in this staff report, DEQ held hearings on their corresponding rules for those elements. DEQ held one statewide public hearing accessible at the five locations. DEQ initially planned to hold the hearing in Portland, Bend and Medford. DEQ added locations in Springfield (held at the LRAPA office) and Pendleton to increase opportunities for people to attend. DEQ received public comments from 59 organizations and individuals.

Public comment period

The public comment period closed November 8, 2017 at 5 p.m. During the public hearing on November 9, 2017, LRAPA received a request to extend the comment period. At their December 7, 2017 meeting, the Board approved an additional comment period from December 8, 2017 to December 29, 2017 at 5 p.m. to provide additional opportunity to comment.

Summary of comments and LRAPA responses

For public comments received by the close of the public comment period, the following table organizes comments into the eight original categories (1 through 8) in which this document describes the proposed rules and additional categories including Greenhouse Gas Permitting Rules (Identified in this document as new category 0), Public Notice (new category 9), and Other Comments (new category 10). Each comment is cross referenced to the commenter number. Original comments are on file with LRAPA. LRAPA's response follows each comment summary. LRAPA changed the proposed rules in response to comments as described in the response sections.

Summary of Comments and LRAPA Responses

Category 0: Greenhouse gas permitting rules

Special Discussion of Greenhouse Gas (GHG) Rules and Response to Comments

Comment: LRAPA should keep its current regulations on greenhouse gases for Prevention of Significant Deterioration and Title V. The Supreme Court's decision in UARG does not affect LRAPA's ability to regulate sources based on greenhouse gas emissions. LRAPA can and should regulate greenhouse gas emissions under its state law authority, especially since the City of Eugene has a climate plan and the State of Oregon is considering a Cap and Invest plan to address greenhouse gases. LRAPA should maintain the 100,000 ton per year GHG major source threshold and strengthen the rule over time, with the threshold slowly coming down to 25,000 tons per year. Retaining the existing GHG regulations aimed at new sources may spur business innovation in Oregon, particularly if LRAPA was innovative and gave "credits" to early technology adopters.

LRAPA received a comment in this category from commenters 3, 4, 5, and 9 listed in the Commenter section below.

Response:

As part of the response to these comments, LRAPA is providing a general overview of the greenhouse gas permitting rules and how the Supreme Court decision affects LRAPA's permitting program. The purpose of this overview is to help clarify LRAPA's responses to comments. Since DEQ received numerous comments on this category and responded to those comments during their rulemaking adopted in April 2015, much of this response is taken directly from DEQ's response.

In 2011, LRAPA adopted rules substantively identical to the federal greenhouse gas permitting rules. The 2014 Supreme Court decision invalidated EPA's

Summary of Comments and LRAPA Responses

Category 0: Greenhouse gas permitting rules

authority to impose the federal greenhouse gas permitting requirements. LRAPA's rules were not affected by the Supreme Court's decision and remain in effect, whereas for EPA and many states, the Court's ruling took effect immediately. The discrepancy between federal and state requirements created uncertainty for DEQ, the regulated community and public so DEQ recommended and EQC adopted a temporary rule on November 5, 2014 that aligned DEQ's rules with the Supreme Court decision. LRAPA did not adopt a temporary rule since there were no relatively new sources that would potentially be affected by the discrepancy. Broadcom/Avago would have been affected but they sold the former Hynix facility in 2017 and did not apply for a permit for semiconductor activities that would have occurred had they decided to manufacture cell phone components at the Eugene factory.

In August and September 2014, DEQ requested comments on whether DEQ should change its rules to follow the Supreme Court's ruling or retain those elements that the Court struck down. LRAPA requested comments on this same topic in October of 2017. In their rulemaking DEQ received comments supporting both approaches. To help DEQ determine its final proposal, DEQ considered the following question:

Are there significant environmental benefits in keeping the current regulations that make a source subject to Title V permitting and PSD for greenhouse gases alone?

Title V

Title V is a permitting program required by the Clean Air Act Amendments of 1990. The operating permit program streamlines the way federal, state, tribal, and local authorities regulate air pollution by consolidating all air pollution control requirements into a single, comprehensive "operating permit" that covers all aspects of a source's year-to-year air pollution activities. The program is designed to make it easier for sources to understand and comply with control requirements, and results in improved air quality. It does not impose new or additional regulations, and does not make any regulations more stringent.

In Oregon, DEQ's and LRAPA's Air Quality program issue two types of permits: Air Contaminant Discharge Permits and Title V permits. The Air Contaminant Discharge Permit program existed before the Title V program was created. When the 1990 Clean Air Act Amendments came into being, DEQ elected to create the Oregon Title V permit program while also retaining the Air Contaminant Discharge Permit program; LRAPA has the authority to implement the Oregon Title V permit program in Lane County. Two of the main differences between these programs have to do with the sources they apply to and citizen lawsuit provisions, as described below:

Summary of Comments and LRAPA Responses
Category 0: Greenhouse gas permitting rules

<i>Title V</i>	<i>Air Contaminant Discharge Permit</i>
<p><i>Applies to sources that emit 100 tons per year or more of any regulated air pollutant other than Hazardous Air Pollutants, and to sources that emit 10 tons per year or more of any single Hazardous Air Pollutant or 25 tons per year or more of any combination of Hazardous Air Pollutants.</i></p>	<p><i>Applies to sources that emit less than 100 tons per year or more of any regulated air pollutant other than Hazardous Air Pollutants, and to sources that emit less than 10 tons per year or more of any single Hazardous Air Pollutant and less than 25 tons per year or more of any combination of Hazardous Air Pollutants.</i></p>
<p><i>Title V has a citizen lawsuit provision which allows citizens to enforce Title V permits by filing a lawsuit if the permitting agency does not appropriately enforce the permit.</i></p>	<p><i>There is no citizen lawsuit provision for Air Contaminant Discharge Permits.</i></p>

Both types of permits perform the same function: they specify the regulations that a permitted source is subject to and how the source must demonstrate compliance with those regulations. Since Title V does not increase the stringency of the regulations, both types of permits are equally stringent. There is no environmental benefit associated with Title V permits above and beyond the benefits of Air Contaminant Discharge Permits and therefore no environmental reason for retaining the provision that makes sources subject to Title V solely on the basis of their greenhouse gas emissions.

Summary of Comments and LRAPA Responses

Category 0: Greenhouse gas permitting rules

Prevention of Significant Deterioration

Prevention of Significant Deterioration is a pre-construction permitting program that applies to large sources located in attainment or unclassified areas. Since there is no ambient air quality standard for greenhouse gases, all areas are attainment or unclassified for greenhouse gas emissions.

When a source becomes subject to Prevention of Significant Deterioration the source must perform an air quality analysis and a Best Available Control Technology analysis. These analyses must be performed for each pollutant for which the source makes a major modification (defined in the rules). Prevention of Significant Deterioration can be triggered for one pollutant over the federal major source threshold; once triggered, any other pollutants for which major modifications are made are also included in the Prevention of Significant Deterioration permit evaluation.

In Oregon (including Lane County), a source must be classified as a “federal major source” before it can be subject to this requirement. If LRAPA follows the Supreme Court’s decision, a source could not be classified as a federal major source for greenhouse gases alone. If LRAPA does not follow the Court’s decision, a source could be classified as a federal major source for greenhouse gases alone. The threshold to be a federal major source for greenhouse gases is 100,000 tons per year CO₂e; in most cases, the threshold for other pollutants is 250 tons per year.

The table below gives three scenarios for a new or modified facility and illustrates the differences between following or not following the Court’s ruling. The differences between the scenarios are noted in bold underlined print.

<i>Scenario A</i>	<i>Scenario B</i>	<i>Scenario C</i>
<i>LRAPA <u>does not follow</u> the court’s ruling</i>	<i>LRAPA <u>follows</u> the Court’s ruling</i>	<i>LRAPA <u>follows</u> the Court’s ruling</i>
<i>Source has GHG emissions over 100,000 tons per year CO₂e</i>	<i>Source has GHG emissions <u>over</u> 100,000 tons per year CO₂e</i>	<i>Source has GHG emissions <u>less than</u> 100,000 tons per year CO₂e</i>
<i>Source <u>does not have other emissions</u> at or over 250 tons per year</i>	<i>Source <u>does not have other emissions</u> at or over 250 tons per year</i>	<i>Source <u>has NOx emissions</u> at or over 250 tons per year</i>

Summary of Comments and LRAPA Responses

Category 0: Greenhouse gas permitting rules

<i>Source has a major modification for GHGs</i>	<i>Source has a major modification for GHGs</i>	<i>Source has a major modification for GHGs</i>
<i>Source has a major modification for NOx</i>	<i>Source has a major modification for NOx</i>	<i>Source has a major modification for NOx</i>
Result of this scenario	Result of this scenario	Result of this scenario
<i>Source is a federal major source because of GHGs.</i>	<i>Source is not a federal major source.</i>	<i>Source is a federal major source because of NOx.</i>
<i>PSD is triggered by the major modifications for GHG and NOx.</i>	<i>PSD is not triggered by the major modifications for GHG and NOx.</i>	<i>PSD is triggered by the major modifications for GHG and NOx.</i>
<i>Air quality analysis is required for NOx.</i>	<i>Air quality analysis is required for NOx.</i>	<i>Air quality analysis is required for NOx.</i>
<i>BACT analysis is required for GHG and NOx.</i>	<i>BACT analysis is not required for GHG and NOx.</i>	<i>BACT analysis is required for GHG and NOx.</i>

In all three scenarios, an air quality analysis for NOx is required. This analysis ensures that air quality will not exceed the ambient air quality standards or Prevention of Significant Deterioration Increments defined in the rules.

In all three scenarios, an air quality analysis for greenhouse gases is not required. There are no ambient air quality standards for greenhouse gases in which to compare the results.

Scenario C illustrates the so-called “anyway source.” The source is subject to Prevention of Significant Deterioration for a pollutant other than greenhouse gases, but greenhouse gases are also subject. Sources in this scenario would be subject to this requirement regardless of whether LRAPA follows the Court’s ruling.

The real difference above is that sources in Scenario B would not be required to perform a Best Available Control Technology analysis for any of the pollutants. The remainder of this discussion examines what that means.

Quantity of greenhouse gases regulated

In June 2014, the Supreme Court of the United States issued a ruling in the following case:

Summary of Comments and LRAPA Responses

Category 0: Greenhouse gas permitting rules

UTILITY AIR REGULATORY GROUP v. ENVIRONMENTAL PROTECTION AGENCY ET AL. CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 12–1146. Argued February 24, 2014—Decided June 23, 2014

In this ruling, the Supreme Court came to the following conclusions in regard to permitting greenhouse gas emissions:

- *The Clean Air Act “neither compels nor permits” EPA to require major emitting facilities to obtain Prevention of Significant Deterioration and Title V permits “on the sole basis” of their greenhouse gas emissions.*
- *Thus, EPA need not “tailor” the Act’s major-source thresholds to avoid an administrative debacle that would result from requiring permits of small, non-industrial facilities, millions of which emit enough CO₂ to qualify as “major” sources.*
- *More importantly, EPA’s Tailoring Rule, which rewrote the “major” source applicability thresholds from 250/100 tons per year, as specified in the statute, to 100,000 tons per year, is “impermissible” — an exercise of power “beyond the bounds” of the agency’s “statutory authority.”*
- *EPA “reasonably interpreted” the Act to require large industrial facilities already subject to Prevention of Significant Deterioration for conventional air pollutants to comply with “best available control technology” standards for greenhouse gases.*
- *Although Best Available Control Technology for CO₂ could require some energy efficiency improvements, EPA’s Prevention of Significant Deterioration and Title V Permitting Guidance for Greenhouse Gases also contemplates other, “more traditional end-of-stack Best Available Control Technology technologies.”*
- *The Court’s overall conclusion: “EPA’s decision to require Best Available Control Technology for greenhouse gases emitted by sources otherwise subject to Prevention of Significant Deterioration review is, as a general matter, a permissible interpretation of the statute.”*

On pages 9 and 10, the Court’s document cited above states that EPA provided the following testimony during the trial:

“... “anyway” sources account for roughly 83% of American stationary-source greenhouse-gas emissions, compared to just 3% for the additional, non-“anyway” sources EPA sought to regulate”

LRAPA and DEQ interpret EPA’s testimony as follows: 86 percent of the total American stationary-source greenhouse gas emissions could be subject to

Summary of Comments and LRAPA Responses

Category 0: Greenhouse gas permitting rules

Prevention of Significant Deterioration if both “anyway” and non-“anyway” sources are regulated; the percentage drops from 86 to 83 percent if non-“anyway” sources are not regulated. LRAPA and DEQ do not believe these percentages can be directly applied to Oregon because the types of emissions sources in Oregon may not reflect national averages, but EPA’s estimates serve to indicate that the majority of greenhouse gas emissions could still be regulated under Prevention of Significant Deterioration regardless of whether Oregon follows the Court’s ruling or not.

Sources become subject to Prevention of Significant Deterioration infrequently and the percentages discussed in the preceding paragraph refer to all of the sources that could potentially, but won’t necessarily, become subject.

Greenhouse gas Best Available Control Technology determinations

The purpose of a Best Available Control Technology analysis is to evaluate emission control options and to determine which, if any, must be used. This analysis is often referred to as a “top-down” analysis and consists of the following 5 step process:

Step 1 – Identify all available control options

Step 2 – Eliminate technically infeasible options

Step 3 – Rank the remaining control options

Step 4 – Evaluate economic, energy, and environmental impacts

Step 5 – Select Best Available Control Technology

It is possible the analysis will determine that an emission control system must be installed. It is also possible for the analysis to determine that no emission controls are feasible; this can occur at Step 2 or Step 4. The individual steps are described in more detail below.

In Step 1, all available control options must be identified. The control option has to exist and be commercially available.

In Step 2, the identified options are reviewed and any that are found to be technically infeasible are eliminated. Emission control options are technically feasible if they are in use by other facilities in the same industry or at facilities that have processes that are similar enough to conclude that the emission control will work for the process being considered in the review. If none of the options are technically feasible, the review is done and the determination is no control.

Summary of Comments and LRAPA Responses

Category 0: Greenhouse gas permitting rules

In Step 3, all control options that are considered technically feasible (if any) are ranked by effectiveness, with the most effective ranked first, the next most effective ranked second, and so on to the least effective.

In Step 4, the first-ranked option is reviewed for economic, energy, and environmental impacts. If any of these impacts are found to be unacceptable, that option is rejected and the second-ranked option is reviewed. If the second-ranked option is rejected, then the third-ranked option is reviewed. This “top-down” review continues until an option is found to have acceptable economic, energy, and environmental impacts. It is possible for all options to be rejected.

In Step 5, the Best Available Control Technology is determined to be the highest-ranking option reviewed in Step 4 that is not rejected because of economic, energy, or environmental impacts. If all options are rejected, the determination is no control.

The following review is not a Best Available Control Technology analysis, but is informed by LRAPA’s and DEQ’s knowledge of the process and the greenhouse gas emission control options that are currently available. Greenhouse gas emissions can broadly be divided into two categories: combustion emissions and high global warming potential gases.

Combustion emissions refer to gases emitted by devices that burn fuel. Combustion emissions account for most greenhouse gas emissions, are emitted by a large number of sources ranging from large electrical power plants to cars and home furnaces, and consist mostly of carbon dioxide.

High global warming potential gases are typically fluorine-containing gases, such as hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. They have a global warming effect that is hundreds or thousands of times more potent than carbon dioxide. The global warming potential of a gas is a measure of how potent it is compared to carbon dioxide. The global warming potential of sulfur hexafluoride, for example, is 23,900; this means one ton of sulfur hexafluoride has the same effect as 23,900 tons of carbon dioxide. High global warming potential gases are used as process gases in only a few industries, including the semiconductor manufacturing industry.

According to EPA’s website (<http://epa.gov/climatechange/ghgemissions/gases/fgases.html>) perfluorocarbons are compounds produced as a by-product of various industrial processes associated with aluminum production and the manufacturing of semiconductors. They generally have long atmospheric lifetimes and high global warming potentials. Sulfur hexafluoride is used in magnesium processing and semiconductor

Summary of Comments and LRAPA Responses

Category 0: Greenhouse gas permitting rules

manufacturing, as well as a tracer gas for leak detection. HFC-23 is produced as a by-product of HCFC-22 production.

Combustion greenhouse gases:

With respect to combustion emissions, greenhouse gas emission control options are very limited. There are no emission control devices for greenhouse gases. One option is underground sequestration of carbon dioxide. This involves injecting the carbon dioxide deep into the ground. This option would only be effective if the geological formation would permanently trap the gases underground, either by chemical reaction or by effectively sealing off the gases so they could not percolate upward. If neither of these conditions can be met, the gases will eventually leak back into the atmosphere. This technology is believed to be feasible, but the necessary geological formations are not available everywhere, so sequestration is not a broadly available option. Underground sequestration is illegal in Oregon because injecting wastes underground is prohibited by the underground injection control rules (OAR Chapter 340 Division 44) administered by DEQ's water quality permitting program.

The most viable option for reducing greenhouse gas emissions is to simply burn less fuel; this means using energy-efficient equipment so that less fuel can be burned for the desired output. Energy efficiency is generally regarded as the Best Available Control Technology for combustion greenhouse gases. Energy represents a major on-going operating cost for many industries. Most are likely to install energy-efficient equipment regardless of whether LRAPA follows the Court's ruling.

In summary, there are limited Best Available Control Technologies to reduce combustion greenhouse gas emissions beyond increasing energy efficiency, and businesses may seek ways to increase energy efficiency voluntarily.

Non-combustion greenhouse gases:

With respect to high global warming potential gases, the industry of greatest interest in Oregon is the semiconductor industry. EPA has worked with the U.S. Semiconductor Industry Association in their voluntary efforts to reduce high global warming potential greenhouse gas emissions by following a pollution prevention strategy. As far back as 1996, Hynix (in Eugene), Intel (in Hillsboro), and the U.S. Semiconductor Industry Association formalized an early voluntary commitment for perfluorocarbon reduction in a memorandum of understanding with EPA. Intel met the goal to reduce company-wide absolute perfluorocarbon emissions 10% below 1995 levels by the year 2010 in spite of the fact that manufacturing volumes have increased roughly fourfold since 1995.

Summary of Comments and LRAPA Responses

Category 0: Greenhouse gas permitting rules

Reductions were accomplished in part by process changes, partly by using different gases, and partly by the use of greenhouse gas emission control devices, known as point of use devices. For this industry, there is an actual emission control option that could be considered in a Best Available Control Technology analysis. Since point of use devices are the only option DEQ and LRAPA are aware of, a Best Available Control Technology analysis would be limited to considering that single option. Because point of use devices are available and in use, they cannot be rejected on the grounds of being technically infeasible. DEQ has not done a cost analysis, but it appears that such devices are cost-effective and do not have excessive environmental or energy impacts. It's likely that point of use devices would be considered the Best Available Control Technology, but since they are already in use, a Best Available Control Technology analysis would likely conclude a source should "continue doing what you're already doing; that is, continue using point of use devices."

In summary, for the semiconductor industry, a greenhouse gas Best Available Control Technology analysis would likely result in no change from current greenhouse gas emission control practices.

Non-greenhouse gas Best Available Control Technology determinations

When Prevention of Significant Deterioration is triggered, all pollutants for which a major modification has been made become subject to it. That is why air quality and Best Available Control Technology analyses are required for NOx as well as greenhouse gases in Scenarios A and C. In Scenario B, which represents the case of non-"anyway" sources if LRAPA follows the Court's ruling, Best Available Control Technology determinations would not be required for any pollutants.

In Scenario A where LRAPA would not follow the Court's ruling, DEQ and LRAPA estimate there is likely little to be gained from Best Available Control Technology determinations for greenhouse gases. But emission control devices or methods do exist for other pollutants and are in common use, so such determinations for non-greenhouse gas pollutants could result in lower emissions of those pollutants. Thus, the environmental benefit of not following the Court's ruling pertains mostly to pollutants other than greenhouse gases since Best Available Control Technology would be required for these other pollutants but would not be required in Scenario B. The question here is whether or not the additional analyses for non-greenhouse gas pollutants would have a significant environmental benefit.

First, DEQ and LRAPA estimate that the majority of sources that could be subject to Prevention of Significant Deterioration will be "anyway" sources, and therefore would be subject to it regardless of whether or not LRAPA follows the Court's ruling. This is borne out by a DEQ review in 2015 of Prevention of Significant Deterioration permit applications received since greenhouse gases became

Summary of Comments and LRAPA Responses

Category 0: Greenhouse gas permitting rules

regulated on May 1, 2011. Since then, six sources (all regulated by DEQ) have triggered this process for greenhouse gases; of these, four were “anyway” sources and two were non-“anyway” sources.

Second, an air quality analysis¹ is required for all emission increases of a Significant Emission Rate² or more, regardless of whether or not LRAPA follows the Court’s ruling. The air quality analysis ensures that impacts from emissions will not cause a significant adverse impact on air quality. There would not be a direct requirement to install emission control equipment for sources that do not trigger Prevention of Significant Deterioration but the air quality analysis can indirectly have that result. If a source’s impacts are over the allowed levels, the source could install emission control equipment to reduce the air quality impact if it wanted to go forward with the project.

Notes: 1. An air quality analysis is required for criteria pollutants, for which there are ambient air quality standards. For pollutants such as greenhouse gases, for which there are no ambient air quality standards, an air quality analysis is not required.

2. Significant Emission Rate is pollutant-specific and ranges from 10 tons per year for PM2.5 to 100 tons per year for CO.

The purpose of the greenhouse gas rules is to regulate greenhouse gases, not other pollutants. While there could be environmental benefits from requiring Best Available Control Technology analyses for non-greenhouse gas pollutants at non-“anyway” sources, there is no demonstrated need to require those additional analyses.

The following six Oregon facilities are the only currently known facilities (as of DEQ’s 2015 rulemaking) that have greenhouse gas emissions exceeding the Title V and Prevention of Significant Deterioration threshold of 100,000 tons per year. None of these facilities emit other regulated pollutants at levels that require a Prevention of Significant Deterioration permit; Intel and Oregon LNG emit, or could emit, other pollutants at levels that require a Title V permit. All of these facilities are currently regulated under Air Contaminant Discharge Permits except for Owens Corning whose Title V permit was recently issued. None of these facilities are located in Lane County.

Industry	Facility	Application Status (DEQ’s stated status in their 2015 Staff Report)
Semiconductor manufacturer	Intel Hillsboro and Aloha	Submitted Title V permit application, on hold pending issuance of NSR permit.

Summary of Comments and LRAPA Responses

Category 0: Greenhouse gas permitting rules

		<i>Submitted NSR permit application. Prevention of Significant Deterioration application not required under temporary rule and proposed permanent rule.</i>
<i>Semiconductor manufacturer</i>	<i>On Semiconductor Gresham</i>	<i>Title V permit application for greenhouse gases not required under temporary rule and proposed permanent rule.</i>
<i>Fertilizer and nitric acid manufacturing</i>	<i>Dyno Nobel St. Helens</i>	<i>Submitted Title V permit application, not required under temporary rule and proposed permanent rule, on hold pending permanent rule adoption</i>
<i>Liquefied natural gas exporting</i>	<i>Oregon LNG Warrenton</i>	<i>Submitted Prevention of Significant Deterioration permit application for greenhouse gases alone, not required under temporary rule and proposed permanent rule, on hold pending permanent rule adoption. Title V application required one year after startup.</i>
<i>Ethanol production</i>	<i>Cascade Kelly Holdings Clatskanie</i>	<i>Title V permit application for greenhouse gases not required under temporary rule and proposed permanent rule.</i>
<i>Extruded polystyrene foam manufacturing</i>	<i>Owens Corning foam insulation plant NE Portland-Troutdale</i>	<i>Submitted Title V permit application, Title V permit issued</i>

Response 1 - Conclusion

Based on the discussion above, there is little environmental benefit to be gained by making non-“anyway” sources subject to Title V and Prevention of Significant Deterioration for greenhouse gases. LRAPA recommends the Board adopt the proposed rule amendments without changes.

Summary of Comments and LRAPA Responses

Category 0: Greenhouse gas permitting rules

Comment 2: LRAPA is in a rush to weaken its own GHG rules. LRAPA’s claim in the staff report that having more stringent GHG rules in Lane County unfairly burdens local polluters is weak, speculative, and without evidence.

LRAPA received this comment from commenter number 9 listed in the Commenter section below.

Response 2:

LRAPA disagrees with this comment. The relevant statement in the staff report is: “LRAPA’s rules continue to require Prevention of Significant Deterioration (PSD) and Title V permits for greenhouse gases alone, causing inequity for facilities located in Lane County” (page 14, under category 6). It is a fact that EPA, DEQ and many other states have revised their rules (or automatically had their rules revised for state/local agencies operating under a “delegated” federal program) to align them with the 2014 Supreme Court decision. This does not require further research since it is true that LRAPA’s regulations currently require Title V and PSD permits for greenhouse gases alone while DEQ and EPA do not. A PSD permit for greenhouse gases alone would currently cost \$49,082, as compared to a \$14,023 permit fee if the rules were to be changed as proposed.

Furthermore, LRAPA has deliberated over these proposed regulations for many years. Unlike DEQ, LRAPA did not adopt temporary rules to address the Supreme Court decision in 2014. DEQ adopted a temporary version of these rules in 2014 and adopted permanent rules in April 2015. LRAPA is now proposing these changes to be adopted almost 3 years after the DEQ adoption and almost 4 years after the DEQ temporary rule adoption and the Supreme Court decision.

Summary of Comments and LRAPA Responses

Category 1: Clarify and update air quality rules

Comment 1: The commenter supports the proposed clarifications and updates around excess emissions.

LRAPA received this comment from commenter number 9 listed in the Commenter section below.

Response 1: *LRAPA appreciates the comments received. LRAPA did not change the proposed rules in response to this comment.*

Summary of Comments and LRAPA Responses

Category 2: Update particulate matter standards

Comment 1: We are concerned with the proposed requirement that stockpiles be covered to control fugitive dust emissions. This requirement is unnecessary, cost prohibitive, and may lead to detrimental results that would otherwise be avoided by using best practices for dust suppression. We request that the requirement to cover stockpiles be removed from the permit and replaced with a general requirement to mitigate dust using generally accepted industry practices. It should be the outcome that we value, not the method.

LRAPA received this comment from commenters number 2 and 6 listed in the Commenter section below.

Response 1:

Since as far back as 1986 LRAPA's Title 48 has had the requirement that reasonable precautions to prevent particulate matter from becoming airborne shall include, but not be limited to precautions such as full or partial enclosures of stockpiles. LRAPA has not proposed any revisions to the list of reasonable precautions in this rulemaking.

If the best practices for dust suppression are effective and as a result there are no fugitive particulate emissions associated with your stockpiles, you will not be required cover your stockpiles. However, by rule (LRAPA 48-015), if there are still fugitive emissions associated with the stockpiles, you are required to take additional reasonable precautions to prevent fugitive particulate emissions from becoming airborne which may include covering stockpiles. Covering of stockpiles would not be required in cases where doing so would be unreasonable.

Additionally, DEQ's rules contain the same reasonable precaution, and LRAPA is unable to remove the covering of stockpiles from our rules since LRAPA's rules are required to be at least as stringent as Oregon rules. LRAPA did not change the rule.

Comment 2: The production of aggregate and concrete creates a certain amount of dust during normal operations. In Oregon, because we have generally a wet climate, dust from our operations needs to be controlled during the dry summer months. Oregon's mostly wet weather is a natural dust suppression agent. It generally dampens fugitive dust from production equipment as well as haul roads, just as it does for agricultural or forest operations. Dust issues for our industry are seasonal in nature, and therefore generally need to be controlled only during the summer months or in dry climates.

LRAPA received this comment from commenters number 2 and 6 listed in the Commenter section below.

Summary of Comments and LRAPA Responses

Category 2: Update particulate matter standards

Response 2:

If the wet climate is effective at minimizing fugitive particulate emissions associated with your stockpiles, no additional reasonable precautions to prevent fugitive particulate emissions from becoming airborne would be required. However, by rule, if there are still fugitive emissions associated with the stockpiles, you are required to take additional reasonable precautions to prevent fugitive particulate emissions from becoming airborne.

Additionally, DEQ's rules contain the same reasonable precaution, and LRAPA is unable to remove the covering of stockpiles from our rules since LRAPA's rules are required to be at least as stringent as Oregon rules. LRAPA did not change the rule.

Comment 3: Industry best management practices for dust control include use of water, vegetative cover, buffer areas and limiting the drop height of loading equipment and stockpiles. These are all effective, reasonable cost alternatives to mitigate fugitive dust. They are also the most common condition imposed on aggregate and concrete operations by local governments, DOGAMI, and other agencies.

LRAPA received this comment from commenters number 2 and 6 listed in the Commenter section below.

Response 3:

Since as far back as 1986 LRAPA's Title 48 has had the requirement that reasonable precautions to prevent particulate matter from becoming airborne shall include, but not be limited to precautions such as full or partial enclosures of stockpiles. LRAPA has not proposed any revisions to the list of reasonable precautions in this rulemaking.

LRAPA agrees, use of water, vegetative cover, buffer areas and limiting the drop height of loading equipment and stockpiles are best practices for dust suppression, and if they prevent fugitive particulate emissions, no further actions are required. However, by rule (LRAPA 48-015), if there are still fugitive emissions associated with the stockpiles even after application of best practices, additional reasonable precautions may be required to prevent fugitive particulate emissions from becoming airborne.

Additionally, DEQ's rules contain the same reasonable precaution, and LRAPA is unable to remove any items on the list of possible reasonable precautions from our

Summary of Comments and LRAPA Responses

Category 2: Update particulate matter standards

rules since LRAPA's rules are required to be at least as stringent as Oregon rules. LRAPA did not change the rule.

Comment 4: Aggregate processing yards often have a dozen or more stockpiles spread out over several acres. The cost of covering these multiple products either through the construction of buildings or tarping over the many acres of aggregate production would be infeasible and impractical. In addition, many of the aggregate products simply do not create fugitive dust. For instance, concrete aggregates, cobble rock, pea gravel, and drain rock do not have fines that create fugitive dust. Requiring uniform treatment of aggregate products avoids the reality that many of the products we produce do not generate dust. Further, many concrete and road base aggregates must be kept wet as a part of their performance requirements in subsequent use.

LRAPA received this comment from commenters number 2 and 6 listed in the Commenter section below.

Response 4:

Since as far back as 1986 LRAPA's Title 48 has had the requirement that reasonable precautions to prevent particulate matter from becoming airborne shall include, but not be limited to precautions such as full or partial enclosures of stockpiles. LRAPA has not proposed any revisions to the list of reasonable precautions in this rulemaking.

By rule, if there are fugitive emissions associated with a stockpile, you are required to take reasonable precautions to prevent fugitive particulate emissions from becoming airborne. If there are no fugitive particulate emissions associated with a stockpile, you would not be required take action to prevent fugitive emissions.

Additionally, DEQ's rules contain the same reasonable precaution, and LRAPA is unable to remove the covering of stockpiles from our rules since LRAPA's rules are required to be at least as stringent as Oregon rules. LRAPA did not change the rule.

Comment 5: We are concerned that covering stockpiles with tarps, as an example, would create unnecessary hazards for workers trying to drag or hoist tarps over tall and unstable stockpiles. Wheel loaders and other loading equipment would constantly have to remove the tarping and replace it as they are using or removing aggregates from the various stockpiles. This would increase loading time and production expenses, and generate dust that would otherwise be mitigated by sprinkling the piles with water.

Summary of Comments and LRAPA Responses

Category 2: Update particulate matter standards

LRAPA received this comment from commenters number 2 and 6 listed in the Commenter section below.

Response 5:

Since as far back as 1986 LRAPA's Title 48 has had the requirement that reasonable precautions to prevent particulate matter from becoming airborne shall include, but not be limited to precautions such as full or partial enclosures of stockpiles. LRAPA has not proposed any revisions to the list of reasonable precautions in this rulemaking.

If sprinkling a pile with water mitigates the fugitive particulate emissions associated with that pile, LRAPA will not require covering the pile.

Additionally, DEQ's rules contain the same reasonable precaution, and LRAPA is unable to remove the covering of stockpiles from our rules since LRAPA's rules are required to be at least as stringent as Oregon rules. LRAPA did not change the rule.

Comment 6: The commenter prefers EPA Method 9 due to the requirement that the person monitoring the emissions be properly trained and certified, but goes on to state that the three-minute average seems sufficient as a methodology.

LRAPA received this comment from commenter number 9 listed in the Commenter section below.

Response 6:

The proposed rules would amend all opacity standards, both countywide and industry specific, to retain the 3-minute aggregate limit but specify the data reduction method needed to evaluate opacity. Opacity readers would still be EPA Method 9 certified, but would use EPA's Method 203B as the reference method for data reduction procedures to evaluate 3-minute aggregate periods. Permits would continue to specify that opacity be determined in accordance with a "Modified EPA Method 9". "Opacity" would continue to be defined in the rules, but it would specify EPA's Method 203B as the reference method data reduction procedures to measure 3-minute aggregate periods.

Comment 7: The commenter supports the fugitive emissions control plan requirement to prevent visible emissions.

LRAPA received this comment from commenter number 9 listed in the Commenter section below.

Summary of Comments and LRAPA Responses

Category 2: Update particulate matter standards

Response 7:

LRAPA appreciates the comments received. LRAPA did not change the proposed rules in response to this comment.

Comment 8: A case in point where LRAPA should employ the opacity test and the fugitive emissions control requirement would be the visible emissions of dust and particulate matter coming from the metal crushing equipment and the conveyor belt system at Pacific Recycling. Our group filed a complaint about the emissions earlier in 2017, and asked LRAPA to ensure that the business reduce the particulate emissions. We would like to know that the proposed updates would help protect the nearby residents from fugitive emissions produced by this type of operation.

LRAPA received this comment from commenter number 9 listed in the Commenter section below.

Response 8:

To clarify, for fugitive emissions, there is no “opacity test”. The observer must use EPA Method 22 to evaluate visible emissions. That reference method simply involves a visual survey to determine if fugitive emissions are occurring or not, but does not require quantification of the opacity. Opacity reading is possible at non-fugitive emission sources (e.g., “smoke stacks”).

LRAPA agrees that these rules can be used to address fugitive emissions at all regulated sources, including the facility mentioned by the commenter.

LRAPA did not change the proposed rules in response to this comment.

Summary of Comments and LRAPA Responses

Category 3: Change permitting requirements for emergency generators and small natural gas or oil-fired equipment

Comment 1: The commenter supports the proposed changes to clarify insignificance and permitting levels for these activities.

LRAPA received this comment from commenters number 9 listed in the Commenter section below.

Response:

LRAPA appreciates the comments received. LRAPA did not change the proposed rules in response to this comment.

Summary of Comments and LRAPA Responses

Category 4: Establish two new state air quality area designations, “sustainment” and “reattainment,” to help areas avoid and more quickly end a federal nonattainment designation

Comment 1: LRAPA should not adopt the proposed the Sustainment and Reattainment area designations. Rather than take short-cuts, LRAPA should follow the standard procedure which involves Redesignation back to attainment after LRAPA drafts a maintenance plan and has it adopted into the State Implementation Plan. LRAPA should use other ways to have attainment in Oakridge.

LRAPA received this comment from commenters number 9, 13, and 14 listed in the Commenter section below.

Response 1:

LRAPA disagrees with the commenter. LRAPA is continuing to work through the existing steps to achieve an attainment area designation. The proposed reattainment area rules do not replace the existing federally-required elements of an area designated as nonattainment, as the Oakridge area is currently designated. A Maintenance Plan is being developed in coordination with DEQ and EPA, but it is an involved process that is scheduled to continue well into 2018 or early 2019. A key foundational component of the Maintenance Plan is the Oregon Solutions Cooperative Agreement, signed by multiple partners on December 7, 2017, for the Oakridge Woodsmoke Mitigation Plan. The Attainment plan was adopted by the EQC in January 2017 and EPA published it on November 14, 2017, for comment in the federal register (82FR52683) until December 14, 2017. No adverse comments were received, and final EPA approval is expected by mid-February 2018.

LRAPA is not relying on the new area designations to bring air quality in Oakridge into attainment, nor does LRAPA intend for the new area designations to replace nonattainment designations or nonattainment planning. While the new reattainment area may be part of the overall approach that will be used by LRAPA’s air quality planning program, EPA, and local governments to try to bring an area back into compliance with National Ambient Air Quality Standards, it primarily affects the air quality permitting program, not the air quality planning program.

LRAPA proposed the new reattainment area designation to at least partially eliminate a permitting roadblock that exists when air quality meets an ambient air quality standard but the area is still designated as nonattainment. The reattainment area designation, along with other revisions to the new source review permitting program, is also intended to help address the primary source or sources of air quality problems in areas like Oakridge by encouraging new or expanding sources to obtain offsets from the primary source or sources of the air quality problem. LRAPA does not see the new area designations as a replacement for the existing

Summary of Comments and LRAPA Responses

Category 4: Establish two new state air quality area designations, “sustainment” and “reattainment,” to help areas avoid and more quickly end a federal nonattainment designation

regulatory structure that addresses areas with air quality problems, but as an addition to that structure.

LRAPA continues to focus on the key components of the Updated Attainment Plan including:

- *Code enforcement officer hired by City of Oakridge with LRAPA field compliance department support;*
- *Continued HeatSmart woodstove removals upon home sale, and continued ductless heat pump installations by Lane Electric;*
- *Tightened City ordinances, including 20% opacity limits and lower curtailment cutpoints; and*
- *Extended daily red-yellow-green woodburning advisory season (from Nov-Feb to Oct-May) with stricter forecasting prediction requirements.*

LRAPA did not change the proposed rules in response to this comment.

Comment 2: LRAPA cannot discount the possibility that the future industrial facilities might exacerbate violations of particulate matter air quality standards. We do not support creating offsets for those polluters adding more particulate emissions to the Oakridge area. Even if offsets are directed at replacing residential wood stoves, it must be acknowledged that point source emissions will occur continually, including during air stagnation alerts and inundations of wild fire smoke. Thus, it is worrisome that under the proposed rules for a reattainment designation, “new and modified facilities that fall below the federal major source threshold would be subject to less stringent requirements.” If anything, an area with a history of poor air quality such as Oakridge should not loosen rules, but maintain strict requirements for attainment designations. LRAPA’s proposed plan is should be precautionary given the signals from effects such as climate change, excessive heat, air stagnations, and more wildfires, and is merely a work-around to loosen the air quality rules.

LRAPA received this comment from commenter number 9 listed in the Commenter section below.

Response 2:

LRAPA disagrees that new and modified facilities that fall below the federal major source threshold will be under a lesser level of scrutiny. DEQ and LRAPA conferred with EPA Region 10 (from 2012 to 2017) in the development of these rules to ensure that these rule proposals would not be considered backsliding and would be approvable. The requirements for sources that were formerly subject to

Summary of Comments and LRAPA Responses

Category 4: Establish two new state air quality area designations, “sustainment” and “reattainment,” to help areas avoid and more quickly end a federal nonattainment designation

the existing New Source Review program will generally continue to apply even though some of those sources will now be covered by the State New Source Review program.

A source with “significant” emissions (i.e., over the Significant Emission Rate) seeking to locate in an area designated as nonattainment that meets National Ambient Air Quality Standards must obtain offsets and demonstrate net air quality benefit. The current rules make obtaining a permit very difficult or impossible. In this rulemaking, the net air quality benefit requirements have been revised to replace the nearly impossible to meet requirement with one that is not impossible to meet but is still protective of air quality. LRAPA does not claim that the new requirement is easy to meet, as it is intended to protect air quality in an area where air quality is already close to or exceeding a National Ambient Air Quality Standard.

LRAPA is aware that emissions from industrial facilities are continual year-round, or even higher during the winter months (e.g. wood-fired boiler emissions can be higher due to increased heat needs in winter months). LRAPA’s belief that residential wood burning is a major contributor to 24-hour PM2.5 National Ambient Air Quality Standards exceedances in Oakridge is based on examination of the PM2.5 monitoring results compared to time of day and overnight temperatures. Exceedances occur on cold winter nights when wood burning for home heating is high. Despite the clear relationship with residential wood burning, LRAPA does not discount the contribution from other sources, including industry. Although the rules for a reattainment area are structured to encourage obtaining offsets from woodstoves, obtaining all offsets from woodstoves is likely impossible and any non-woodstove offsets will likely be obtained from industrial sources - of which there are currently none in Oakridge. Furthermore, the rules that a new source must comply with are intended to ensure that the new emissions do not exacerbate the existing air quality problems. The new rules change, but do not eliminate the stringent requirements that a new industrial source must meet.

LRAPA did not change the proposed rules in response to this comment.

Summary of Comments and LRAPA Responses

Category 5: Designate Oakridge as a state reattainment area while retaining its federal nonattainment designation.

Comment 1: This is not a good time to relax restrictions and rules for Oakridge because that would endanger the public health of the small community. Oakridge, a

Summary of Comments and LRAPA Responses

Category 5: Designate Oakridge as a state attainment area while retaining its federal nonattainment designation.

proposed attainment area, suffers from air quality problems that are driven by woodstove smoke and air stagnation. LRAPA should not allow any industry coming to Oakridge to pollute in exchange for woodstove emission reductions. LRAPA is proposing to give small industry a “pass”, and be given “free rein” while leaving the people who are just trying to keep warm in the cold.

LRAPA received this comment from commenters number 8, 9, 12 and 14 listed in the Commenter section below.

Response 1:

The responses here are the same provided in Category 4, Comment 2 above since they are very similar comments.

LRAPA does not agree that new and modified facilities that fall below the federal major source threshold will be under a lesser level of scrutiny. DEQ and LRAPA conferred with EPA Region 10 in the development of these rules to ensure that these rule proposals would not be considered backsliding and would be approvable. The requirements for sources that were formerly subject to the existing New Source Review program will generally continue to apply even though some of those sources will now be covered by the State New Source Review program.

A source with “significant” emissions (i.e., over the Significant Emission Rate) seeking to locate in an area designated as nonattainment that meets National Ambient Air Quality Standards must obtain offsets and demonstrate net air quality benefit. The current rules make obtaining a permit very difficult or impossible. In this rulemaking, the net air quality benefit requirements have been revised to replace the nearly impossible to meet requirement with one that is not impossible to meet but is still protective of air quality. LRAPA does not claim that the new requirement is easy to meet, as it is intended to protect air quality in an area where air quality is already close to or exceeding a National Ambient Air Quality Standard.

LRAPA is aware that emissions from industrial facilities are continual year-round, or even higher during the winter months (e.g. wood-fired boiler emissions can be higher due to increased heat needs in winter months). LRAPA’s belief that residential wood burning is a major contributor to 24-hour PM_{2.5} National Ambient Air Quality Standards exceedances in Oakridge is based on examination of the PM_{2.5} monitoring results compared to time of day and overnight temperatures. Exceedances occur on cold winter nights when wood burning for home heating is high. Despite the clear relationship with residential wood burning, LRAPA does not discount the contribution from other sources, including industry. Although the rules for a attainment area are structured to encourage obtaining

Summary of Comments and LRAPA Responses

Category 5: Designate Oakridge as a state attainment area while retaining its federal nonattainment designation.

offsets from woodstoves, obtaining all offsets from woodstoves is likely impossible and any non-woodstove offsets will likely be obtained from industrial sources (of which there are currently none in Oakridge). Further, the rules that a new source must comply with are intended to ensure that the new emissions do not exacerbate the existing air quality problems. The new rules change, but do not eliminate the stringent requirements that a new industrial source must meet.

LRAPA did not change the proposed rules in response to this comment.

Comment 2: LRAPA should pursue other woodstove emission reduction methods by insulating homes, providing grants for woodstove replacements, and promoting electric vehicles. Quality firewood is difficult to obtain and Oakridge could benefit from a program that uses the many downed trees removed from Highway 58 each year to be stored, dried and distributed to residents.

LRAPA received this comment from commenters number 11, 12 and 13 listed in the Commenter section below.

Response 2:

LRAPA and our partners at the City of Oakridge, the State of Oregon, and the EPA continue to pursue woodstove emission reductions. LRAPA appreciates any innovative suggestions on ways to reduce woodstove emissions such as by providing means for citizens to obtain dry seasoned firewood at low or no cost. In the last few years, LRAPA has partnered with the city, local businesses and non-profits to provide reduced cost dry, seasoned firewood for people meeting low-income criteria. LRAPA promotes using electric vehicles by providing free charging stations at the LRAPA office and having a zero-emission fleet vehicle.

LRAPA did not change the proposed rules in response to this comment.

Comment 3: Rather than focusing on industrial development, LRAPA should fine Oakridge so the city officials and residents understand how important is to put in new and cleaner heating devices.

LRAPA received this comment from commenter number 12 listed in the Commenter section below.

Response 3:

LRAPA strives to work effectively with the City of Oakridge to reduce woodstove emissions and prefers a constructive working relationship to further that goal.

Summary of Comments and LRAPA Responses

Category 5: Designate Oakridge as a state reattainment area while retaining its federal nonattainment designation.

Individuals violating smoke opacity requirements are subject to fines through the City of Oakridge Police Department.

LRAPA did not change the proposed rules in response to this comment.

Comment 4: LRAPA is proposing this change as a response to the proposed quarry in the area and this is a bad idea. LRAPA should be concerned with the effects of the proposed rock quarry on TV Butte just east of Oakridge. The blasting and trucks will be adding to air quality problems for the citizens of Oakridge.

LRAPA received this comment from commenters number 10 and 13 listed in the Commenter section below.

Response 4:

LRAPA disagrees with the commenter that the proposed changes are a response to any potential quarry development. LRAPA and DEQ began working on these proposed rules in 2012. DEQ adopted their version in April 2015. LRAPA is not entirely aware of the timelines for the proposed quarry and has no regulatory authority to approve or deny any quarry or mine. Those decisions are made by the Oregon Department of Geology and Mineral Industries (DOGAMI), the Lane County Planning Commission, the Lane County Commissioners, and/or the Oregon Lane Use Board of Appeals (LUBA).

LRAPA is concerned with dust generation in the Oakridge area and all parts of Lane County. As mentioned above, LRAPA does not regulate the blasting or mining at quarries, but LRAPA can and does regulate industrial activity that may be associated with quarries by issuing permits with conditions to limit or reduce dusty emissions. Permits issued to aggregate industrial activities in Lane County include rock crushers, concrete batch plants, and asphalt plants. The particulate matter emitted from these sources relatively minor and are mostly “dust” with relatively coarse particle sizes (PM10) – not the fine particulate variety of “smoke” that is the source of the Oakridge nonattainment (PM2.5). For example, fine particulate (PM2.5) at typical rock crushing facility are only about 3-4% of the dust (PM10) generated. Aggregate industry sources would likely not have emissions of fine particulate at levels to be in the realm of the reattainment area proposed changes. All aggregate industrial sources permitted in Lane County have emissions less than the Significant Emission Rate for PM2.5 of 10 tons/year. Sources potentially affected by the proposed reattainment area rules would have emissions over 10 tons/year PM2.5.

LRAPA did not change the proposed rules in response to this comment.

Summary of Comments and LRAPA Responses

Category 7: Adjust industrial and commercial activity levels below which some categories of sources are exempt from permitting

Comment 1: LRAPA should establish a de minimis cutoff of 250 gallons/year for the surface coating category. Our company holds a Basic permit for our in-shop spray facility. In compliance with LRAPA, in March 2017, we reported application of 113 gallons of coatings with contents on the list of 633 reportable chemicals. We found 11 chemicals in quantities varying from 0.5 ounce to 3.75 gallons per year, a total of 18 gallons. Five of the 11 chemicals were reported in ounces per year. It cost us about 40 hours of staff time, valued at \$3,000, to discover this. We see no public or environmental benefit to warrant this substantial cost. We are supportive of the mission of LRAPA and proud of our own environmentally-conscious policies and practices. If LRAPA cannot simply match the DEQ cutoff of 250 gallons/month (3,000 gallons/year), we endorse an updated LRAPA de minimis cutoff of 250 gallons/year (only 12x more stringent) rather than the unnecessarily low end of the range at 100 gallons/year (30x more stringent). Please convey my comment to the Board and thanks to all for your efforts.

LRAPA received this comment from commenter number 1 listed in the Commenter section below.

Response 1:

*LRAPA requested comments on a range of 100 gallons/month to 250 gallons/month as de minimis cutoff levels for surface coating operations. LRAPA agrees with the comment and has changed the proposed rule to establish a **250 gallon/year** cutoff for the surface coating category in LRAPA Title 37, Table 1, Part A.7. This is still more stringent than the corresponding DEQ cutoff of **250 gallons/month** (emphasis added). Surface coating operations with actual or projected usages less than these amounts would not be required to obtain an air permit.*

Comment 2: LRAPA should add the following rules around the de minimis cutoff level provisions:

- Require a stringent neighborhood nuisance and trespass protocol. If there are more than 5 complaints from nearby residents per year, LRAPA will initiate an investigation into the air quality control practices and require modifications to reduce impacts to neighbors;
- Require that the facility submit a bi-annual report of their invoices for surface coating products and a production schedule; and
- Review the facility's exemption status every two years to determine that the facility remains under the 100 gallons/year threshold.

Summary of Comments and LRAPA Responses

Category 7: Adjust industrial and commercial activity levels below which some categories of sources are exempt from permitting

LRAPA received this comment from commenter number 9 listed in the Commenter section below.

Response 2:

LRAPA already has existing nuisance regulations in Title 49 and investigates all complaints received. As part of the implementation of the proposed rules, LRAPA plans to periodically review coating usages to ensure the exempt facilities continue to qualify for the exemption.

LRAPA did not change the rule based upon this comment.

Comment 3: The commenter objects to the proposed cutoff for sawmills and other board products facilities of 5,000 board feet per maximum 8 hour finish product because the rule doesn't specify differences between a sawmill and some wood products facilities that emit other kinds of VOC's and HAP's (for example a veneer plant). Also, these facilities can be required to report and control their emissions because LRAPA must have the means to determine who is polluting, how much they are polluting, how their pollution impacts vulnerable nearby neighborhoods and how pollution from small sources contributes to overall levels of air toxics in Lane County. If the issue is that the 7 – 9 businesses are unable to pay permit fees, could LRAPA explore reducing the fee structure for very small manufacturers rather than eliminating the need to have a permit?

LRAPA received this comment from commenter number 9 listed in the Commenter section below.

Response 3:

The existing and proposed regulations continue to require permits for many types of wood products sources of all sizes. For example, Table 1 in Title 37 requires a permit for "Plywood manufacturing and/or veneer drying" (Part B.57) – regardless of production levels or size. The specific category proposed to be changed is for "Sawmills and/or planing mills and/or millwork and/or wood furniture and fixtures manufacturing". Numerous sources regulated under that activity (Title 37, Table 1, Part A.9) have been reporting to LRAPA for many years (since the 1990's at least) and we have extensive experience inspecting the facilities. LRAPA believes these are generally very small sources with nearly negligible amounts of sawdust emission (large particulate matter). As has been done historically, the Agency will continue to respond to all complaints received about unpermitted facilities, and the rules continue to allow us to require permits for sources of concern (Title 37, Table 1, Part B.74 – "All other sources not listed

Summary of Comments and LRAPA Responses

Category 7: Adjust industrial and commercial activity levels below which some categories of sources are exempt from permitting

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”).

The fees for the affected sources are the smallest fees paid by facilities (only gas stations have less annual fees). Additionally, the fees are only part of the problem faced by these small sources; they also have difficulty compiling production records and take a relatively large amount of limited staff time to follow up on late reports and late fee payments. Lowering the fees would potentially not cover the cost of staff time to administer the permitting program for those sources. The proposed change will allow LRAPA to focus our limited resources on more significant air quality issues while still retaining the ability to have oversight and require permitting should future concerns arise.

LRAPA did not change the rule based upon this comment.

Comment 4: The commenter supports including waterborne solutions in the wood preserving permitting requirements. However, wood preservation involves chemicals that are highly volatile and noxious, as well as dangerous to public health. LRAPA should not exclude any wood preserving facility from the requirement to have a permit. The proposal doesn't recognize that emissions from wood preserving facilities, even if in relatively small quantities compared to a Title V source, can contribute to cumulative deterioration of local air quality as well as nuisance odors.

LRAPA received this comment from commenter number 9 listed in the Commenter section below.

Response 4:

LRAPA agrees that wood preserving sources using waterborne solutions should be subject to permitting, and that wood preservation involves chemicals that volatilize and can be toxic at levels of significance. However, LRAPA prefers to focus on sources with emissions of greater significance and does not want to intentionally subject very small commercial activities that may include wood preservation using minor quantities of waterborne solutions to unnecessary permitting. The odor complaints received by LRAPA that are attributed to wood preserving sources are almost entirely due the use of oil-based wood preservatives. The specific compound(s) associated with waterborne solutions (e.g. methanol) may contribute to ozone formation, but LRAPA believes the proposed cutoff level of 1 ton/year allows us to focus the Agency's limited resources on sources of concern while still protecting air quality.

Summary of Comments and LRAPA Responses

Category 7: Adjust industrial and commercial activity levels below which some categories of sources are exempt from permitting

LRAPA did not change the rule based upon this comment.

Summary of Comments and LRAPA Responses

Category 8: Increase Air Contaminant Discharge Permit (ACDP) fees by 10% and change the annual increase from the Consumer Price Index (CPI) to 4%.

Comment 1: The commenter supports the proposal to increase fees for ACDP permits to cover the cost of implementing air quality regulations.

LRAPA received this comment from commenters number 9 listed in the Commenter section below.

Response:

LRAPA appreciates the comments received. LRAPA did not change the proposed rules in response to this comment.

Summary of Comments and LRAPA Responses

Category 9: Public Notice

Comment 1: LRAPA should provide additional time to allow the public more opportunity to review and comment on the proposed rule changes. LRAPA needs to slow down and allow more time for the public to comment.

LRAPA received this comment from commenter number 7 listed in the Commenter section below.

Response 1:

At their December 7, 2017 meeting the Board reopened the comment period at their meeting from December 8 until December 29, 2017 at 5:00pm to provide additional time for comment. The public comment period was set to close November 8, 2017 at 5:00pm, however, oral comments were allowed at the November 9, 2017 12:30pm Board meeting.

Comment 2: LRAPA should hold meetings so interested public can attend and learn about the proposed rule changes.

LRAPA received this comment from commenter number 7 listed in the Commenter section below.

Summary of Comments and LRAPA Responses

Category 9: Public Notice

Response 2:

Almost all of these proposed rules were established by DEQ in their corresponding rulemaking adopted by the EQC in April 2015. Because many of the rules adopted by the State increased the stringency of the rule and took effect immediately in Lane County upon adoption, LRAPA has been implementing most of these proposed rule changes since they were adopted in April 2015. LRAPA worked very closely with DEQ during their rulemaking to ensure LRAPA stakeholders and interested parties in Lane County were notified of, and had opportunity to comment on, changes that would likely affect the stringency and consistency of LRAPA's corresponding rules. So that LRAPA's stakeholders and interested parties were notified and made aware of the opportunity for comment and information, LRAPA provided to DEQ a list of 240 interested parties and stakeholders which they included in their email notifications. DEQ also presented to the LRAPA Board of Directors and to the Citizen's Advisory Committee.

LRAPA provided opportunity for the public to hear information and learn about the proposed rules at the following public meetings:

- *Request for reopening the written comment period at the December 7, 2017 Board meeting*
- *LRAPA Citizen's Advisory Committee December 5, 2017 Meeting*
- *Public Hearing at the November 9, 2017 LRAPA Board Meeting*
- *Request for Hearing Authorization at the September 14, 2017 LRAPA Board Meeting*
- *LRAPA Citizen's Advisory Committee July 25, 2017 Meeting*
- *LRAPA Citizen's Advisory Committee May 30, 2017 Meeting*
- *DEQ Public Hearing on their version of these rules (Covered categories 1 through 4, and 6) held at the LRAPA office in Springfield on July 16, 2014 from 6 p.m. to 7:30 p.m. (and five other locations around the state)*
- *DEQ presentation at the June 23, 2014 LRAPA Board Meeting*
- *DEQ presentation at the April 29, 2014 LRAPA Citizen's Advisory Committee Meeting*
- *DEQ presentation at the August 7, 2013 Stakeholder meeting in Eugene (and other locations around the state)*

Summary of Comments and LRAPA Responses

Category 10: Other Comments

Comment 1: LRAPA must acknowledge that the Oregon DEQ is working to implement the Cleaner Air Oregon (CAO) rules, which seek to make public health the basis for air quality regulations. The DEQ staff have put countless hours into

Summary of Comments and LRAPA Responses

Category 10: Other Comments

writing draft rules to strengthen all aspects of emissions reporting, monitoring, analysis of cumulative emission impacts, technological requirements to reduce air toxics and community inclusion in decision-making. The DEQ's counterpart in Lane County, LRAPA, should be striving for the same goals and doing everything possible to support and align itself with Cleaner Air Oregon. Our comments reflect our belief that Oregon will continue to move in the direction of promoting and regulating for cleaner air, less carbon emissions and improved public health outcomes.

LRAPA received this comment from commenters number 9 listed in the Commenter section below.

Response 1:

LRAPA appreciates the comments received and acknowledges that DEQ is doing and has done extensive work to draft and propose the CAO rules. If the EQC adopts CAO, LRAPA will need to consider LRAPA-specific rule changes; Staff expects the LRAPA Board will ask the Citizen Advisory Committee to review any proposals prior to any LRAPA public hearing or adoption process.

LRAPA did not change the proposed rules in response to this comment.

Commenters

Comments received by close of public comment period

The table below lists 14 people and organizations that submitted public comments about the proposed rules by the deadline on Wednesday, November 8, 2017, at 5 pm, at the hearing on Thursday, November 9, 2017 at 12:30pm or by the reopened comment period deadline of Friday December 29, 2017. Original comments are on file with LRAPA.

List of Commenters				
#	Name	Organization	Means in Which Comment Was Submitted	Commenter submitted comments under the following categories in the <i>Summary of comments and LRAPA responses</i> section above
1	Ron Saylor	Saylor Painting	Written comment received by November 8, 2017 at 5:00pm	7 (Surface coating source de minimis cutoff)
2	Rich Angstrom	Oregon Concrete & Aggregate Producers Association	Written comment received by November 8, 2017 at 5:00pm	2 (Fugitive emissions and stockpile covering)
3	James Neu	None	Written comment received by November 8, 2017 at 5:00pm	0 (Greenhouse gas permitting)
4	Laura Allen	None	Written comment received by November 8, 2017 at 5:00pm	0 (Greenhouse gas permitting)
5	Zach Mulholland	350 Eugene	Oral testimony at the November 9, 2017 public hearing at 12:30pm and Written comment received by	0 (Greenhouse gas permitting)

List of Commenters

#	Name	Organization	Means in Which Comment Was Submitted	Commenter submitted comments under the following categories in the <i>Summary of comments and LRAPA responses</i> section above
			December 29, 2017 at 5:00pm	
6	Libby Morrison	Wildish Sand & Gravel and Aggregate Resource Industry	Oral testimony at the November 9, 2017 public hearing at 12:30pm	2 (Fugitive emissions and stockpile covering)
7	Mysti Frost	Beyond Toxics	Oral testimony at the November 9, 2017 public hearing at 12:30pm	9 (Public notice)
8	Lon Otterby	Many Rivers Group Oregon Sierra Club	Written comment received by December 29, 2017 at 5:00pm	5 (Oakridge Reattainment Area designation)
9	Lisa Arkin	Beyond Toxics	Written comment received by December 29, 2017 at 5:00pm	0 (Greenhouse gas permitting), 1 (Clarify and update air quality rules), 2 (Update particulate matter standards), 4 (Establish two new air quality area designations), 5 (Oakridge Reattainment Area designation), 7 (Adjust industrial and commercial activity levels below which some categories are exempt from permitting), and 8 (ACDP fee increase)

List of Commenters

#	Name	Organization	Means in Which Comment Was Submitted	Commenter submitted comments under the following categories in the <i>Summary of comments and LRAPA responses</i> section above
10	Parry Pierce	None	Written comment received by December 29, 2017 at 5:00pm	5 (Oakridge Reattainment Area designation)
11	Trudy Hammond	None	Written comment received by December 29, 2017 at 5:00pm	5 (Oakridge Reattainment Area designation)
12	Diana Gerding	None	Written comment received by December 29, 2017 at 5:00pm	5 (Oakridge Reattainment Area designation)
13	Linda McMahon	Save TV Butte and None (two separate emails)	Written comment received by December 29, 2017 at 5:00pm	4 (Establish two new air quality area designations), and 5 (Oakridge Reattainment Area designation)
14	Michael T. Williams	None	Written comment received by December 29, 2017 at 5:00pm	4 (Establish two new air quality area designations)

Implementation

Notification

The proposed rules would become effective upon filing on approximately March 23, 2018. DEQ would notify Lane Regional Protection Agency by email.

Compliance and enforcement

- DEQ staff - DEQ would submit the rules to the U.S. Environmental Protection Agency as a revision to the Oregon State Implementation Plan.

Five-year review

ORS 183.405

Requirement

Oregon law requires DEQ to review new rules within five years after EQC adopts them. The law also exempts some rules from review. DEQ determined whether the rules described in this report are subject to the five-year review. DEQ based its analysis on the law in effect when EQC adopted these rules.

Exemption from five-year rule review

The Administrative Procedures Act exempts all of the proposed rules from the five-year review because the proposed rules would:

- Amend or repeal an existing rule. ORS 183.405(4).

DEQ Draft Rules – With Edits Highlighted

Key to Identifying Changed Text:

~~Deleted Text~~

New/inserted text

Text deleted from one location - and moved to another location

DEPARTMENT OF ENVIRONMENTAL QUALITY

GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

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 under the FCAA, 42 U.S.C.A 7401 to 7671q.

(2) Except as provided in section (3), revisions to the SIP will be made under the EQC's rulemaking procedures in OAR 340 division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the EPA for approval. The SIP was last modified by the EQC on ~~July 12~~March 21-22, 2017~~8~~.

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

(a) Submit to the EPA 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; and

(b) Approve the standards submitted by LRAPA if LRAPA adopts verbatim, other than non-substantive differences, any standard that the EQC has adopted, and submit the standards to EPA for approval as a SIP revision.

(4) Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the EPA. If any provision of the federally approved State Implementation Plan conflicts with any provision adopted by the EQC, DEQ must enforce the more stringent provision.

Statutory/Other Authority: ORS 468.020 & 468A

Statutes/Other Implemented: ORS 468A.035 & 468A.135

History:

DEQ 7-2017, f. & cert. ef. 7-13-17

DEQ 35, f. 2-3-72, ef. 2-15-72; DEQ 54, f. 6-21-73, ef. 7-1-73; DEQ 19-1979, f. & ef. 6-25-79; DEQ 21-1979, f. & ef. 7-2-79; DEQ 22-1980, f. & ef. 9-26-80; DEQ 11-1981, f. & ef. 3-26-81; DEQ 14-1982, f. & ef. 7-21-82; DEQ 21-1982, f. & ef. 10-27-82; DEQ 1-1983, f. & ef. 1-21-83; DEQ 6-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 25-1984, f. & ef. 11-27-84; DEQ 3-1985, f. & ef. 2-1-85; DEQ 12-1985, f. & ef. 9-30-85; DEQ 5-1986, f. & ef. 2-21-86; DEQ 10-1986, f. & ef. 5-9-86; DEQ 20-1986, f. & ef. 11-7-86; DEQ 21-1986, f. & ef. 11-7-86; DEQ 4-1987, f. & ef. 3-2-87; DEQ 5-1987, f. & ef. 3-2-87; DEQ 8-1987, f. & ef. 4-23-87; DEQ 21-1987, f. & ef. 12-16-87; DEQ 31-1988, f. 12-20-88, cert. ef. 12-23-88; DEQ 2-1991, f. & cert. ef. 2-14-91; DEQ 19-1991, f. & cert. ef. 11-13-91; DEQ 20-1991, f. & cert. ef. 11-13-91; DEQ 21-1991, f. & cert. ef. 11-13-91; DEQ 22-1991, f. & cert. ef. 11-13-91; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 24-1991, f. & cert. ef. 11-13-91; DEQ 25-1991, f. & cert. ef. 11-13-91; DEQ 1-1992, f. & cert. ef. 2-4-92; DEQ 3-1992, f. & cert. ef. 2-4-92; DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 19-1992, f. & cert. ef. 8-11-92; DEQ 20-1992, f. & cert. ef. 8-11-92; DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92; DEQ 26-1992, f. & cert. ef. 11-2-92; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 8-1993, f. & cert. ef. 5-11-93; DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 15-1993, f. & cert. ef. 11-4-93; DEQ 16-1993, f. & cert. ef. 11-4-93; DEQ 17-1993, f. & cert. ef. 11-4-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 1-1994, f. & cert. ef. 1-3-94; DEQ 5-1994, f. & cert. ef. 3-21-94; DEQ 14-1994, f. & cert. ef. 5-31-94; DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94; DEQ 25-1994, f. & cert. ef. 11-2-94; DEQ 9-1995, f. & cert. ef. 5-1-95; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 17-1995, f. & cert. ef. 7-12-95; DEQ 19-1995, f. & cert. ef. 9-1-95; DEQ 20-1995 (Temp), f. & cert. ef. 9-14-95; DEQ 8-1996(Temp), f. & cert. ef. 6-3-96; DEQ 15-1996, f. & cert. ef. 8-14-96; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 23-1996, f. & cert. ef. 11-4-96; DEQ 24-1996, f. & cert. ef. 11-26-96; DEQ 10-1998, f. & cert. ef. 6-22-98; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 17-1998, f. & cert. ef. 9-23-98; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 21-1998, f. & cert. ef. 10-12-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 5-1999, f. & cert. ef. 3-25-99; DEQ 6-1999, f. & cert. ef. 5-21-99; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0047; DEQ 15-1999, f. & cert. ef. 10-22-99; DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01; DEQ 6-2000, f. & cert. ef. 5-22-00; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 13-2000, f. & cert. ef. 7-28-00; DEQ 16-2000, f. & cert. ef. 10-25-00; DEQ 17-2000, f. & cert. ef. 10-25-00; DEQ 20-2000 f. & cert. ef. 12-15-00; DEQ 21-2000, f. & cert. ef. 12-15-00; DEQ 2-2001, f. & cert. ef. 2-5-01; DEQ 4-2001, f. & cert. ef. 3-27-01; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 15-2001, f. & cert. ef. 12-26-01; DEQ 16-2001, f. & cert. ef. 12-26-01; DEQ 17-2001, f. & cert. ef. 12-28-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 5-2002, f. & cert. ef. 5-3-02; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 5-2003, f. & cert. ef. 2-6-03; DEQ 14-2003, f. & cert. ef. 10-24-03; DEQ 19-2003, f. & cert. ef. 12-12-03; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 10-2004, f. & cert. ef. 12-15-04; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 7-2005, f. & cert. ef. 7-12-05; DEQ 9-2005, f. & cert. ef. 9-9-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 4-2007, f. & cert. ef. 6-28-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 5-2008, f. & cert. ef. 3-20-08; DEQ 11-2008, f. & cert. ef. 8-29-08; DEQ 12-2008, f. & cert. ef. 9-17-08; DEQ 14-2008, f. & cert. ef. 11-10-08; DEQ 15-2008, f. & cert. ef. 12-31-08; DEQ 3-2009, f. & cert. ef. 6-30-09; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 2-2010, f. & cert. ef. 3-5-10; DEQ 5-

2010, f. & cert. ef. 5-21-10; DEQ 14-2010, f. & cert. ef. 12-10-10; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 2-2011, f. 3-10-11, cert. ef. 3-15-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 18-2011, f. & cert. ef. 12-21-11; DEQ 1-2012, f. & cert. ef. 5-17-12; DEQ 7-2012, f. & cert. ef. 12-10-12; DEQ 10-2012, f. & cert. ef. 12-11-12; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 11-2013, f. & cert. ef. 11-7-13; DEQ 12-2013, f. & cert. ef. 12-19-13; DEQ 1-2014, f. & cert. ef. 1-6-14; DEQ 4-2014, f. & cert. ef. 3-31-14; DEQ 5-2014, f. & cert. ef. 3-31-14; DEQ 6-2014, f. & cert. ef. 3-31-14; DEQ 7-2014, f. & cert. ef. 6-26-14; DEQ 6-2015, f. & cert. ef. 4-16-15; DEQ 7-2015, f. & cert. ef. 4-16-15; DEQ 10-2015, f. & cert. ef. 10-16-15; DEQ 14-2015, f. & cert. ef. 12-10-15; DEQ 2-2017, f. & cert. ef. 1-19-17

LRAPA Draft Rules – With Edits Highlighted

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~~ title shall apply to all other LRAPA rules and regulations. Definitions that are included in any other LRAPA title are specific to that ~~Title~~ title and shall not apply to any other titles, rules or regulations.
- ~~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.~~
- (2) 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.
- (3) 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.
- (4) ~~The Lane Regional Air Protection Agency~~ LRAPA administers the air pollution control regulations listed in ~~T~~ 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 or~~ “FCAA” means s the Federal Clean Air Act, (42 U.S.C.A. §7401 et seq., as amended by Public Law 101.549 Stat 2399) to 7671q.
- “Activity” means any process, operation, action or reaction (e.g., chemical) at a source that emits a regulated pollutant.
- ~~9. “Actual Emissions” means the mass rate of emissions of a regulated pollutant from an emissions source during a specified time period as set forth in titles 34 and 42. 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) of this subsection and subsection B. of this section, actual emissions equal the average rate at which the source actually emitted the pollutant during an applicable 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 applicable baseline period if it is within 10 percent of the actual emissions calculated under paragraph (1) of this subsection.~~
- ~~• Actual emissions equal the potential to emit of the source for the sources listed in paragraphs i. through iii. of this paragraph. The actual emissions will be reset if required in accordance with subsection C. of this section.~~
 - ~~○ Any source or part of a source that had not begun normal operations during the applicable baseline period but was approved to construct and operate before or during the baseline period in accordance with LRAPA title 34, or~~
 - ~~○ Any source or part of a source of greenhouse gases that had not begun normal operations prior to January 1, 2010, but was approved to construct and operate prior to January 1, 2011 in accordance with LRAPA title 34, or~~
 - ~~○ Any source or part of a source that had not begun normal operations during the applicable baseline period and was not required to obtain approval to construct and operate before or during the applicable baseline period.~~
- ~~B. For any source or part of a source that had not begun normal operations during the applicable baseline period, but was approved to construct and operate in accordance with LRAPA title 38, actual emissions on the date the permit is issued equal the potential to emit of the source. The actual emissions will be reset if required in accordance with subsection C. of this section.~~
- ~~C. Where actual emissions equal potential to emit under paragraph A(3) or subsection B of this section, the potential emissions will be reset to actual emissions as follows:~~
- ~~• Paragraphs (1) through (4) of this subsection apply to sources whose actual emissions of greenhouse gas emissions were determined pursuant to paragraph A(3), and to all other sources of all other regulated pollutants that are permitted in accordance with title 38 on or after May 1, 2011.~~
 - ~~• Except as provided in paragraph (4) of this subsection, ten years from the end of the applicable baseline period under paragraph A.(3) or ten years from the date the permit is issued under subsection B, or an earlier time if requested by the source in a permit application involving public notice, LRAPA will reset actual emissions to equal the highest actual emission rate during any consecutive 12-month period during the ten year period or any shorter period if requested by the source.~~
 - ~~• Any emission reductions achieved due to enforceable permit conditions based on Section 32-006 and 32-007 (highest and best practicable treatment and control) are not included in the reset calculation required in paragraph (2) of this subsection.~~
 - ~~• LRAPA may extend the date of resetting by five additional years upon satisfactory demonstration by the source that construction is ongoing or normal operation has not yet been achieved.~~
- ~~D. 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.~~
- ~~E. 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” as used in the definitions of “major source” and “source” in 37-0070, 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
 - ~~A.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~~ 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~~ FCAA, ~~Stratospheric Ozone Protection~~;
 - B. 500 pounds for PM₁₀ in a PM₁₀ nonattainment area;
 - C. 500 pounds for PM_{2.5} in a PM_{2.5} nonattainment area;
 - D. 120 pounds for lead;
 - E. 600 pounds for fluorides;
 - 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~~ 40 CFR 68.130, or 1,000 pounds;

G. an aggregate of 5,000 pounds for all ~~Hazardous~~ hazardous Air-air Pollutants ~~pollutants~~;

H. 2,756 tons CO₂e (short tons) of ~~GHGs~~ greenhouse gases.

- "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~~ contaminant" or "Air ~~Pollutant~~ 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, dust, fume, aerosol, gas, mist, odor, smoke, vapor, pollen, soot, carbon, ~~acids~~ acid, any regulated pollutant 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" or "ACDP" means a written ~~permit~~ authorization issued, renewed, amended, or revised by LRAPA, ~~in accordance with~~ pursuant to 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~~ which is not a reference or equivalent method but which has been demonstrated to LRAPA's satisfaction to, in specific cases, produce results adequate for determination of compliance. The alternative method must comply with the intent of the rules, is at least equivalent in objectivity and reliability to the uniform recognized procedures, and is demonstrated to be reproducible, selective, sensitive, accurate, and applicable to the program. Notwithstanding, the EPA must approve a An alternative method used to meet an applicable federal requirement for which a reference method is specified must be approved by EPA unless ~~the~~ EPA has delegated authority for the approval to LRAPA.

- "Ambient ~~Air~~air" means the ~~air that surrounds the earth, excluding the volume of gases contained within any building or structure~~portion of the atmosphere, external to buildings, to which the general public has access.

- "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 ~~Aet~~FCAA that implements the relevant requirements of the ~~Aet~~FCAA, including any revisions to that plan promulgated in 40 CFR ~~Part-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 ~~Aet~~FCAA (NSPS), including section 111(d);
 - H. Any standard or other requirement under section 112 of the ~~Aet~~FCAA (HAPs), including any requirement concerning accident prevention under section 112(r)(7) of the ~~Aet~~FCAA (Accidental Release Prevention);
 - I. Any standard or other requirement of the acid rain program under Title IV of the ~~Aet~~FCAA 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 ~~Aet~~ [FCAA](#) (Federal Enforcement; compliance certification);
 - K. Any standard or other requirement under section 126(a)(1) and (c) (PSD) of the ~~Aet~~ [FCAA](#);
 - L. Any standard or other requirement governing solid waste incineration, under section 129 of the ~~Aet~~ [FCAA](#) (Solid Waste Combustion);
 - M. Any standard or other requirement for consumer and commercial products, under section 183(e) of the ~~Aet~~ [FCAA](#) (Federal ozone measures);
 - N. Any standard or other requirement for tank vessels, under section 183(f) of the ~~Aet~~ [FCAA](#);
 - O. Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the ~~Aet~~ [FCAA](#);
 - P. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the ~~Aet~~ [FCAA](#), 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 ~~Aet~~ [FCAA](#), but only as it would apply to temporary sources permitted pursuant to section 504(e) of the ~~Aet~~ [FCAA](#).
- ~~22~~“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 in~~ 40 CFR ~~Part-part~~ [52](#), ~~Subpart-subpart~~ [MM](#)).
 - ~~“Assessable Emission” means a unit of emissions for which the owner or operator of the major source will be assessed a fee. It includes an emission of a pollutant defined in OAR 340-220-0060, Oregon Title V Operating Permit Fees from emission devices or activities and processes within a major source.~~
 - ~~“ASTM” means the American Society for Testing Materials.~~
 - ~~“Attainment area” or “unclassified area” means an area that has not otherwise been designated by EPA as nonattainment with ambient air quality standards for a particular regulated pollutant. Attainment areas or unclassified areas may also be referred to as sustainment or maintenance areas as designated in LRAPA title 29. Any particular location may be part of an attainment area or unclassified area for one regulated pollutant while also being in a different type of designated area for another regulated pollutant.~~
 - ~~“Attainment pollutant” means a pollutant for which an area is designated an attainment or unclassified area.~~

- "Baseline ~~Emission~~ emission Rate" means the ~~average~~ actual emission rate during a baseline period as determined under LRAPA title 42.

- ~~Baseline emission rate shall not include increases due to voluntary fuel switches or increased hours of operation that have occurred after that baseline period.~~

- ~~A baseline emission rate will only be established for regulated pollutants subject to title 38 as specified in the definition of regulated pollutant. A baseline emission rate will not be established for PM_{2.5}.~~

- ~~The baseline emission rate for GHGs, on a CO₂e basis, will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.~~

- ~~For a pollutant that becomes a regulated pollutant subject to title 38 after May 1, 2011, the initial baseline emission rate is the actual emissions of that pollutant during any consecutive 12 month period within the 24 months immediately preceding its designation as a regulated pollutant if a baseline period has not been defined for the pollutant.~~

- ~~The baseline emission rate will be recalculated if actual emissions are reset in accordance with the definition of actual emissions.~~

~~Once the baseline emission rate has been established or recalculated in accordance with subsection D. of this section, the production basis for the baseline emission rate may only be changed if a material mistake or an inaccurate statement was made in establishing the production basis for baseline emission ra~~

- "Baseline Period" means the period used to determine the baseline emission rate for each regulated pollutant under LRAPA title 42.

~~A. For any regulated pollutant other than 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. Any consecutive 12 calendar month period during calendar years 2000 through 2010 for GHGs.~~

- "Best Available Control Technology" or ("~~BACT~~") means an emissions limitation, including, but not limited to, a visible emission standard, based on the maximum degree of reduction of each air contaminant subject to regulation under the FCAA which would be emitted from any proposed major source or major modification which, on a case-by-case basis taking into account (considering energy, environmental, and economic impacts) and other costs, is achievable for each pollutant, on a case-by-case basis, for such source or modification through ~~the~~ application of production processes and available methods, systems, and techniques, including fuel cleaning, or treatment or innovative fuel combustion techniques for control of such air contaminant. ~~The federal definition of BACT requires that BACT limits be no less stringent than any emission standard promulgated under NSPS and NESHAPS. In no event may the application of BACT result in emissions of any air contaminant that would exceed the emissions allowed in any applicable new source performance standard or any standard for hazardous air pollutant.~~ 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.

- "Biomass" means non-fossilized and biodegradable organic material originating from plants, animals, and micro-organisms, including products, byproducts, residues and waste from agriculture, forestry, and related industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic matter.

- "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 efficiency" means the amount of regulated pollutant collected and routed to an air pollution control device divided by the amount of total emissions generated by the process being controlled.
 - "Capture ~~System~~ system" means the equipment, ~~(including but not limited to hoods, ducts, fans, and booths)~~ used to contain, capture and transport a regulated pollutant to a control device.
 - "Carbon dioxide equivalent" or "CO₂e" means an amount of greenhouse gas or gases expressed as the equivalent amount of carbon dioxide, and ~~shall be~~ is computed by multiplying the mass of each of the greenhouse gases by the global warming potential published for each gas at 40 CFR ~~Part~~ 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 regulated pollutant emitting activities principally supporting the source or the major industrial group. Categorically insignificant activities must comply with all applicable requirements.
 - A. ~~constituents~~ Constituents of a chemical mixture present at less than 1 ~~%~~ percent by weight of any chemical or compound regulated under OAR Chapter 340, ~~Divisions~~ divisions 218 and 220, and LRAPA ~~Titles~~ titles 12 through 51 or less than 0.1 ~~%~~ percent 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~~ Evaporative and tail pipe emissions from on-site motor vehicle operation;
 - C. ~~distillate~~ Distillate oil, kerosene, and gasoline~~—, natural gas or propane burning equipment, provided the aggregate expected actual emissions of the equipment identified as categorically insignificant do not exceed the de minimis level for any regulated pollutant, based on the expected maximum annual operation of the equipment. If a source's expected emissions from all such equipment exceed the de minimis levels, then the source may identify a subgroup of such equipment as categorically insignificant with the remainder not categorically insignificant. The following equipment may never be included as categorically insignificant:~~
 - (1) Any individual distillate oil, kerosene or gasoline burning equipment with a rating greater than ~~fuel burning equipment rated at less than or equal to~~ 0.4 million Btu/hour;

~~D.~~—(2) Any individual natural gas ~~and or~~ propane burning equipment with a rated rating at less greater than or equal to 2.0 million Btu/hour;

- D. Distillate oil, kerosene, gasoline, natural gas or propane burning equipment brought on site for six months or less for maintenance, construction or similar purposes, such as but not limited to generators, pumps, hot water pressure washers and space heaters, provided that any such equipment that performs the same function as the permanent equipment, must be operated within the source's existing PSEL;
- E. ~~office~~-Office activities;
- F. ~~food~~-Food service activities;
- G. ~~janitorial~~-Janitorial activities;
- H. ~~personal~~-Personal care activities;
- I. ~~groundskeeping~~-Groundskeeping activities including, but not limited to building painting and road and parking lot maintenance;
- J. ~~on~~On-site laundry activities;
- K. ~~on~~On-site recreation facilities;
- L. ~~instrument~~-Instrument calibration;
- M. ~~maintenance~~-Maintenance and repair shop;
- N. ~~automotive~~-Automotive repair shops or storage garages;
- O. ~~air~~-Air cooling or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;
- P. ~~refrigeration~~-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~~-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~~-Temporary construction activities;
- S. ~~warehouse~~-Warehouse activities;
- T. ~~accidental~~-Accidental fires;
- U. ~~air~~-Air vents from air compressors;
- V. ~~air~~-Air purification systems;
- W. ~~continuous~~-Continuous emissions monitoring vent lines;

- X. ~~demineralized~~-Demineralized water tanks;
- Y. ~~pre~~Pre-treatment of municipal water, including use of deionized water purification systems;
- Z. ~~electrical~~-Electrical charging stations;
- AA. ~~fire~~-Fire brigade training;
- BB. ~~instrument~~-Instrument air dryers and distribution;
- CC. ~~process~~-Process raw water filtration systems;
- DD. ~~pharmaceutical~~-Pharmaceutical packaging;
- EE. ~~fire~~-Fire suppression;
- FF. ~~blueprint~~-Blueprint making;
- GG. ~~routine~~-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~~-Electric motors;
- II. ~~storage~~-Storage tanks, reservoirs, transfer and lubricating equipment used exclusively for ASTM grade distillate or residual fuels, lubricants, and hydraulic fluids;
- JJ. ~~on~~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~~-Natural gas, propane, and liquefied petroleum gas (LPG) storage tanks and transfer equipment;
- LL. ~~pressurized~~-Pressurized tanks containing gaseous compounds;
- MM. ~~vacuum~~-Vacuum sheet stacker vents;
- NN. ~~emissions~~-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~~-Log ponds;
- PP. ~~storm~~-Storm water settling basins;
- QQ. ~~fire~~-Fire suppression and training;
- RR. ~~paved~~-Paved roads and paved parking lots within an urban growth boundary;

- SS. ~~hazardous~~Hazardous air pollutant emissions ~~of in~~ 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~~Health, safety, and emergency response activities;
- UU. ~~emergency~~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-, provided that the aggregate horsepower rating of all stationary emergency generator and pump engines is not more than 3,000 horsepower. If the aggregate horsepower rating of all stationary emergency generator and pump engines is more than 3,000 horsepower, then no emergency generators and pumps at the source may be considered categorically insignificant as determined by LRAPA or the Department;
- VV. ~~non~~Non-contact steam vents and leaks and safety and relief valves for boiler steam distribution systems;
- WW. ~~non~~Non-contact steam condensate flash tanks;
- XX. ~~non~~Non-contact steam vents on condensate receivers, deaerators and similar equipment;
- YY. ~~boiler~~Boiler blowdown tanks;
- ZZ. ~~industrial~~Industrial cooling towers that do not use chromium-based water treatment chemicals;
- AAA. ~~ash~~Ash piles maintained in a wetted condition and associated handling systems and activities;
- BBB. Uncontrolled oil/water separators in effluent treatment systems, excluding systems with a throughput of more than 400,000 gallons per year of effluent located at the following sources;
- (1) Petroleum refineries;
- (2) Sources that perform 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; or
- (3) Bulk gasoline plants, bulk gasoline terminals, and pipeline facilities;
- CCC. ~~combustion~~Combustion source flame safety purging on startup;
- DDD. ~~broke~~Broke beaters, pulp and repulping tanks, stock chests and pulp handling equipment, excluding thickening equipment and repulpers;
- EEE. ~~stock~~Stock cleaning and pressurized pulp washing, excluding open stock washing systems; and
- FFF. ~~white~~White water storage tanks.

- “Certifying ~~Individual~~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" or “PSD Class I area” means any ~~federal~~Federal, ~~state~~State, or Indian reservation land which is classified or reclassified as a Class I area under LRAPA title 29.
 - ~~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.~~
- “Class II area” or “PSD Class II area” means any land which is classified or reclassified as a Class II area under LRAPA title 29.
- “Class III area” or “PSD Class III area” means any land which is reclassified as a Class III area under LRAPA title 29.
- “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~~FCAA 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~~process ~~Rate~~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":

A. -Except as provided in subsection B. means any physical change including, but not limited to, fabrication, erection, installation, ~~demolition,~~ or modification of a ~~facility~~source or part of a source, ~~building or emission unit,~~ or

• B. As used in LRAPA title 38 means any physical change including, but not limited to, fabrication, erection, installation, demolition, or modification of an emissions unit, or in method of operation of a source which would result in a change in actual emissions.

- "Continuous compliance determination method" means a method, specified by the applicable standard or an applicable permit condition, which:

A. Is used to determine compliance with an emission limitation or standard on a continuous basis, consistent with the averaging period established for the emission limitation or standard; and

B. Provides data either in units of the standard or correlated directly with the compliance limit.

• ~~"Contingency Measures" means specific identified measures in an implementation plan 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-Continuous Monitoring~~monitoring system" 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 as specified in the DEQ Continuous Monitoring Manual, and includes continuous emission monitoring systems, continuous opacity monitoring system (COMS) and continuous parameter monitoring systems.

• ~~"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~~device" means equipment, other than inherent process equipment, that is used to destroy or remove a regulated 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 regulated pollutants from forming, such as the use of seals, lids, or roofs to prevent the release of regulated 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 regulated pollutant-specific emissions unit, then that definition will be binding for purposes of ~~Section~~ 35-0200 through 35-0280.

- “Control efficiency” means the product of the capture and removal efficiencies.
- “Criteria pPollutant” means any of the following regulated pollutants: nitrogen oxides, volatile organic compounds, particulate matter, PM₁₀, PM_{2.5}, sulfur dioxide, carbon monoxide, ~~or~~ and lead.
- “Data” means the results of any type of monitoring or method, including the results of instrumental or non-instrumental monitoring, emission calculations, manual sampling procedures, recordkeeping procedures, or any other form of information collection procedure used in connection with any type of monitoring or method.
- “Day” means a 24-hour period beginning at 12:00 a.m. midnight or a 24-hour period as specified in a permit.
- “Department” means the Oregon Department of Environmental Quality.

- “De minimis emission level” means [the level for the regulated pollutants listed below](#):

Pollutant	De minimis (tons/year, except as noted)
GHG (CO ₂ e)	2,756 (short tons)
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(measured as nonmethane organic compounds)	1
Single HAP	1
Combined HAP (aggregate)	1

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

- ["Department" or "DEQ" means the Oregon Department of Environmental Quality.](#)
- ["DEQ method \[#\]" means the sampling method and protocols for measuring a regulated pollutant as described in the DEQ Source Sampling Manual.](#)
- ["Designated area" means an area that has been designated as an attainment, unclassified, sustainment, nonattainment, reattainment, or maintenance area under LRAPA title 29 or applicable provisions of the FCAA.](#)
- ["Destruction efficiency" means removal efficiency.](#)
- ["Device" means any machine, equipment, raw material, product, or byproduct at a source that produces or emits a regulated pollutant.](#)
- "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, [depending on the context.](#)
- "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.](#)

- "Draft permit" means the version of an LRAPA Title V Operating Permit for which LRAPA offers public participation under OAR 340-218-0210 or the EPA and affected State review under OAR 340-218-0230.
- "Dry ~~Standard-standard~~ ~~Cubic-cubic~~ ~~Foot-foot~~" means the amount of gas that would occupy a volume of one cubic foot, if the gas were 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).~~
- "Effective date of the program" means the date that the EPA approves the Oregon Title V Operating Permit program submitted by DEQ on a full or interim basis. In case of a partial approval, the "effective date of the program" for each portion of the program is the date of the EPA approval of that portion.
- "Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency does not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
- "Emission" means a release into the ~~ambient air~~atmosphere of any regulated pollutant ~~of or~~ air contaminants.
- "Emission ~~Estimate-estimate~~ ~~Adjustment-adjustment~~ ~~Factor-factor~~" or ("~~EEAF~~") means an adjustment applied to an emission factor to account for the relative inaccuracy of the emission factor.
- "Emission ~~Factor-factor~~" means an estimate of the rate at which a regulated 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).
- "Emission ~~Limitation-limitation~~" or "Emission ~~Standard-standard~~" or "Emission limitation or standard" means:
 - A. ~~Except as provided in subsection B.,~~ a requirement established by a ~~State~~state, local government, or the EPA which limits the quantity, rate, or concentration of emissions of regulated 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.
 - 9.B. As used in LRAPA 35-0200 through 35-0280, any applicable requirement that constitutes an emission limitation, emission standard, standard of performance or means of emission limitation as defined under the FCAA. An emission limitation or standard may be expressed in terms of the pollutant, expressed either as a specific quantity, rate or concentration of emissions, e.g., pounds of SO₂ per hour, pounds of SO₂ per million British thermal units of fuel input, kilograms of VOC per liter of applied coating solids, or

parts per million by volume of SO₂, or as the relationship of uncontrolled to controlled emissions, e.g., percentage capture and destruction efficiency of VOC or percentage reduction of SO₂. An emission limitation or standard may also be expressed either as a work practice, process or control device parameter, or other form of specific design, equipment, operational, or operation and maintenance requirement. For purposes of LRAPA 35-0200 through 35-0280, an emission limitation or standard does not include general operation requirements that an owner or operator may be required to meet, such as requirements to obtain a permit, operate and maintain sources using good air pollution control practices, develop and maintain a malfunction abatement plan, keep records, submit reports, or conduct monitoring.

- "Emission ~~Reduction~~reduction ~~Credit~~credit ~~Banking~~banking" means to presently reserve, subject to requirements of LRAPA ~~Title~~title 41, Emission Reduction Credits, emission reductions for use by the reserver or assignee for future compliance with air pollution reduction requirements.
- "Emission ~~Reporting~~reporting ~~Form~~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~~unit" means any part or activity of a source (~~including specific process equipment~~) ~~which~~that emits or ~~would have~~has the potential to emit any regulated air pollutant.

~~A.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 regulated 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~~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~~The emissions from the emissions unit are quantifiable.
- B. Emissions units may be defined on a regulated pollutant-by-~~regulated~~-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)~~LRAPA titles 34 and 38, 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~~ described in Title 40 CFR of the Code of Federal Regulations, Part ~~part~~ 60, Appendix A-4, 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~~ a regulated 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 emissions₂ (or opacity)₂ are greater than the applicable emission limitation or standard₁ (or less than the applicable standard in the case of a percent reduction requirement)₁, 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.

~~9. "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~~

- "Excursion" means a departure from an indicator range established for monitoring under 35-0200 through 35-0280 and OAR 340-218-0050(3)(a), consistent with any averaging period specified for averaging the results of the monitoring.
- "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 any source listed in subsections A or D below:

A. A source with potential to emit:

(1) 100 tons per year or more of any individual regulated pollutant, excluding greenhouse gases and hazardous air pollutants listed in LRAPA title 44 if in a source category listed in subsection C, or

(2) 250 tons per year or more of any individual regulated pollutant, excluding greenhouse gases and hazardous air pollutants listed in LRAPA title 44, if not in a source category listed in subsection C.

B. Calculations for determining a source's potential to emit for purposes of subsections A. and D. must include the following:

(1) Fugitive emissions and insignificant activity emissions; and

(2) Increases or decreases due to a new or modified source.

~~• C. Source categories: any individual regulated pollutant, excluding hazardous air pollutants listed in LRAPA Title 44, greater than or equal to 100 tons per year if in a source category listed below, or for non-listed sources 250 tons per year. In addition, for GHGs, a federal major source must also have the potential to emit CO₂e greater than or equal to 100,000 tons per year. The fugitive emissions and insignificant activity 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 and may include emission decreases.~~

~~(a1) Fossil fuel-fired steam electric plants of more than 250 million BTU/hour heat input;~~

~~(b2) Coal cleaning plants with thermal dryers;~~

~~(c3) Kraft pulp mills;~~

~~(d4) Portland cement plants;~~

~~(e5) Primary Zinc Smelters;~~

~~(f6) Iron and Steel Mill Plants;~~

~~(g7) Primary aluminum ore reduction plants;~~

- (~~h~~8) Primary copper smelters;
- (~~i~~9) Municipal Incinerators capable of charging more than 50 tons of refuse per day;
- (~~j~~10) Hydrofluoric acid plants;
- (~~k~~11) Sulfuric acid plants;
- (~~l~~12) Nitric acid plants;
- (~~m~~13) Petroleum Refineries;
- (~~n~~14) Lime plants;
- (~~o~~15) Phosphate rock processing plants;
- (~~p~~16) Coke oven batteries;
- (~~q~~17) Sulfur recovery plants;
- (~~r~~18) Carbon black plants, furnace process;
- (~~s~~19) Primary lead smelters;
- (~~t~~20) Fuel conversion plants;
- (~~u~~21) Sintering plants;
- (~~v~~22) Secondary metal production plants;
- (~~w~~23) Chemical process plants, excluding ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;
- (~~x~~24) Fossil fuel fired boilers, or combinations thereof, totaling more than 250 million BTU per hour heat input;
- (~~y~~25) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (~~z~~26) Taconite ore processing plants;
- (~~aa~~27) Glass fiber processing plants;
- (~~bb~~28) Charcoal production plants.

D. A major stationary source as defined in part D of Title I of the FCAA, including:

(1) For ozone nonattainment areas, sources with the potential to emit 100 tons per year or more of VOCs or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tons per year or more in areas classified as "serious," 25 tons per year or more in areas classified as "severe," and 10 tons per year or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 tons per year 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 FCAA, that requirements under section 182(f) of the FCAA do not apply;

(2) For ozone transport regions established pursuant to section 184 of the FCAA, sources with the potential to emit 50 tons per year or more of VOCs;

(3) For carbon monoxide nonattainment areas that are classified as "serious" and 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 tons per year or more of carbon monoxide.

(4) For PM10 nonattainment areas classified as "serious," sources with the potential to emit 70 tons per year or more of PM10.

~~• "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.

• "Final permit" means the version of an Oregon or LRAPA Title V Operating Permit issued by DEQ or LRAPA that has completed all review procedures required by OAR 340-218-0120 through 340-218-0240.

• "Form" means a paper or electronic form developed by DEQ or LRAPA.

• "Fuel burning equipment" means equipment, other than internal combustion engines, the principal purpose of which is to produce heat or power by indirect heat transfer.

• "Fugitive Emissions";

A. Except as used in subsection B., means those emissions of any air contaminant which could escape to the atmosphere from any point or area that is not reasonably pass through identifiable as a stack, chimney, vent, duct, or other functionally equivalent opening.

• B. As used to define a major Oregon Title V Operating Permit program source, 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 [LRAPA](#) or Oregon Title V Operating Permit established under OAR 340-218-0090.

• “Generic PSEL” means [the levels for the regulated pollutants below](#):

Pollutant	Generic PSEL (tons/year, except as noted)
GHG (CO ₂ e)	74,000 (short tons)
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 (measured as nonmethane organic compounds)	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 ~~Gases~~[gases](#)”, “GHGs”, or “GHG” means the aggregate group of [the following](#) six ~~greenhouse~~ gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride. Each gas is also individually a greenhouse gas. The definition of greenhouse gases in this section does not include, for purposes of [LRAPA](#) title 37, OAR 340 division 218, and [LRAPA](#) title 38, carbon dioxide emissions from the combustion or decomposition of biomass except to the extent required by federal law.
- "Growth ~~Allowance~~[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” or (“HAP”) means an air pollutant listed by the EPA pursuant to Section 112(b) of the FCAA or determined by the ~~Commission~~ EQC or Board 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.~~
- 9. ~~"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.~~
- 10. ~~"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.~~
- 11. ~~"Immediately,"~~ means as soon as possible but in no case more than one hour after a source knew or should have known of an excess emission period. ~~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.~~
- "Indian governing body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.
- "Indian reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.
- "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 in 35-0200 through 35-0280, inherent process equipment is not considered a control device.
- "Insignificant ~~Activity~~ activity" means an activity or emission that LRAPA has designated as categorically insignificant, or that meets the criteria of aggregate insignificant emissions.

- "Insignificant ~~Change~~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 re-designation 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.
- "Internal combustion engine" means stationary gas turbines and reciprocating internal combustion engines.
- ~~"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~~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.~~
- "Liquefied petroleum gas" has the meaning given by the American Society for Testing and Materials in ASTM D1835-82, "Standard Specification for Liquid Petroleum Gases."
- "Lowest Achievable Emission Rate" ~~or ("LAER")~~ means that rate of emissions which reflects:
 - ~~A. The~~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~~the most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent. The application of this term cannot permit 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.

~~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~~area" means any area that was formerly nonattainment for a criteria pollutant but has since met the ambient air quality standard, and EPA has approved a maintenance plan to comply the standards pursuant to 40 CFR 51.110. Maintenance areas are designated by the LRAPA Board according to title 29.~~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~~pollutant" means a regulated 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 satisfying the requirements of both subsections A and B, or subsection C below for any regulated air pollutant. Major modifications for ozone precursors or PM_{2.5} precursors are also major modifications of ozone and PM_{2.5}, respectively.[38-0025](#).
- "Major New Source Review" or "Major NSR" means the new source review process and requirements under 38-0010 through 38-0070 and 38-0500 through 38-0540 based on the location and regulated pollutants emitted.
- ~~- A. Except as provided in subsection D. of this section, a PSEL that exceeds the netting basis by an amount that is equal to or greater than the significant emission rate.
 - B. The accumulation of emission increases due to physical changes and changes in the method of operation as determined in accordance with paragraphs B.1 and B.2 is equal to or greater than the a significant emission rate.
 - 1. Calculations of emission increases in subsection B. of this section 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 or were permitted or approved to construct in accordance with OAR 340 title 34 during the applicable baseline period are not included, except if the increased use is to support a physical change or change in the method of operation.
 - C. 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 in nonattainment or maintenance areas or a federal major source in attainment or unclassified areas, if the source obtained permits to construct and operate after the applicable baseline period but has not undergone New Source Review.
 - 1. Subsection C. of this section does not apply to PM_{2.5} and GHGs.
 - 2. Changes to the PSEL solely due to the availability of better emissions information are exempt from being considered an increase.
 - D. If a portion of the netting basis or PSEL (or both) was set based on PTE because the source had not begun normal operations but was permitted or approved to construct and operate, that portion of the netting basis or PSEL (or both) must be excluded from the tests in subsections A. and B. of this section until the netting basis is reset as specified in the definitions of baseline emission rate and netting basis.
 - E. The following are not considered major modifications:
 - 1. Except as provided in subsection C. of this section, 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;
 - 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.~~

~~a.~~ "Major Source":

- A. Except as provided in subsection B. ~~of this section~~, means a source that emits, or has the potential to emit, any regulated air pollutant at a Significant Emission Rate. The fugitive emissions and insignificant activity emissions of a stationary source are considered in determining whether it is a major source. Potential to emit calculations must include emission increases due to a new or modified source and may include emission decreases.
- B. As used in LRAPA ~~Title 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 S~~section 37-0066 Standard ACDPs, ~~and LRAPA title 33, Emission Standards for Specific Industries,~~ 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), or (4) 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 regulated pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same ~~Major major Group 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) For ~~HAPs~~ hazardous air pollutants other than radionuclides, 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 that has been listed pursuant to ~~Section section~~ 44-020; 25 tpy tons per year or more of any combination of such hazardous air pollutants, unless the Administrator establishes a lesser quantity. Emissions from any oil or gas exploration or production well, along with its associated equipment, and emissions from any pipeline compressor or pump station will not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or
 - (ii) For radionuclides, "major source" will have the meaning specified by the Administrator by rule.
 - (2) A major stationary source of air-regulated pollutants, as defined in section 302 of the ~~Act~~ FCAA, that directly emits or has the potential to emit 100 tpy tons per year

or more of any regulated air pollutant, except [greenhouse gases](#) **GHGs**, including any major source of fugitive emissions of any such [regulated](#) 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](#) **FCAA**, unless the source belongs to one of the following categories of stationary sources:

- (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, [excluding ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140](#);
- (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~~[FCAA](#), but only with respect to those air pollutants that have been regulated for that category.

(3) ~~Beginning~~ [From](#) July 1, 2011 [through November 6, 2014](#), a major stationary source of ~~air~~[regulated](#) pollutants, as defined by Section 302 of the ~~Act~~[FCAA](#), that directly emits or has the potential to emit 100 [tons per year](#) or more of GHGs and directly emits or has the potential to emit 100,000 [tons per year](#) or more CO_{2e}, including fugitive emissions.

~~(4) 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 of this subsection to 100, 50, 25, and 10 tpy of nitrogen oxides do not apply with respect to any source for which the Administrator has made a finding, under section 182(f)(1) or (2) of the Act, that requirements under section 182(f) of the Act do not apply;~~
- ~~(ii) For ozone transport regions established pursuant to section 184 of the Act, sources with the potential to emit 50 tpy or more of VOCs;~~
- ~~(iii) For carbon monoxide nonattainment areas:

 - ~~(I) That are classified as "serious;" and~~
 - ~~(II) In which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tpy or more of carbon monoxide.~~~~
- ~~(iv) For particulate matter (PM₁₀) nonattainment areas classified as "serious," sources with the potential to emit 70 tpy or more of PM₁₀.~~

- "Material ~~Balance~~[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 terms "major modification", "[permit modification](#)" and "[Title I modification](#)", means any physical change to, or change in the method of operation of, a ~~stationary~~ source [or part of a source](#) that results in an increase in the [source's or part of a 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 or part of a 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 or part of a source by using component upgrades that would not otherwise be necessary for the ~~stationary~~ source or part of a 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.A.~~ A.A. Continuous emission or opacity monitoring systems.
- ~~B.B.~~ B.B. –Continuous process, capture system, control device or other relevant parameter monitoring systems or procedures, including a predictive emission monitoring system.
- ~~C.C.~~ C.C. Emission estimation and calculation procedures (e.g., mass balance or stoichiometric calculations).
- ~~D.D.~~ D.D. Maintaining and analyzing records of fuel or raw materials usage.
- ~~E.E.~~ E.E. Recording results of a program or protocol to conduct specific operation and maintenance procedures.
- ~~F.F.~~ F.F. -Verifying emissions, process parameters, capture system parameters, or control device parameters using portable or in situ measurement devices.
- ~~G.G.~~ G.G. Visible emission observations and recording.
- ~~H.H.~~ H.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.

● "Natural gas" means a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal component is methane.

● ~~“Netting Basisbasis” means the baseline an emission rate determined as specified in 42-0046. 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 MINUS any emissions reductions required by subsection G. of this section:~~

- ~~• A netting basis will only be established for regulated pollutants subject to title 38 as specified in the definition of regulated pollutant.~~
- ~~• The initial PM_{2.5} netting basis and PSEL for a source that was permitted prior to May 1, 2011 will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.~~
- ~~○ The initial netting basis is the PM_{2.5} fraction of the PM₁₀ netting basis in effect on May 1, 2011. LRAPA may increase the initial PM_{2.5} netting basis by up to 5 tons if necessary to avoid exceedance of the PM_{2.5} significant emission rate as of May 1, 2011.~~
- ~~○ Notwithstanding Section 42-0041-2, the initial source specific PSEL for a source with PTE greater than or equal to the SER will be set equal to the PM_{2.5} fraction of the PM₁₀ PSEL.~~
- ~~• The initial GHG netting basis and PSEL for a source will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.~~

~~D. Netting basis is zero for:~~

- ~~1. Any regulated pollutant emitted from a source that first obtained a permits to construct 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; or~~
- ~~4. Any source with a netting basis calculation resulting in a negative number.~~

~~E. 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.~~

~~F. 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.~~

- ~~• For permits issued after May 1, 2011 under New Source Review regulations in title 38, and where the netting basis initially equaled the potential to emit for a new or modified source, the netting basis will be reduced in accordance with the definition of actual emissions. Notwithstanding Section 42-0041-2, this adjustment does not require a reduction in the PSEL.~~

- ~~• Emission reductions required by rule do not include emissions reductions achieved under Section 32-006 and Section 32-007.~~

~~I. 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:~~

- ~~• J. 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~~[oxides](#)" or "NO_x" means all oxides of nitrogen except nitrous oxide.

- "Nonattainment ~~Area~~[area](#)" means a geographical area within the jurisdiction of the Agency, as designated by the Board, the ~~Environmental Quality Commission~~[EQC](#), or the ~~Environmental Protection Agency~~[EPA](#) which exceeds any federal, state or local primary or secondary

ambient air quality standard. [Nonattainment areas are designated by the Board according to LRAPA title 29 or by the EQC according to division 204.](#)

- "Nonattainment ~~Pollutant~~[pollutant](#)" means a [regulated](#) pollutant for which an area is designated a nonattainment area. [Nonattainment areas are designated by the Board according to LRAPA title 29 or by the EQC according to division 204.](#)
- "Normal ~~Source-source~~[Operation](#)[operation](#)" means operations ~~which do~~[that 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~~[an air contaminant that affects](#) the sense of smell.
- "Offset" means an equivalent or greater emission reduction that is required before allowing an emission increase from ~~a a proposed major source or major modification of an existing source that is subject to Major NSR or State NSR.~~
- "Opacity" means the degree to which ~~an emissions, excluding uncombined water,~~ reduces transmission of light and obscures the view of an object in the background as measured ~~in accordance with Section 35-0120 and 35-0140. Unless otherwise specified by rule, opacity shall be measured in accordance with~~[by EPA Method 9-203B or other method, as specified in each applicable rule.](#) ~~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", ["Title V Permit"](#), or "LRAPA Title V Operating Permit" means ~~any written permit authorization 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-operating Permit-permit~~ program" [or "Title V program"](#) means ~~a the Oregon program described in OAR division 218 and approved by the Administrator under 40 CFR Part-part~~ 70.
- "Oregon Title V ~~Operating-operating Permit-permit~~ program source" ["Title V program source"](#) means any source subject to the permitting requirements, OAR 340 division 218.
- "Ozone ~~Precursor~~[precursor](#)" means nitrogen oxides and volatile organic compounds ~~as measured by an applicable reference method in accordance with the ODEQ's Source Sampling Manual (January, 1992) or as measured by an EPA reference method in 40 CFR Part 60, appendix A or as measured by a material balance calculation for VOC as appropriate.~~

- "Ozone ~~Season~~season" means the contiguous 3 month period during which ozone exceedances typically occur, (i.e., June, July, and August).
- "Particleboard" means mat-formed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.
- ~~"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 Mattermatter" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by the test method specified within thein each applicable rule, or where not specified by rule, in the permit. 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 "means an Air Contaminant Discharge Permit" ~~means a written permit issued by LRAPA, pursuant to LRAPA and DEQ rules and regulations~~ or an LRAPA Title V Operating Permit.
- "Permit modification" means a permit revision that meets the applicable requirements of LRAPA title 37, title 38, or OAR 340-218-0160 through 340-218-0180.
- "Permit revision" means any permit modification or administrative permit amendment.
- "Permitted emissions" as used in OAR 340 division 220 means each regulated pollutant portion of the PSEL, as identified in an ACDP, LRAPA or Oregon Title V Operating Permit, review report, or by DEQ pursuant to OAR 340-220-0090.
- "Permittee" means the owner or operator of ~~the facility~~ facility source, authorized to emit regulated pollutants under by thean Air Contaminant Discharge Permit or the Oregon or LRAPA Title V Operating Permit ~~to operate the source.~~
- "Person" means ~~any~~ individuals, ~~public or private~~ corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, ~~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~~ the State of Oregon and any agencies thereof, and the federal government and any agencies thereof.
- "Plant Site Emission Limit" or ("PSEL)" means the total mass emissions per unit time of an individual ~~air~~ regulated pollutant specified in a permit for a source. The PSEL for a major

source may consist of more than one ~~assessable-permitted~~ emission for purposes of Oregon Title V Operating Permit Fees in OAR 340 division 220.

- “Plywood” means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it.

- “PM₁₀”:

A. When used in the context of emissions, means emissions of finely divided solid or liquid material, including condensable particulate, 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 the test method specified in each applicable rule or, where not specified in rule, in each individual permit.

- ~~(11)~~ B. ~~When~~ When used in the context of ambient concentration, means ~~particulate matter~~ finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured ~~in accordance with~~ under 40 CFR part 53-50 Subpart, Appendix J or an equivalent method designated under 40 CFR part 53.

~~(12) “PM₁₀ 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.~~

- ~~(13)~~ • “PM_{2.5}” means:

- A. When used in the context of direct PM_{2.5} 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 the test method specified in each applicable rule or, where not specified by rule, in each individual permit. ~~EPA reference methods 201A and 202 in 40 CFR Part 51, appendix M.~~

- B. When used in the context of PM_{2.5} precursor emissions, means sulfur dioxide (SO₂) and nitrogen oxides (~~NO_x~~ NO_x) emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit ~~by an EPA reference method in 40 CFR Part 60, appendix A.~~

- C. When used in the context of ambient concentration, means airborne finely divided solid or liquid material ~~particles~~ with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured ~~by a reference method based on~~ under 40 CFR Part-part 50, Appendix L, or an equivalent method designated in accordance with ~~under 40 CFR Part-part 53.~~

- “PM_{2.5} fraction” means the emissions weighted average of the fraction of PM_{2.5} in relation to PM₁₀ for each emissions unit that is included in the netting basis and PSEL.

- “Pollutant-specific emissions unit” means an emissions unit considered separately with respect to each regulated pollutant.

- “Portable” means designed and capable of being carried or moved from one location to another. Indicia of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

(a) “Potential to emit” or “PTE” means the lesser of:

~~A.A.~~ The regulated pollutant emissions capacity of a stationary source; or

~~B.B.~~ The maximum allowable regulated pollutant emissions taking into consideration any physical or operational limitation, including ~~the air pollution control equipment~~ use of control devices 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.C.~~ This definition does not alter or affect the use of this term for any other purposes under the ~~Aet FCAA~~ or the term "capacity factor" as used in Title IV of the ~~Aet FCAA~~ and the regulations promulgated thereunder. Secondary emissions are not considered in determining the potential to emit.

- “ppm” means parts per million by volume unless otherwise specified in the applicable rule or an individual permit. 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.

- “Predictive emission monitoring system” or “PEMS” means a system that uses process and other parameters as inputs to a computer program or other data reduction system to produce values in terms of the applicable emission limitation or standard.

- “Press/cooling vent” means any opening through which particulate and gaseous emissions from plywood, particleboard, or hardboard manufacturing are exhausted, either by natural draft or powered fan, from the building housing the process. Such openings are generally located immediately above the board press, board unloader, or board cooling area.

- ~~“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.

- “Proposed permit” means the version of an LRAPA Title V Operating Permit that LRAPA proposes to issue and forwards to the Administrator for review in compliance with OAR 340-218-0230.

- “Reattainment area” means an area that is designated as nonattainment and has three consecutive years of monitoring data that shows the area is meeting the ambient air quality

standard for the regulated pollutant for which the area was designated a nonattainment area, but a formal redesignation by EPA has not yet been approved. Reattainment areas are designated by the EQC according to division 204 and LRAPA according to title 29.

- “Reattainment pollutant” means a regulated pollutant for which an area is designated a reattainment area.
- "Reference method" means any method of sampling and analyzing for ~~an air~~ regulated pollutant as specified in 40 CFR ~~Part~~ part 52, 60, 61 or 63.
- "Regional Agency" means the Lane Regional Air Protection Agency

~~(b)~~• "Regulated air pollutant" or "Regulated Pollutant":

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

~~1.~~1) Nitrogen oxides or any VOCs;

~~2.~~2) Any pollutant for which an ~~national~~ ambient air quality standard has been promulgated, including precursors of such pollutants;

~~3.~~3) Any pollutant that is subject to any standard promulgated under section 111 of the ~~Aet~~ FCAA;

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

~~5.~~5) Any pollutant listed under ~~LRAPA Title 44, Section~~ 44-020 or ~~44-160~~ 40 CFR 68.130; and

~~6.~~6) ~~GHGs~~ Greenhouse gases.

~~B.B.~~ As used in OAR 340 division 220, Oregon Title V Operating Permit Fees, regulated pollutant means ~~particulates~~ particulate matter, volatile organic compounds, oxides of nitrogen and sulfur dioxide:

~~C.C.~~ As used in LRAPA ~~title~~ title 42, Plant Site Emission Limits, and title 38, New Source Review, regulated pollutant does not include any pollutant listed in ~~titles~~ LRAPA titles 44 and 46, unless the pollutant is listed in the Significant Emission Rate (SER) table in this Title.

- “Removal efficiency” means the performance of an air pollution control device in terms of the ratio of the amount of the regulated pollutant removed from the airstream to the total amount of regulated pollutant that enters the air pollution control device.
- "Renewal" means the process by which a permit is reissued at the end of its term.
- "Residual ~~Fuel~~ fuel Oil" means any oil meeting the specifications of ASTM Grade 4, Grade 5 or Grade 6 fuel oils.

(e) "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 DEQ or ~~Lane Regional Air Protection Agency~~ LRAPA.

• 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 LRAPA ~~Title~~-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 EPA (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~~ FCAA or the regulations promulgated there under are concerned; and

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

• "Reviewing ~~Agency~~ agency", where found in the federal rule, means LRAPA, the ~~Department~~ DEQ, or the EPA, as applicable.

(~~d~~) "Secondary ~~Emissions~~ 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.~~ A. Emissions from ships and trains coming to or from a facility;

~~B.~~ 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, 42 U.S.C. § 7411, ~~-that~~ which includes Standards of Performance for New Stationary Sources (NSPS).

- "Section 111(d)" means subsection 111(d) of the FCAA, 42 U.S.C. § 7411(d), which requires states to submit to the EPA plans that establish standards of performance for existing sources and provides for implementing and enforcing such standards.
- "Section 112" means section 112 of the FCAA, 42 U.S.C. § 7412, which contains regulations for Hazardous Air Pollutants.
- "Section 112(b)" means that subsection of the FCAA, 42 U.S.C. § 7412(b), which~~that~~ includes the list of hazardous air pollutants to be regulated.
- "Section 112(d)" means ~~that~~ subsection of the FCAA, 42 U.S.C. § 7412(d), which ~~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, 42 U.S.C. § 7412(e), which ~~that~~ directs the EPA to establish and promulgate emissions standards for categories and subcategories of sources that emit Hazardous Air Pollutants.
- "Section 112(r)(7)" means subsection 112(r)(7) of the FCAA, 42 U.S.C. § 7412(r)(7), which requires the EPA to promulgate regulations for the prevention of accidental releases and requires owners or operators to prepare risk management plans.
- "Section 114(a)(3)" means subsection 114(a)(3) of the FCAA, 42 U.S.C. § 7414(a)(3), which requires enhanced monitoring and submission of compliance certifications for major sources.
- ~~"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, 42 U.S.C. § 7429, which~~that~~ requires EPA to promulgate regulations for solid waste combustion.
- "Section 129(e)" means subsection 129(e) of the FCAA, 42 U.S.C. § 7429(e), which requires solid waste incineration units to obtain LRAPA Title V Operating Permits.
- "Section 182(f)" means subsection 182(f) of the FCAA, 42 U.S.C. § 7511a(f), which requires states to include plan provisions in the SIP for NO_x in ozone nonattainment areas.
- "Section 182(f)(1)" means subsection 182(f)(1) of the FCAA, 42 U.S.C. § 7511a(f)(1), which requires states to apply those plan provisions developed for major VOC sources and major NO_x sources in ozone nonattainment areas.
- "Section 183(e)" means subsection 183(e) of the FCAA, 42 U.S.C. § 7511b(e), which requires the EPA to study and develop regulations for the control of certain VOC sources under federal ozone measures.

- "Section 183(f)" means subsection 183(f) of the FCAA, 42 U.S.C. § 7511b(f), which requires the EPA to develop regulations pertaining to tank vessels under federal ozone measures.
- "Section 184" means section 184 of the FCAA, 42 U.S.C. § 7511c, which contains regulations for the control of interstate ozone air pollution.
- "Section 302" means section 302 of the FCAA, 42 U.S.C. § 7602, which contains definitions for general and administrative purposes in the FCAA.
- "Section 302(j)" means subsection 302(j) of the FCAA, 42 U.S.C. § 7602(j), which contains definitions of "major stationary source" and "major emitting facility."
- "Section 328" means section 328 of the FCAA, 42 U.S.C. § 7627, which contains regulations for air pollution from outer continental shelf activities.
- "Section 408(a)" means subsection 408(a) of the FCAA, 42 U.S.C. § 7651g(a), which contains regulations for the Title IV permit program.
- (e) • "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 FCAA Title I modification.
- "Section 504(b)" means subsection 504(b) of the FCAA, 42 U.S.C. § 7661c(b), which states that the EPA can prescribe by rule procedures and methods for determining compliance and for monitoring.
- "Section 504(e)" means subsection 504(e) of the FCAA, 42 U.S.C. § 761c(e), which contains regulations for permit requirements for temporary sources.
- "Significant ~~Emission~~ ~~emission~~ ~~Rate~~ ~~rate~~" or "SER," except as provided in subsections ~~A~~ ~~A~~ and ~~B~~ ~~and B~~ ~~of this section~~, means an emission rate equal to or greater than the rates specified for the regulated pollutants in ~~in~~ Table 2 ~~below~~:

<u>TABLE 2</u> <u>LRAPA Title 12</u> <u>SIGNIFICANT EMISSION RATES FOR POLLUTANTS REGULATED</u> <u>UNDER THE CLEAN AIR ACT</u>		
	<u>Pollutant</u>	<u>Emission Rate</u>
(a)	<u>Greenhouse gases (CO₂e)</u>	<u>75,000</u> <u>tons/yea</u> <u>r</u>

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

	<u>Pollutant</u>	<u>Emission Rate</u>
(b)	<u>Carbon monoxide except as noted in row (c) below</u>	<u>100 tons/year</u>
(c)	<u>Carbon monoxide in a serious nonattainment area, provided LRAPA has determined that stationary sources contribute significantly to carbon monoxide levels in that area</u>	<u>50 tons/year</u>
(d)	<u>Nitrogen oxides (NO_x)</u>	<u>40 tons/year</u>
(e)	<u>Particulate matter</u>	<u>25 tons/year</u>
(f)	<u>PM₁₀</u>	<u>15 tons/year</u>
(g)	<u>Direct PM_{2.5}</u>	<u>10 tons/year</u>
(h)	<u>PM_{2.5} precursors (NO_x or SO₂)</u>	<u>40 tons/year</u>
(i)	<u>Sulfur dioxide (SO₂)</u>	<u>40 tons/year</u>
(j)	<u>Ozone precursors (VOC or NO_x), except as noted in rows (k) and (l), below:</u>	<u>40 tons/year</u>
(k)	<u>Ozone precursors in a serious or severe ozone nonattainment area</u>	<u>25 tons/year</u>
(l)	<u>Ozone precursors in an extreme ozone nonattainment area</u>	<u>Any emissions increase</u>
(m)	<u>Lead</u>	<u>0.6 ton/year</u>
(n)	<u>Fluorides</u>	<u>3 tons/year</u>
(o)	<u>Sulfuric acid mist</u>	<u>7 tons/year</u>

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

	<u>Pollutant</u>	<u>Emission Rate</u>
(p)	<u>Hydrogen sulfide</u>	<u>10 tons/yea</u> <u>r</u>
(q)	<u>Total reduced sulfur (including hydrogen sulfide)</u>	<u>10 tons/yea</u> <u>r</u>
(r)	<u>Reduced sulfur compounds (including hydrogen sulfide)</u>	<u>10 tons/yea</u> <u>r</u>
(s)	<u>Municipal waste combustor organics (measured as total tetra- through octa- chlorinated dibenzo-p-dioxins and dibenzofurans)</u>	<u>0.00000</u> <u>35 ton/year</u>
(t)	<u>Municipal waste combustor metals (measured as particulate matter)</u>	<u>15 tons/yea</u> <u>r</u>
(u)	<u>Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)</u>	<u>40 tons/yea</u> <u>r</u>
(v)	<u>Municipal solid waste landfill emissions (measured as nonmethane organic compounds)</u>	<u>50 tons/yea</u> <u>r</u>
(w)	<u>Ozone depleting substances in aggregate</u>	<u>100 tons/yea</u> <u>r</u>

- For the regulated pollutants not listed in Table 2 above, the SER is zero unless LRAPA or DEQ determines the rate constitutes a SER.

A.

- Any new source or modification with an emissions increase less than the rates specified above that is located within 10 kilometers of a Class I area, and would have an impact on such an area equal to or greater than 1 ug/m³ (24 hour average) is emitting at a SER. This subsection does not apply to greenhouse gas emissions. 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. B. ~~Any new source or modification with an emissions increase less than the rates specified in Table 2 or 3 associated with a new source or modification which would construct within 10 kilometers of a Class I area, and would have an impact on such area equal to or greater than 1 ug/m³ (24 hour average) is emitting at a significant emission rate. This provision does not apply to GHG emissions.~~

- "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~~significant impact level. ~~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-ozone Precursor impact Distance-distance~~ defined in LRAPA ~~Title-title~~ 40, ~~Section 40-0020~~.
- "Significant impact level" or "SIL" means the ambient air quality concentrations listed in Table 1 below. The threshold concentrations listed below are used for comparison against the ambient air quality standards and PSD increments established under OAR 340 division 202 or LRAPA title 50, but do not apply for protecting air quality related values, including visibility.

<u>TABLE 1</u>				
<u>LRAPA Title 12</u>				
<u>SIGNIFICANT AMBIENT AIR QUALITY IMPACT LEVEL WHICH IS EQUAL TO OR GREATER THAN:</u>				
<u>Pollutant</u>	<u>Averaging Time</u>	<u>Air Quality Area Designation</u>		
		<u>Class I</u>	<u>Class II</u>	<u>Class III</u>
<u>SO₂ (µg/m³)</u>	<u>Annual</u>	<u>0.10</u>	<u>1.0</u>	<u>1.0</u>
	<u>24-hour</u>	<u>0.20</u>	<u>5.0</u>	<u>5.0</u>
	<u>3-hour</u>	<u>1.0</u>	<u>25.0</u>	<u>25.0</u>
	<u>1-hour</u>	<u>---</u>	<u>8.0</u>	<u>---</u>
<u>PM₁₀ (µg/m³)</u>	<u>Annual</u>	<u>0.20</u>	<u>0.2</u>	<u>0.2</u>
	<u>24-hour</u>	<u>0.30</u>	<u>1.0</u>	<u>1.0</u>
<u>PM_{2.5} (µg/m³)</u>	<u>Annual</u>	<u>0.06</u>	<u>0.3</u>	<u>0.3</u>
	<u>24-hour</u>	<u>0.07</u>	<u>1.2</u>	<u>1.2</u>
<u>NO₂ (µg/m³)</u>	<u>Annual</u>	<u>0.10</u>	<u>1.0</u>	<u>1.0</u>
	<u>1-hour</u>	<u>---</u>	<u>8.0</u>	<u>---</u>
<u>CO (mg/m³)</u>	<u>8 hour</u>	<u>---</u>	<u>0.5</u>	<u>0.5</u>
	<u>1-hour</u>	<u>---</u>	<u>2.0</u>	<u>2.0</u>

- "Significant ~~Impairment~~impairment" occurs when LRAPA determines that 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 LRAPA will make this 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.

- 3. • "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~~ air contaminant 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.
4. "Source category":
- A. Except as provided in subsection B. ~~of this section~~, means all the regulated 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.~~ 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~~ DEQ determines are using similar raw materials and have equivalent process controls and pollution control ~~equipment~~ device.

- "Source ~~Test~~test" means the average of at least three test runs conducted ~~in accordance with~~under the ~~Department's~~DEQ'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~~conditions" means a gas temperature of sixty-eight (68) degrees Fahrenheit and a ~~gas~~pressure of ~~29.92 inches of mercury~~14.7 pounds per square inch absolute.
- ~~"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~~device is brought into normal operation ~~and or~~normal operation is terminated, respectively.
- "State Implementation Plan" or "SIP" means the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040 and approved by EPA.
- "State New Source Review" or "State NSR" means the new source review process and requirements under 38-0010 through 38-0038, 38-0245 through 38-0270 and 38-0500 through 38-0540 based on the location and regulated pollutants emitted.
- "Stationary Source" means any building, structure, facility, or installation at a source that emits or may emit any regulated pollutant. Stationary source includes portable sources that are required to have permits under LRAPA title 37.:
 - 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 DepartmentDEQ.

- "Substantial underpayment" means the lesser of 10 percent of the total interim emission fee for the major source or five hundred dollars.
- "Sustainment area" means a geographical area of the state for which LRAPA has ambient air quality monitoring data that shows an attainment or unclassified area could become a nonattainment area but a formal redesignation by EPA has not yet been approved. The presumptive geographic boundary of a sustainment area is the applicable urban growth boundary in effect on the date this rule was last approved by the Board, unless superseded by rule. Sustainment areas are designated by the Board according to LRAPA title 29.
- "Sustainment pollutant" means a regulated pollutant for which an area is designated a sustainment area.
- "Synthetic minor source" means a source that would be classified as a major source under LRAPA title 12, but for limits on its potential to emit regulated pollutants contained in an ACDP or Title V permit issued by LRAPA.
- (3)• "Title I modification" means one of the following modifications pursuant to Title I of the FCAA:
 - A. A major modification subject to ~~LRAPA Section~~ 38-0050, Requirements for Sources in Nonattainment Areas or Section 38-0055, Requirements for Sources in Reattainment Areas;
 - B. A major modification subject to ~~LRAPA Section~~ 38-0060, Requirements for Sources in Maintenance Areas;
 - C. A major modification subject to ~~LRAPA Section~~ 38-0070, Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas or Section 38-0045 Requirements for Sources in Sustainment Areas;
 - D. A modification that is subject to a New Source Performance Standard under Section 111 of the FCAA; or
 - A.E. A modification under Section 112 of the FCAA.
- "Total ~~Reduced-reduced Sulfur-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 (H₂S).
- "Type A State NSR" means State NSR as specified in 38-0010(2)(a).
- "Type B State NSR" means State NSR that is not Type A State NSR.
- "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~~ under 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.~~

- "Unassigned Emissions" means the amount of emissions that are in excess of the PSEL but less than the Netting Basis.
- "Unavoidable" or "could not be avoided" 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~~device.
- "Unclassified area" or "attainment area" means an area that has not otherwise been designated by EPA as nonattainment with ambient air quality standards for a particular regulated pollutant. Attainment areas or unclassified areas may also be referred to as sustainment or maintenance areas as designated in LRAPA title 29. Any particular location may be part of an attainment area or unclassified area for one regulated pollutant while also being in a different type of designated area for another regulated pollutant.

~~(4) "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~~ device or ~~process-operating~~ equipment ~~which that~~ may cause excess emissions.
- "Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log.
- "Veneer dryer" means equipment in which veneer is dried.
- "Visibility impairment" means any humanly perceptible change in visual range, contrast or coloration from that which existed under natural conditions. Natural conditions include fog, clouds, windblown dust, rain, sand, naturally ignited wildfires, and natural aerosols.
- "Volatile ~~Organic-organic Compound~~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~~:

- (1) methane;
- (2) ethane;

- [\(3\) methylene chloride \(dichloromethane\);](#)
- [\(4\) dimethyl carbonate; propylene carbonate;](#)
- [\(5\) 1,1,1-trichloroethane \(methyl chloroform\);](#)
- [\(6\) 1,1,2-trichloro-1,2,2-trifluoroethane \(CFC-113\);](#)
- [\(7\) trichlorofluoromethane \(CFC-11\);](#)
- [\(8\) dichlorodifluoromethane \(CFC-12\);](#)
- [\(9\) chlorodifluoromethane \(HCFC-22\);](#)
- [\(10\) trifluoromethane \(HFC-23\);](#)
- [\(11\) 1,2-dichloro-1,1,2,2-tetrafluoroethane \(CFC-114\);](#)
- [\(12\) chloropentafluoroethane \(CFC-115\);](#)
- [\(13\) 1,1,1-trifluoro-2,2-dichloroethane \(HCFC-123\);](#)
- [\(14\) 1.1.1.2-tetrafluoroethane \(HFC-134a\);](#)
- [\(15\) 1,1-dichloro-1-fluoroethane \(HCFC-141b\);](#)
- [\(16\) 1-chloro-1,1-difluoroethane \(HCFC-142b\);](#)
- [\(17\) 2-chloro-1,1,1,2-tetrafluoroethane \(HCFC-124\);](#)
- [\(18\) HCFC 225ca and cb;](#)
- [\(19\) HFC 43-10mee;](#)
- [\(20\) pentafluoroethane \[2\] \(HFC-125\);](#)
- [\(21\) 1,1,2,2-tetrafluoroethane \(HFC-134\);](#)
- [\(22\) 1,1,1-trifluoroethane \(HFC-143a\);](#)
- [\(23\) 1,1-difluoroethane \(HFC-152a\);](#)
- [\(24\) parachlorobenzotrifluoride \(PCBTF\);](#)
- [\(25\) cyclic, branched, or linear completely methylated siloxanes;](#)
- [\(26\) acetone;](#)
- [\(27\) perchloroethylene \(tetrachloroethylene\);](#)
- [\(28\) 3,3-dichloro-1,1,1,2,2-pentafluoropropane \(HCFC-225ca\);](#)
- [\(29\) 1,3-dichloro-1,1,2,2,3-pentafluoropropane \(HCFC-225cb\);](#)
- [\(30\) 1,1,1,2,3,4,4,5,5,5-decafluoropentane \(HFC 43-10mee\);](#)
- [\(31\) difluoromethane \(HFC-32\);](#)
- [\(32\) ethylfluoride \(HFC-161\);](#)
- [\(33\) 1,1,1,3,3,3-hexafluoropropane \(HFC-236fa\);](#)
- [\(34\) 1,1,2,2,3-pentafluoropropane \(HFC-245ca\);](#)
- [\(35\) 1,1,2,3,3-pentafluoropropane \(HFC-245ea\);](#)
- [\(36\) 1,1,1,2,3-pentafluoropropane \(HFC-245eb\);](#)
- [\(37\) 1,1,1,3,3-pentafluoropropane \(HFC-245fa\);](#)
- [\(38\) 1,1,1,2,3,3-hexafluoropropane \(HFC-236ea\);](#)
- [\(39\) 1,1,1,3,3-pentafluorobutane \(HFC-365mfc\);](#)
- [\(40\) chlorofluoromethane \(HCFC-31\);](#)
- [\(41\) 1 chloro-1-fluoroethane \(HCFC-151a\);](#)
- [\(42\) 1,2-dichloro-1,1,2-trifluoroethane \(HCFC-123a\);](#)
- [\(43\) 1,1,1,2,2,3,3,4-nonafluoro-4-methoxy-butane \(C₄F₉OCH₃\);](#)
- [\(44\) 2-\(difluoromethoxymethyl\)-1,1,1,2,3,3,3-heptafluoropropane \(\(CF₃\)₂CFCF₂OCH₃\);](#)
- [\(45\) 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane \(C₄F₉OC₂H₅\);](#)
- [\(46\) 2-\(ethoxydifluoromethyl\)-1,1,1,2,3,3,3-heptafluoropropane \(\(CF₃\)₂CFCF₂OC₂H₅\);](#)
- [\(47\) methyl acetate;](#)
- [\(48\) 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane \(n-C₃F₇OCH₃, HFE-7000\);](#)
- [\(49\) -3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-\(trifluoromethyl\) hexane \(HFE-7500\);](#)

- (50) -1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);
 (51) methyl formate (HCOOCH₃);
 (52) ~~(1) —————~~ 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300);
 (53) propylene carbonate;
 (54) dimethyl carbonate;
 (55) trans -1,3,3,3-tetrafluoropropene (also known as HFO-1234ze);
 (56) HCF₂ OCF₂ H (HFE-134);
 (57) HCF₂ OCF₂ OCF₂ H (HFE-236cal2);
 (58) HCF₂ OCF₂ CF₂ OCF₂ H (HFE-338pcc13);
 (59) HCF₂ OCF₂ OCF₂ CF₂ OCF₂ H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180));
 (60) trans 1-chloro-3,3,3-trifluoroprop-1-ene (also known as SolsticeTM 1233zd(E));
 (61) 2,3,3,3-tetrafluoropropene (also known as HFO-1234yf);
 (62) 2-amino-2-methyl-1-propanol;
 (63) T-Butyl Acetate (TBAC);
 (64) CHF₂CF₂OCH₂CF₃ (HFE-347pcf2); and
 (65) perfluorocarbon compounds which fall into these classes:
~~and perfluorocarbon compounds which fall into these classes:~~

- (1i) Cyclic, branched, or linear, completely fluorinated alkanes;
 (2ii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 (3iii) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
 (4iv) Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

~~B.B.~~ For purposes of determining compliance with emissions limits, VOC will be measured by an applicable reference method ~~in accordance with~~ under the Department's DEQ'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.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.~~

- "Wood-fired veneer dryer" means a veneer dryer that is directly heated by the products of combustion of wood fuel in addition to or exclusive of steam or natural gas or propane combustion.
- "Wood fuel-fired device" means a device or appliance designed for wood fuel combustion, including cordwood stoves, woodstoves and fireplace stove inserts, fireplaces, wood fuel-

fired cook stoves, pellet stoves and combination fuel furnaces and boilers that burn wood fuels.

~~• "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

- "AAQS" means ambient air quality standard.
- "ACDP" means Air Contaminant Discharge Permit.
- "ACT" means Federal Clean Air Act.
- "AE" means Actual Emissions.
- "AICPA" means Association of Independent Certified Public Accountants.
- ~~"AQCR" means Air Quality Control Region.~~
- "AQRV" means Air Quality Related Value
- "AQMA" means Air Quality Maintenance Area.
- "ASME" means American Society of Mechanical Engineers.
- "ASTM" means American Society for Testing & Materials.
- "ATETP" means Automotive Technician Emission Training Program.
- "AWD" means all wheel drive.
- "BACT" means Best Available Control Technology.
- "BART" means Best Available Retrofit Technology.
- "BLS" means black liquor solids.
- "CAA" means Clean Air Act
- "CAR" means control area responsible party.
- "CBD" means central business district.
- "CCTMP" means Central City Transportation Management Plan.
- "CEM" means continuous emissions monitoring.
- "CEMS" means continuous emission monitoring system.
- "CERCLA" means Comprehensive Environmental Response Compensation and Liability Act.
- "CFRMS" means continuous flow rate monitoring system.
- "CFR" means Code of Federal Regulations.
- "CMS" means continuous monitoring system.
- "CO" means carbon monoxide.
- "CO_{2e}" means carbon dioxide equivalent
- "COMS" means continuous opacity monitoring system.
- "CPMS" means continuous parameter monitoring system.
- "DEQ" means Oregon Department of Environmental Quality.
- "DOD" means Department of Defense.
- "EA" means environmental assessment.
- "ECO" means employee commute options.
- "EEAF" means emissions estimate adjustment factor.
- "EF" means emission factor.
- "EGR" means exhaust gas re-circulation.
- "EIS" means Environmental Impact Statement

- "EPA" means Environmental Protection Agency.
- "EQC" means Environmental Quality Commission.
- "ESP" means electrostatic precipitator.
- "FCAA" means Federal Clean Air Act.
- "FHWA" means Federal Highway Administration.
- "FONSI" means finding of no significant impact.
- "FTA" means Federal Transit Administration.
- "GFA" means gross floor area.
- "GHG" means greenhouse gases
- "GLA" means gross leasable area.
- "GPM" means grams per mile.
- "gr/dscf" means grains per dry standard cubic foot.
- "GTBA" means grade tertiary butyl alcohol.
- "GVWR" means gross vehicle weight rating.
- "HAP" means hazardous air pollutant.
- "HEPA" means high efficiency particulate air.
- "HMIWI" means hospital medical infectious waste incinerator.
- "I/M" means inspection and maintenance program.
- "IG" means inspection grade.
- "IRS" means Internal Revenue Service.
- "ISECP" means indirect source emission control program.
- "ISTEA" means Intermodal Surface Transportation Efficiency Act.
- "LAER" means Lowest Achievable Emission Rate.
- "LDT2" means light duty truck 2.
- "LIDAR" means laser radar; light detection and ranging.
- "LPG" means liquefied petroleum gas.
- "LRAPA" means Lane Regional Air Protection Agency.
- "LUCS" means Land Use Compatibility Statement.
- "MACT" means Maximum Achievable Control Technology.
- "MPO" means Metropolitan Planning Organization.
- "MTBE" means methyl tertiary butyl ether.
- "MWC" means municipal waste combustor.
- "NAAQS" means National Ambient Air Quality Standards.
- ["NAICS" means North American Industrial Classification System.](#)
- "NEPA" means National Environmental Policy Act.
- "NESHAP" means National Emissions Standard for Hazardous Air Pollutants.
- "NIOSH" means National Institute of Occupational Safety & Health.
- "NO_x" means nitrogen oxides.
- "NSPS" means New Source Performance Standards.
- "NSR" means New Source Review.
- "NSSC" means neutral sulfite semi-chemical.
- "O₃" means ozone.
- "OAR" means Oregon Administrative Rules.
- "ODOT" means Oregon Department of Transportation.
- "ORS" means Oregon Revised Statutes.
- "OSAC" means orifice spark advance control.
- "OSHA" means Occupational Safety & Health Administration.
- "PCDE" means pollution control device collection efficiency.
- "PEMS" means predictive emission monitoring system.
- "PM" means particulate matter.
- "PM₁₀" means particulate matter less than 10 microns.

- "PM_{2.5}" means particulate matter less than 2.5 microns.
- "POTW" means Publicly Owned Treatment Works.
- "POV" means privately owned vehicle.
- "ppm" means parts per million.
- "PSD" means Prevention of Significant Deterioration.
- "PSEL" means Plant Site Emission Limit.
- "QIP" means quality improvement plan.
- "RACT" means Reasonably Available Control Technology.
- "ROI" means range of influence.
- "RVCOG" means Rogue Valley Council of Governments.
- "RWOC" means running weighted oxygen content.
- ~~"SKATS" means Salem-Kaiser Area Transportation Study.~~
- "scf" means standard cubic feet.
- "SCS" means speed control switch.
- "SD" means standard deviation.
- "SERP" means source emission reduction plan.
- "SIC" means Standard Industrial Classification from the Standard Industrial Classification Manual (U.S. Office of Management and Budget, 1987).
- "SIP" means State Implementation Plan.
- "SLAMS" means State or Local Air Monitoring Stations.
- "SO₂" means sulfur dioxide.
- "SOCMI" means synthetic organic chemical manufacturing industry.
- "SOS" means Secretary of State.
- "SPMs" means Special Purpose Monitors.
- "TAC" means thermostatic air cleaner.
- "TACT" means Typically Achievable Control Technology.
- "TCM" means transportation control measures.
- "TCS" means throttle control solenoid.
- "TIP" means Transportation Improvement Program.
- "tpy" means tons per year.
- "TRS" means total reduced sulfur.
- "TSP" means total suspended particulate matter.
- "UGA" means urban growth area.
- "UGB" means urban growth boundary.
- "USC" means United States Code.
- "US DOT" means United States Department of Transportation.
- "UST" means underground storage tanks.
- "UTM" means universal transverse mercator.
- "VIN" means vehicle identification number.
- "VMT" means vehicle miles traveled.
- ~~"VOC" means volatile organic compounds.~~
-

TABLE 4				
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
SO₂ (µg/m³)	Annual	0.10	1.0	1.0

	24-hour	0.20	5.0	5.0
	3-hour	1.0	25.0	25.0
PM₁₀ (µg/m³)	Annual	0.20	0.2	0.2
	24-hour	0.30	1.0	1.0
PM_{2.5} (µg/m³)	Annual	0.06	0.3	0.3
	24-hour	0.07	1.2	1.2
NO₂ (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

{NOTE: SER Table (table 2) was moved to the definition of SER}

TABLE 2 LRAPA Title 12 SIGNIFICANT EMISSION RATES FOR POLLUTANTS REGULATED UNDER THE CLEAN AIR ACT		
	<i>Pollutant</i>	<i>Emission Rate</i>
	GHG (CO ₂ e)	75,000 tons/yea r
	Carbon Monoxide	100 tons/yea r
	Nitrogen Oxides (NO _x)	40 tons/yea r
	Particulate Matter	25 tons/yea r
	PM ₁₀	15 tons/yea r
	Direct PM _{2.5}	10 tons/yea r
	PM _{2.5} -Precursors (NO _x or SO ₂)	40 tons/yea r
	Sulfur Dioxide	40 tons/yea r
	Volatile Organic Compounds (VOC)	40 tons/yea r
	Ozone Precursors (NO _x or SO ₂)	40 tons/yea r
	Lead	0.6 ton/year

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

<i>Pollutant</i>	<i>Emission Rate</i>
Fluorides	3 tons/year
Sulfuric Acid Mist	7 tons/year
Hydrogen Sulfide	10 tons/year
Total Reduced Sulfur (including hydrogen sulfide)	10 tons/year
Reduced sulfur compounds (including hydrogen sulfide)	10 tons/year
Municipal waste combustor organics (measured as total tetra through octa chlorinated dibenzo-p-dioxins and dibenzofurans)	0.0000035 ton/year
Municipal waste combustor metals (measured as particulate matter)	15 tons/year
Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	40 tons/year
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)***

<i>Air Contaminant</i>	<i>Emission Rate</i>	
	<i>Annual</i>	<i>Day</i>
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 subsection (2) ~~of this rule~~, LRAPA Rules and Regulations do not apply to:

- (a) Agricultural operations, including but not limited to:

- (A) Growing or harvesting crops;
- (B) Raising fowl or animals;
- (C) Clearing or grading agricultural land;
- (D) Propagating and raising nursery stock;
- (E) Propane flaming of mint stubble; and
- (F) 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.~~ OAR 340 division 262, and as provided in ORS 468A.020(1)(d). Emissions from woodstoves can be used to create emission reduction credits in title 41.

- (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.

- ~~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.~~

- (f)

- (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.

[Section 12-025 Reference Materials](#)

As used in LRAPA Rules and Regulations, the following materials refer to the versions listed below.

- (1) "CFR" means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 2016 edition.
- (2) The DEQ Source Sampling Manual refers to the March 2015 edition.
- (3) The DEQ Continuous Monitoring Manual refers to the March 2015 edition.

Section 12-030 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.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 14

RULES OF PRACTICE AND PROCEDURE

Section 14-110 Definitions

The words and phrases used in this Title have the same meaning given them in ORS 183.310. Additional terms are defined as follows unless context requires otherwise:

~~(a)~~(1) "Adoption" means the carrying of a motion by the Board with regard to the subject matter or issues of an intended Agency action.

~~(+)~~(2) "Agency" means the Lane Regional Air Protection Agency.

~~(2)~~(3) "Board" means the Board of Directors of the Lane Regional Air Protection Agency.

~~(b)~~(4) "Chair" means the chair of the Board of Directors of the Lane Regional Air Protection Agency.

~~(c)~~(5) "Director" means the Director of the Lane Regional Air Protection Agency and authorized deputies or officers.

~~(e)~~(6) "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 the Agency, except a claim of personal liability.

~~(3)~~(7) "Model Rules" or "Uniform Rules" means the Attorney General's Uniform and Model Rules of Procedure, OAR [chapter 137, division 001 \(excluding 137-001-005-0008 through 137-04001-010-0009\)](#), [chapter 137, division 003](#), and [chapter 137, division 004](#), as amended and in effect on ~~April 29, 1988~~ [January 1, 2006](#).

~~(4)~~(8) "Presiding Officer" means the Agency, its Chair, 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 the Agency who actually presided in any such hearing is presumptively designated by the Agency or Director, such presumptive designation to be overcome only by a written statement to the contrary bearing the signature of the Chair or the Director.

Rulemaking ~~Section 14-120 Public Information Hearings~~

~~1. Generally, a public informational hearing is held upon request by an affected party whose permit is proposed to be modified, or by ten (10) or more interested persons prior to proposed issuance of a new or renewal permit. A public informational hearing is neither a contested case hearing nor a rule making hearing as defined in ORS Chapter 183.~~

~~2. The Presiding Officer shall follow any applicable procedural law, including case law and rules, and take appropriate procedural steps to accomplish the purpose of the hearing.~~

~~Interested persons may, on their own motion or that of the Presiding Officer, submit written briefs or oral argument to assist the Presiding Officer in resolution of the procedural matters set forth herein.~~

- ~~3.—Prior to the submission of testimony by members of the general public, the Presiding Officer shall present and offer for the record a summary of the questions the resolution of which, in the Presiding Officer's preliminary opinion, will determine the matter at issue. The Presiding Officer shall also present as many of the facts relevant to the resolution of these question as are available and which can practicably be presented in that forum.~~
- ~~4.—Following the public information hearing, or within a reasonable time after receipt of the report of the Presiding Officer, the Director or Board shall take action upon the matter. Prior to or at the time of such action, the Agency or Director shall address separately each substantial distinct issue raised in the hearings record. This shall be in writing if taken by the Director or shall be noted in the minutes if taken by the Board in a public forum.~~

Section 14-14015 Rulemaking Notice

- ~~(1.)~~ Prior to the adoption, amendment or repeal of any rule, the Agency shall give notice of its intended action ~~in one or more newspapers of general circulation~~ on the Agency website and to persons who have requested notice pursuant to ORS 183.335(7).
- ~~(2.)~~ The notice required by ~~S~~subsection ~~(1), above,~~ shall state the subject matter, issues and purpose of the intended action in sufficient detail to inform a person that the person's interests may be affected. The notice shall also give the time and place of hearing and the time, place and manner where a full description of the intended action or copy of the proposed rule and supporting documents may be obtained.
- ~~(3.)~~ The Agency shall, at the time the notice is issued, prepare and make available to the public:
 - ~~(e)~~(a) The citation(s) of statutory or other legal authority relied upon and bearing upon the intended action;
 - ~~(f)~~(b) A statement of need for the action and how the action is intended to meet the need;
 - ~~(g)~~(c) A list of principal documents, reports or studies, if any, used by the Agency in considering the need; and
 - ~~(h)~~(d) A statement of fiscal impact on state and local agencies, public and businesses, including small businesses which may be affected.

Section 14-145-120 Rulemaking Hearings and Process

Except as specifically provided to the contrary by this section, the rulemaking process shall be governed by the Attorney General's Model Rules, OAR 137-001-0005 through 137-001-0060. As used in those rules, the terms "agency," "governing body" and "decision maker" generally should be interpreted to mean "Board."

1.—Conduct of Hearing

- ~~(a) The hearing to consider a rule may be conducted by the Board or by a presiding officer. The presiding officer may be the Director, a member of the Board or any other person designated by the Board.~~
 - ~~(b) If the presiding officer or any decision maker has a potential conflict of interest as defined in ORS 244.020(4), that officer shall comply with the requirements of ORS Chapter 244 (e.g., ORS 244.120 and 244.130).~~
 - ~~(c) At the commencement of the hearing, any person wishing to be heard shall provide name, address and affiliation to the presiding officer. Additional persons may be heard at the discretion of the presiding officer. The presiding officer may require that the witness complete a form to indicate the name of the witness, whether the witness favors or opposes the proposed action and such other information as the presiding officer may deem appropriate.~~
 - ~~(d) At the commencement of the hearing, the presiding officer shall state the purpose of the hearing and describe the manner in which persons may present their views, and summarize the content of the notice provided pursuant to ORS 183.335.~~
 - ~~(e) Subject to the discretion of the presiding officer, the order of presentation shall be:
 - ~~A. Statements of proponents;~~
 - ~~B. Statements of opponents; and~~
 - ~~C. Statements of other witnesses present and wishing to be heard.~~~~
 - ~~(f) The presiding officer or any member of the Agency may question any witness making a statement at the hearing. The presiding officer may permit other persons to question witnesses.~~
 - ~~(g) There shall be no rebuttal or additional statement given by any witness unless requested or permitted by the presiding officer. The presiding officer may allow an opportunity for reply by those whose statements were rebutted.~~
 - ~~(h) The hearing may be continued with recesses as determined by the presiding officer until all listed witnesses have had an opportunity to testify.~~
 - ~~(i) The presiding officer shall, when practicable, receive all physical and documentary evidence presented by witnesses. Each exhibit shall be marked and shall identify the witness offering the exhibit. Unless returned, written exhibits shall be preserved by the Agency pursuant to any applicable retention schedule for public records under ORS 192.001 et seq.~~
 - ~~(j) The presiding officer may set reasonable time limits for oral presentation and may exclude or limit cumulative, repetitious or immaterial matter.~~
 - ~~(k) The presiding officer may provide for a verbatim oral, written, or mechanical record of all the proceedings or, in the alternative, may provide for a record in the form of minutes.~~
- ~~2. Presiding Officer's Report. Except when a rulemaking hearing is conducted by the Board, the presiding officer shall, within a reasonable time after the hearing, provide the Board with a written~~

~~summary of statements given and exhibits received and a report of the officer's observation of physical experiments, demonstrations, or exhibits. The presiding officer may make recommendations, but such recommendations are not binding upon the Agency.~~

~~3.—Action of Board. At the conclusion of the hearing, or after receipt of the presiding officer's report and recommendation, if any, the Board may adopt, amend or repeal rules covered by the notice of intended action. The Board shall fully consider all written and oral submissions.~~

~~4.—Notice of Agency action~~

~~(1) The Agency, prior to enforcing air quality standards adopted by rule, shall submit the standards to the Commission for approval.~~

~~(2) The Agency shall furnish copies of rules requiring registration, permits to construct sources and testing requirements to building permit issuing agencies within its jurisdiction.~~

Section 14-150-125 Temporary Rules

The Board may adopt temporary rules, along with supportive findings, pursuant to ORS 183.335(5)(b) and 183.355(2) and the Attorney General's Model Rule OAR 137-001-0080.

~~(1-)~~ If no notice has been provided before adoption of a temporary rule, the Agency shall give notice of its temporary rulemaking to persons, entities and media specified under ORS 183.335(1) by mailing or personally delivering to each of them a copy of the rule or rules as adopted and a copy of the statements required under ORS 183.335(5). If a temporary rule or rules are over ten pages in length, the Agency may provide a summary and state how and where a copy of the rule or rules may be obtained. Failure to give this notice shall not affect the validity of any rule.

~~(2-)~~ A temporary rule is effective for less than 180 calendar days if a shorter period is specified in the rule, or for 180 calendar days if the rule does not specify a shorter period.

Section 14-126 Effective Date of Rules or Orders

The rule or order shall become effective upon adoption by the Board, unless a different effective date is required by statute or specified in the rule or order. The rule or order is not filed with the Secretary of State unless agreed by LRAPA and DEQ.

Section 14-15530 Petition to Promulgate, Amend or Repeal Rule--Content of Petition, Filing of Petition:

The filing of petitions for rulemaking and action thereon by the Commission shall be in accordance with the Attorney General's Uniform Rules of Procedure set forth in OAR 137-001-0070. As used in that rule, the term "agency" general refers to the Board but may also refer to the Agency if context requires.

~~**1.—An interested person may petition the Agency to adopt, amend or repeal a rule. The petition shall be legible, signed by or on behalf of the petitioner, and shall contain a detailed statement of:**~~

- ~~A.— The rule petitioner requests the Agency to promulgate, amend or repeal. When a new rule is proposed, the petition shall set forth the proposed language in full. When amendment of an existing rule is sought, the affected portion of the rule shall be set forth in the petition in full with matter proposed to be deleted enclosed in brackets and/or lined through, and proposed additions shown by underlining, boldface or highlighting.~~
- ~~B.— Facts or arguments in sufficient detail to show the reasons for adoption, amendment or repeal of the rule.~~
- ~~C.— All propositions of law to be asserted by petitioner.~~
- ~~D.— Sufficient facts to show the effect of adoption, amendment or repeal of the rule.~~
- ~~E.— The name and address of petitioner and of any other person known by petitioner to be interested in the rule sought to be adopted, amended or repealed.~~

~~2.— The petition shall be deemed filed when received by the Director.~~

~~3.— Upon receipt of the petition:~~

- ~~A.— The Director shall provide a copy of the petition, together with a copy of the applicable rules of practice, to all persons named in the petition and may schedule oral presentations.~~
- ~~B.— The Board shall, in writing, within thirty (30) days after date of submission of the petition, either deny the petition or initiate rule-making proceedings in accordance with Section 15-140 and this Section.~~

Section 14-16035 Declaratory Rulings

Except as specifically provided to the contrary by these rules, the declaratory ruling process shall be governed by the Attorney General's Model Rules, OAR 137-002-0010 through 137-002-0060. As used in those rules, the terms "agency," "governing body" and "decision maker" generally should be interpreted to mean "Board."

Contested Cases

- 1.— Upon petition by any interested person, the Board in its discretion may issue a declaratory ruling as to the applicability to any person, property or state of facts of any rule or statute enforced by the Agency.
- 2.— The petition to institute proceedings for declaratory ruling shall contain:
 - (1)— The rule or statute that may apply to the person, property or state of facts;
 - (2)— A detailed statement of the relevant facts, including sufficient facts to show how petitioner would be affected by the ruling;
 - (3)— All propositions of law or contentions asserted by petitioner;

~~(4) The questions presented;~~

~~(5) The specific relief requested; and~~

~~(6) The name and address of petitioner and any other persons known by petitioner to be interested in the requested declaratory ruling.~~

~~3. Filing and Service of Petition~~

~~(1) The petition shall be deemed filed when received by the Director.~~

~~(2) Within sixty (60) days after the petition is filed, the Agency shall notify the petitioner whether it will issue a ruling. If the Agency decides to issue a ruling, it shall serve all persons named in the petition by mailing:~~

~~(a) A copy of the petition, together with a copy of the Agency's rules of practice; and~~

~~(b) Notice of any proceeding at which the petition will be considered.~~

~~(3) Notwithstanding Part B of this Subsection, the Board may decide at any time that it will not issue a declaratory ruling in any specific instance.~~

~~4. Contents of Notice of Hearing. The notice of proceeding for a declaratory ruling shall set forth:~~

~~(1) A copy of the petition requesting the declaratory ruling;~~

~~(2) The time and place of the proceeding; and~~

~~(3) The designation of the presiding officer.~~

~~5. Conduct of Hearing, Briefs and Oral Argument~~

~~(C) The proceeding shall be conducted by and shall be under the control of the presiding officer.~~

~~(D) At the proceeding, petitioner and any other interested person shall have the right to present oral argument. The presiding officer may impose reasonable time limits on the time allowed for oral argument. Petitioner, agency staff and interested persons may file briefs in support of their respective positions. The presiding officer shall fix the time and order of filing briefs.~~

~~6. Presiding Officer's Opinion. Except when the hearing is before the Board, the presiding officer shall prepare an opinion for consideration by the Board.~~

~~7. Decision of Board—Time, Form and Service~~

~~(A) The Board shall issue its declaratory ruling within sixty (60) days of the close of the proceeding or within sixty (60) days of the time permitted for the filing of briefs, whichever is later.~~

~~(B) The ruling shall be in writing and shall include:~~

~~(A) The facts upon which the ruling is based;~~

~~(B) The statute or rule in issue;~~

~~(C) The Board conclusion as to the applicability of the statute or rule to those facts;~~

~~(D) The Board conclusion as to the legal effect or result of applying the statute to those facts; and~~

~~(E) The reasons relied upon by the Board to support its conclusion.~~

Section 14-170 Contested Case Notice

1. Service of Written Notice

~~A. Whenever a statute or rule requires that the Board or Agency serve a written notice or final order upon a party, other than for purposes of rulemaking or for notice to members of the public in general, the notice or final order shall be personally delivered or sent by registered or certified mail.~~

~~B. Notice to a party shall be posted, addressed to, or personally delivered to:~~

~~(1) The party; or~~

~~(2) Any person designated by law as competent to receive service of a summons or notice for the party; or~~

~~(3) Following appearance of counsel for the party, the party's counsel.~~

~~C. A party holding a permit issued by the Agency or Board, or an applicant therefore, shall be conclusively presumed able to be served at the address given in his application, as it may be amended from time to time, until the expiration date of the permit.~~

~~D. Service of written notice may be proven by a certificate executed by the person effecting service.~~

~~E. In all cases not specifically covered by this Section, a rule or a statute, a writing to a person if mailed to the person at his last known address, is rebuttably presumed to have reached the person in a timely fashion, notwithstanding lack of certified or registered mailing.~~

Section 14-17540 Contested Case Proceedings Generally

~~1. Except as specifically provided to the contrary by these rules, contested cases~~ case proceedings including notice requirements shall be governed by the Attorney General's Model Rules of Procedure, OAR 137-003-0501 through 137-003-0930700. ~~In general, a contested case~~

~~proceeding is initiated when a decision of the Director is appealed to the Hearings officer. Therefore, as used in the Model Rules those rules, the terms "agency," "governing body" and "decision maker" generally should be interpreted to mean "Hearings Officer." The term "agency" may also be interpreted to be, "Board" where context requires.~~

~~2.—Contested case is initiated by a party requesting a hearing after receiving notice of opportunity for hearing. In the case of appeal of civil penalty issued by the Director, the notice of opportunity for a hearing is generally embodied in the notice of assessment of civil penalty. Other notices of proposed action, where there is opportunity for hearing, shall contain the full disclosures required by ORS 183.415(2).~~

~~3.—A notice of opportunity for hearing shall include:~~

~~A.—A statement of party's right to hearing or a statement of the time and place of hearing;~~

~~B.—A statement of the authority and jurisdiction under which the hearing is to be held;~~

~~C.—A reference to the particular section of statutes and rules involved; and~~

~~D.—A short and plain statement of the matters asserted or charged.~~

~~E.—In addition to the requirements of ORS 183.415(2), a contested case notice may include a statement that the record of the proceeding to date, including information in the Agency file or files on the subject of the contested case, automatically become part of the contested case record upon default for the purpose of proving a prima facie case.~~

~~F.—Except as otherwise required by law, the contested case notice shall include a statement that if a request for hearing is not received by the Agency within twenty one (21) days of the date of mailing or other service of the notice, the person shall waive the right to a hearing under ORS Chapter 183.~~

~~4.—Answer Required: Consequences of Failure to Answer~~

~~A.—Unless waived in the notice of opportunity for a hearing, and except as otherwise provided by statute or rule, a party who has been served the written notice shall have twenty one (21) days from the date of mailing or personal delivery of the notice in which to file a written answer or an application for hearing.~~

~~B.—In the answer, the party shall admit or deny all factual matters and shall affirmatively allege any and all affirmative claims or defenses the party may have and the reasoning in support thereof. Except for good cause shown:~~

~~(1)—Factual matters not controverted shall be presumed admitted;~~

~~(2)—Failure to raise a claim or defense shall be presumed to be waiver of such claim or defense;~~

~~(3)—New matters alleged in the answer shall be presumed to be denied unless admitted in subsequent pleading or stipulation by the Agency or Board; and~~

~~(4) Subject to ORS 183.415(10), evidence shall not be taken on any issue not raised in the notice and the answer unless such issue is specifically raised by a subsequent petitioner for party status and is determined to be within the scope of the proceeding by the presiding officer.~~

~~C. In the absence of a timely answer, the Director on behalf of the Board or Agency may issue a default order and judgment, based upon a prima facie case made on the record, for the relief sought in the notice.~~

~~5. Rights of Parties in Contested Cases~~

~~A. In addition to the information required to be given under ORS 183.413 (2) and ORS 183.415(7), before commencement of a contested case hearing, the Agency shall inform a party, if the party is an agency, corporation, or an unincorporated association, that such party must be represented by an attorney licensed in Oregon, unless statutes applicable to the contested case proceeding specifically provide otherwise.~~

~~B. Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default. Informal settlement may be made in permit modification or revocation proceedings by written agreement of the parties and the Agency consenting to a suspension, fine or other form of intermediate sanction.~~

~~C. Unless precluded by law, informal disposition includes, upon agreement between the Agency and the parties, but is not limited to, a modified contested case proceeding, non-record abbreviated hearing, non-binding arbitration and mediation, but does not include binding arbitration.~~

~~6. Request by Person to Participate as Party or Limited Party~~

~~A. When the Agency gives notice that it intends to hold a contested case hearing, persons who have an interest in the outcome of the Agency's proceeding or who represent a public interest in such result may request to participate as parties or limited parties.~~

~~B. A person requesting to participate as a party or a limited party shall file a petition, with sufficient copies for service on all parties, with the agency at least twenty one (21) days before the date set for hearing. Petitions untimely filed shall not be considered unless the agency determines that good cause has been shown for failure to file timely.~~

~~C. The petition shall include the following:~~

~~(1) Names and addresses of the petitioner and of any organization which the petitioner represents;~~

~~(2) Name and address of the petitioner's attorney, if any.~~

~~(3) A statement of whether the request is for participation as a party or a limited party and, if as a limited party, the precise area or areas in which participation is sought.~~

~~(4) If the petitioner seeks to protect a personal interest in the outcome of the Agency's proceeding, a detailed statement of the petitioner's interest, economic or otherwise, and how such interest may be affected by the results of the proceeding.~~

- ~~(5) If the petitioner seeks to represent a public interest in the results of the proceeding, a detailed statement of such public interest, the manner in which such public interest will be affected by the results of the proceeding, and the petitioner's qualifications to represent such public interest.~~
- ~~(6) A statement of the reasons why existing parties to the proceeding cannot adequately represent the interests identified in Subparts (4) or (5), above.~~
- ~~D. The Agency shall serve a copy of the petition on each party personally or by mail. Each party shall have seven (7) days from the date of personal service or Agency mailing to file a response to the petition.~~
- ~~E. If the Agency determines that good cause has been shown for failure to file a timely petition, the Agency at its discretion may:~~
- ~~(1) Shorten the time within which answers to the petition shall be filed, or~~
- ~~(2) Postpone the hearing until disposition is made of the petition.~~
- ~~F. If a person is granted participation as a party or a limited party, the Agency may postpone or continue the hearing to a later date when it appears that commencing or continuing the hearing would jeopardize or unduly burden one or more of the parties in the case.~~
- ~~G. In ruling on petitions to participate as a party or a limited party, the Agency shall consider:~~
- ~~(1) Whether the petitioner has demonstrated a personal or public interest that could reasonably be affected by the outcome of the proceeding.~~
- ~~(2) Whether any such affected interest is within the scope of the Agency's jurisdiction and within the scope of the notice of contested case hearing.~~
- ~~(3) When a public interest is alleged, the qualifications of the petitioner to represent that interest.~~
- ~~(4) The extent to which the petitioner's interest will be represented by existing parties.~~
- ~~H. A petition to participate as a party may be treated as a petition to participate as a limited party.~~
- ~~I. The Agency has discretion to grant petitions for persons to participate as a party or a limited party. The Agency shall specify areas of participation and procedural limitations as it deems appropriate.~~
- ~~J. The Agency ruling on a petition to participate as a party or as a limited party shall be by written order and served promptly on the petitioner and all parties. If the petition is allowed, the Agency shall also serve petitioner with the notice of rights required by ORS 183.413(2).~~

~~7. Subpoenas~~

- ~~A.— Upon a showing of good cause and general relevance, any party to a contested case shall be issued subpoenas to compel the attendance of witnesses and the production of books, records and documents.~~
- ~~B.— Subpoenas may be issued by:~~
- ~~(1) A Hearings Officer; or~~
 - ~~(2) A member of the Board; or~~
 - ~~(3) An attorney of record for the party requesting the subpoena.~~
- ~~C.— Each subpoena authorized by this section shall be served personally upon the witness by the party or any person over eighteen (18) years of age.~~
- ~~D.— Witnesses who are subpoenaed, other than parties or officers or employees of the Agency or Board, shall receive the same fees and mileage as in civil actions in the circuit court.~~
- ~~E.— The party requesting the subpoena shall be responsible for serving the subpoena and tendering the fees and mileage to the witness.~~
- ~~F.— A person present in a hearing room before a Hearings Officer during the conduct of a contested case hearing may be required, by order of the Hearings Officer, to testify in the same manner as if he were in attendance before the Hearings Officer upon a subpoena.~~
- ~~G.— Upon a showing of good cause a Hearings Officer or the Chairman of the Board may modify or withdraw a subpoena.~~
- ~~H.— Nothing in this section shall preclude informal arrangements for the production of witnesses or documents, or both.~~
- ~~8.— Non Attorney Representation. A person may be represented by an attorney or by an authorized representative in a contested case proceeding before the Board or Agency.~~
- ~~A.— Definitions. For purposes of this rule, the following words and phrases have the following meaning:~~
- ~~(1) "Authorized representative" means a member of a partnership, an authorized officer or regular employee of a corporation, association or organized group, or an authorized officer or employee of a governmental authority other than a state agency.~~
 - ~~(2) "Legal argument" includes arguments on:~~
 - ~~(a) The jurisdiction of the Agency to hear the contested case.~~
 - ~~(b) The constitutionality of a statute or rule or the application of a constitutional requirement of an agency.~~
 - ~~(c) The application of court precedent to the facts of the particular contested case proceeding.~~

~~(3) "Legal argument" does not include presentation of evidence, examination and cross-examination of witnesses or presentation of factual arguments or arguments on:~~

~~(a) The application of facts to the statutes or rules directly applicable to the issues in the contested case;~~

~~(b) Comparison of prior actions of the Agency in handling similar situations;~~

~~(c) The literal meaning of the statutes or rules directly applicable to the issues in the contested case; or~~

~~(d) The admissibility of evidence or the correctness of procedures being followed.~~

~~B. On or before the first appearance by an authorized representative as defined in Subsection 1 of this Section, an authorized representative must provide the presiding officer with a letter authorizing the named representative to appear on behalf of a party or limited party.~~

~~C. The presiding officer may limit an authorized representative's presentation of evidence, examination and cross-examination of witnesses, or presentation of factual arguments to insure the orderly and timely development of the hearing record, and shall not allow an authorized representative who is not an attorney to present legal argument as defined in Subsection 1 of this Section.~~

~~D. When an authorized representative is representing a party or a limited party in a hearing, the presiding officer shall advise such representative of the manner in which objections may be made and matters preserved for appeal. Such advice is of a procedural nature and does not change the applicable law on waiver or the duty to make timely objection. Where such objections may involve legal argument as defined in this rule, the presiding officer shall provide reasonable opportunity for the authorized representative to consult legal counsel and permit such legal counsel to file written legal argument within a reasonable time after conclusion of the hearing.~~

Section 14-145 Agency Representation by Environmental Law Specialist

(1) Environmental Law Specialists, and other Agency personnel as approved by the Director, are authorized to appear on behalf of the Agency and Board in contested case hearings involving formal enforcement actions issued under these rules and issuance, revocation, modification, or denial of licenses, permits, certifications, or other authorizations, including general permit coverage or registrations.

(2) Environmental Law Specialists or other approved personnel may not present legal argument as defined under OAR 137-003-0545 on behalf of the Agency or Board in contested case hearings.

Section 14-147 Authorized Representative of Respondent other than a Natural Person in a Contested Case Hearing

A corporation, partnership, limited liability company, unincorporated association, trust and government body may be represented by either an attorney or an authorized representative in a contested case hearing before the hearing officer or Board to the extent allowed by OAR 137-003-0555.

Section 14-150 Liability for the Acts of a Person's Employees

A person is legally responsible for not only its direct acts but also the acts of its employee when the employee is acting within the scope of the employment relationship, regardless of whether the person expressly authorizes the act in question. The mental state of an employee can be imputed to the employer. Nothing in this rule prevents the Agency from issuing a formal enforcement action to an employee for violations occurring during the scope of the employee's employment.

Section 14-155 Consolidation or Bifurcation of Contested Case Hearings

Proceedings for the assessment of multiple civil penalties for multiple violations may be consolidated into a single proceeding or bifurcated into separate proceedings, at the Agency's discretion. Additionally, the Agency, at its discretion, may consolidate or bifurcate contested case hearings involving the same fact or set of facts constituting the violation.

~~Section 14-180 Conducting Contested Case Evidentiary Hearings~~

- ~~1.—The contested case evidentiary hearing shall be conducted by and under the control of a Hearings Officer.~~
- ~~2.—If the Hearings Officer has a potential conflict of interest as defined in ORS 244.020(7), that officer shall comply with the requirement of ORS 244.120 and 244.130.~~
- ~~3.—The Hearings Officer may schedule and hear any preliminary matter, including a pre-hearing conference, and shall schedule the hearing on the merits. Reasonable written notice of the date, time and place of preliminary hearings and conferences shall be given to all parties.~~
- ~~4.—The hearing shall be conducted, subject to the discretion of the Hearings Officer, so as to include the following:
 - ~~A.—The staff report and evidence of the proponent in support of its action;~~
 - ~~B.—The statement and evidence of opponents and other parties, except that limited parties may address only subjects within the area to which they have been limited;~~
 - ~~C.—Comments and questions;~~
 - ~~D.—Any rebuttal evidence by proponents and opponents;~~
 - ~~E.—Any closing arguments by parties or limited parties.~~~~
- ~~5.—Presiding officers or decision makers, interested agencies and parties shall have the right to question witnesses. However, limited parties may question only those witnesses whose testimony may relate to the area or areas of participation granted by the Agency.~~
- ~~6.—The hearing may be continued with recesses as determined by the Hearings Officer.~~
- ~~7.—The Hearings Officer may set reasonable time limits for oral presentation any may exclude or limit cumulative, repetitious or immaterial matter.~~

~~8.— Exhibits shall be marked and maintained by the Agency as part of the record of the proceedings.~~

Section 14-190 Evidentiary Rules

- ~~1.— Evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible.~~
- ~~2.— Irrelevant, immaterial or unduly repetitious evidence shall be excluded.~~
- ~~3.— All offered evidence not objected to will be received by the presiding officer subject to the officer's power to exclude irrelevant, immaterial, or unduly repetitious matter.~~
- ~~4.— Evidence objected to may be received by the presiding officer. Rulings on its admissibility or exclusion, if not made at the hearing, shall be made on the record at or before the time a final order is issued.~~
- ~~5.— Any time ten (10) days or more before a hearing, the Agency, an interested agency, and any party may serve upon every party, interested agency, and the Agency a copy of any affidavit, certificate or other document proposed to be introduced in evidence. Unless cross-examination is requested of the affiant, certificate preparer or other document preparer or custodian within five (5) days prior to hearing, the affidavit, certificate or other document may be offered subject to the same standards and received with the same effect as oral testimony.~~
- ~~6.— If cross-examination is requested of the affiant, certificate preparer or other document preparer or custodian as provided in Subsection 5 of this Section, and the requestor is informed within five (5) days prior to the hearing that the requested witness will not appear for cross-examination, the affidavit, certificate or other document may be received in evidence, if the Agency or presiding officer determines that the party requesting cross-examination would not be unduly prejudiced or injured by lack of cross-examination.~~

Section 14-200-160 Final Orders

- ~~(1-)~~ A final order shall be issued by the Hearings Officer, who may direct any party to prepare the final order.
- ~~(2-)~~ Final orders on contested cases shall be in writing and shall include the following:
 - (a) Rulings on admissibility of offered evidence when the rulings are not set forth in the record.
 - (b) Findings of fact—: ~~†~~Those matters that are either agreed as fact or that, when disputed, are determined by the Hearings Officer on substantial evidence to be facts over contentions to the contrary. A finding must be made on each fact necessary to reach the conclusions of law on which the order is based.
 - (c) Conclusion(s) of law—: ~~a~~Applications of the controlling law to the facts found and the legal results arising therefrom.
 - (d) Order—: ~~†~~The action taken by the Agency as a result of the facts found and the legal conclusions arising therefrom.

- (e) A citation of the statutes under which the order may be appealed.

Section 14-~~205-165~~ Default Orders

- (1-) When the Agency has given a party an opportunity to request a hearing and the party fails to make a request within a specified time, or when the Agency has set a specified time and place for a hearing and the party fails to appear at the specified time and place, the Director may enter a final order by default.
- (2-) The Agency may issue an order of default only after a prima facie case on the record has been made. The record may be made by the Director at a meeting convened by the Director or Hearings Officer, at a scheduled hearing on the matter.
- (3-) The record shall be complete at the time of the notice at the time the default order is issued.
- (4-) The record may consist of oral (transcribed, recorded or reported) or written evidence or a combination of oral and written evidence. When the record is made at the time the notice or order is issued, the Agency file may be designated as the record. In all cases, the record must contain substantial evidence to support the findings of fact.
- (5-) When the Hearings Officer has set a specified time and place for a hearing in a matter in which only one party is before the Hearings Officer and that party subsequently notifies the Agency that the party will not appear at such specified time and place, the Hearings Officer may enter a default order, cancel the hearing and follow the procedure described in ~~S~~subsections (2) and (4) of this Section.
- (6-) Any default order shall be the final order of the Agency.

Section 14-~~210-170~~ Appeal to the Board

- (1-) Filing of Appeal. The Hearings Officer's Final Order shall be the final order of the Board unless within thirty (30) days from the date of mailing, or if not mailed then from the date of personal service, any of the parties, a member of the Board, or the Director files with the Board and serves upon each party and the Agency a Notice of Appeal. A proof of service thereof shall also be filed, but failure to file a proof of service shall not be a ground for dismissal of the Notice of Appeal.
- (a) The timely filing and service of a Notice of Appeal is a jurisdictional requirement for the commencement of an appeal to the Board and cannot be waived; a Notice of Appeal which is filed or served late shall not be considered and shall not affect the validity of the Hearings Officer's Final Order which shall remain in full force and effect.
- (b) The timely filing and service of a sufficient Notice of Appeal to the Board shall automatically stay the effect of the Hearings Officer's Final Order.
- (2-) Content of Notice of Appeal. A Notice of Appeal shall be in writing and need only state the party's or a Board member's intent that the Board review the Hearings Officer's Final Order.
- (3-) Procedures on Appeal:

- (a) Appellant's Exceptions and Brief—: Within thirty (30) days from the date of service or filing of his Notice of Appeal, whichever is later, the appellant shall file with the Board and serve upon each other party written exceptions, brief and proof of service. Such exceptions shall specify those findings and conclusions objected to and the reasoning for the exception, and shall include proposed alternative findings of fact, conclusions of law, and order with specific references to those portions to the record upon which the party relies. Matters not raised before the Hearings Officer shall not be considered. In any case where opposing parties timely serve and file Notices of Appeal, the first to file shall be considered to be the appellant and the opposing party the cross appellant.
- (b) Appellee's Brief—: Each party so served with exceptions and brief shall then have thirty (30) days from the date of service or filing, which—ever is later, in which to file with the Board and serve upon each other party an answering brief and proof of service.
- (c) Reply Brief—: Except as provided in ~~Part D paragraph (d) of this Subsection~~, each party served with an answering brief shall have twenty (20) days from the date of service or filing, whichever is later, in which to file with the Board and serve upon each other party a reply brief and proof of service.
- (d) Cross Appeals—: Should any party entitled to file an answering brief so elect, he may also cross appeal to the Board the Hearings Officer's Final Order by filing with the Board and serving upon each other party in addition to an answering brief a Notice of Cross Appeal, exceptions (described in ~~Part A paragraph (a) of this Subsection~~), a brief on cross appeal and proof of service, all within the same time allowed for an answering brief. The appellant-cross appellee shall then have thirty (30) days in which to serve and file his reply brief, cross answering brief and proof of service. There shall be no cross reply brief without leave of the Board Chair or Hearings Officer.
- (e) Briefing on Board-Invoked Review—: Where one or more members of the Board commence an appeal to the Board pursuant to ~~S subsection (1) of this Section~~, and where no party to the case has timely served and filed a Notice of Appeal, the Chair shall promptly notify the parties of the issue that the Board desires the parties to brief and the schedule for filing and serving briefs. The parties shall limit their briefs to those issues. Where one or more members of the Board have commenced an appeal to the Board and a party has also timely commenced such a proceeding, briefing shall follow the schedule set forth in ~~Part paragraphs (Aa) through F (f) of this Subsection~~.
- (f) Extensions—: The Chair or the Hearings Officer, upon request, may extend any of the time limits contained in this ~~S~~ section. Each extension shall be made in writing and be served upon each party. Any request for an extension may be granted or denied in whole or in part.
- (g) Failure to Prosecute—: The Board may dismiss any appeal or cross appeal if the appellant or cross appellant fails to timely file and serve any exceptions or brief required by these rules.
- (h) Oral Argument—: Following the expiration of the time allowed the parties to present exceptions and briefs, the Chair may at his or her discretion schedule the appeal for oral argument before the Board.

(4.) Scope of Review—: In an appeal to the Board of a Hearings Officer's Final Order, the review by the Board shall be confined to the record of proceedings before the Hearings officer. The Board may not substitute its judgment for that of the Hearings Officer in making any particular finding of fact, conclusion of law or order. As to any finding of fact made by the Hearings Officer, the Board may make an identical finding without any further consideration of the record.

(5.) Remand

(a) In the case of disputed allegations of irregularities in procedure before the Hearings Officer not shown in the record which, if proved, would warrant reversal or remand, the Board may refer the allegations to another Hearings Officer appointed by the Board to take evidence and make finding of fact upon them.

(b) The Board may affirm or remand the proposed order. The Board shall remand the order only if it finds:

(A) The proposed order to be unlawful in substance or procedure, but error in procedure shall not be cause for remand unless the Board shall find that substantial rights of the appellant were prejudiced thereby;

(B) The proposed order is not supported by substantial evidence in the whole record.

(6.) After the conclusion of oral argument, the Board shall consider the appeal. The Board shall adopt an order allowing or denying the appeal in whole or in part. The order shall contain findings of fact and conclusions of law necessary to support the order. The order of the Board shall be the final order of the Agency.

Section 14-220-175 Power of the Director

(1.) Except as provided by ~~S~~section 15-040, the Director, on behalf of the Board, may execute any written order which has been consented to in writing by the parties adversely affected thereby.

(2.) The Director, on behalf of the Board, may prepare and execute written orders implementing any action taken by the Board on any matter.

(3.) The Director, on behalf of the Board, may prepare and execute orders upon default where:

(a) The adversely affected parties have been properly notified of the time and manner in which to request a hearing and have failed to file a proper, timely request for a hearing; or

(b) Having requested a hearing, the adversely affected party has failed to appear at the hearing or at any duly scheduled pre-hearing conference.

(4.) Default orders based upon failure to appear shall issue only upon the making of a prima facie case on the record.

Section 14-225 Immediate Suspension or Refusal to Renew a Permit, Notice of Opportunity for Hearing, Service

- ~~1.— If the Agency finds there is a serious danger to the public health or safety, it may immediately suspend or it may refuse to renew a permit. For purposes of this rule, such a decision is referred to as an emergency suspension order. An emergency suspension order is a written order which is not a final order under ORS Chapter 183. An emergency suspension order is not an order in a contested case and may be issued without notice or an opportunity for a hearing as required for contested cases under ORS Chapter 183.~~
- ~~2.— Except where the danger to the public health or safety is so imminent that the opportunity for the permittee to object under Part C of this Subsection is not practicable as determined by the Agency, the Agency shall provide the permittee with notice and opportunity to object prior to issuing the emergency suspension order. For purposes of this rule, this notice is referred to as a pre-suspension notice. The pre-suspension notice shall:
 - ~~A.— Specify the acts of the permittee and the evidence available to the Agency which would be grounds for revocation, suspension or refusal to renew the permit under the agency's usual procedures.~~
 - ~~B.— Specify the reasons why the acts of the permittee seriously endanger the public's health or safety.~~
 - ~~C.— Identify a person in the Agency authorized to issue the emergency suspension order or to make recommendations regarding the issuance of the emergency suspension order.~~~~
- ~~3.— The Agency may provide the pre-suspension notice to the permittee in writing, orally by telephone, or in person, or by any other means available to the Agency. Where the pre-suspension notice is given orally, the Agency subsequently shall provide the permittee with a written copy of the notice.~~
- ~~4.— Following the pre-suspension notice, the Agency shall provide the permittee an immediate opportunity to object to the Agency's specifications provided in the pre-suspension notice before a person authorized to issue the emergency suspension order or to make recommendations regarding the issuance of the emergency suspension order.~~
- ~~5.— When the Agency issues the emergency suspension order, the Agency shall serve the order on the permittee either personally or by registered or certified mail. The order shall include the following statements required under ORS 183.415(2) and (3):
 - ~~A.— That the permittee has the right to demand hearing to be heard as soon as practicable to contest the emergency suspension order;~~
 - ~~B.— That if the demand is not received by the Agency within ninety (90) days of the date of the notice of the emergency suspension order, the permittee shall have waived its right to a hearing;~~
 - ~~C.— The effective date of the emergency suspension order;~~
 - ~~D.— The specifications noted in Subsection 6.B of this Section;~~
 - ~~E.— That with the agreement of the permittee and the Agency, the hearing opportunity on the emergency suspension order may be combined with any other Agency proceeding~~~~

~~affecting the permit. The procedures for a combined proceeding shall be those applicable to the other proceeding affecting the permit.~~

- ~~6. If timely requested by the permittee pursuant to Part E of this Subsection, the Agency shall hold a hearing on the emergency suspension order as soon as practicable. At the hearing, the Agency shall consider the facts and circumstances including, but not limited to:
 - ~~A. Whether at the time of issuance of the order there was probable cause to believe from the evidence available to the Agency that there were grounds for revocation, suspension or refusal to renew the permit under the Agency's usual procedures;~~
 - ~~B. Whether the acts or omissions of the permittee pose a serious danger to the public's health or safety.~~
 - ~~C. Whether circumstances at the time of the hearing justify confirmation, alteration or revocation of the order;~~
 - ~~D. Whether the Agency followed the appropriate procedures in issuing the emergency suspension order.~~~~

Section 14-230 Ex Parte Communications

- ~~1. An ex parte communication is an oral or written communication to an Agency decision maker or the presiding officer, not made in the presence of all parties to the hearing, concerning a fact in issue in the proceeding, but does not include communication from Agency staff or counsel about facts in the record.~~
- ~~2. If an Agency decision maker or presiding officer receives an ex parte communication during the pendency of the proceeding, the officer shall:
 - ~~A. Give all parties notice of the substance of the communication, if oral, or a copy of the communication, if written; and~~
 - ~~B. Provide any party who did not present the ex parte communication an opportunity to rebut the substance of the ex parte communication at the hearing, at a separate hearing for the limited purpose of receiving evidence relating to the ex parte communication, or in writing.~~~~
- ~~3. The Agency's record of ex parte communications pertaining to a contested case proceeding shall include:
 - ~~A. The ex parte communication, if in writing;~~
 - ~~B. A statement of the substance of the ex parte communication, if oral;~~
 - ~~C. The Agency or presiding officer's notice to the parties of the ex parte communication; and~~
 - ~~D. Rebuttal evidence.~~~~

Section 14-235-185 Request for Stay Pending Judicial Review

- (1) Any person entitled to judicial review of an Agency order who files a timely petition for judicial review may request the Agency to stay the enforcement of the Agency order that is the subject of judicial review.
- (2) The stay request shall contain:
 - (a) The name of the person filing the request, identifying that person as a petitioner and the Agency as the respondent;
 - (b) The full title of the Agency decision as it appears on the order, and the date of the Agency decision;
 - (c) A summary of the Agency decision; and
 - (d) The name, address and telephone number of each of the following:
 - (A) The petitioner; and
 - (B) All other parties to the Agency proceeding. When the party was represented by an attorney in the proceeding, then the name, address and telephone number of the attorney shall be provided, and the address and telephone number of the party may be omitted.
 - (e) A statement advising all persons whose names, addresses and telephone numbers are required to appear in the stay request as provided in [Part D paragraph \(d\)](#), ~~above~~, that they may participate in the stay proceeding before the Agency, if they file a response in accordance with [§section 14-240-190](#) within ten (10) days from delivery or mailing of the stay request to the Agency.
 - (f) A statement of facts and reasons sufficient to show that the stay request should be granted because:
 - (1) The petitioner will suffer irreparable injury if the order is not stayed;
 - (2) There is a colorable claim of error in the order; and
 - (3) Granting the stay will not result in substantial public harm.
 - (g) A statement identifying any person, including the public, who may suffer injury if the stay is granted. If the purposes of the stay can be achieved with limitations or conditions that minimize or eliminate possible injury to other persons, petitioner shall propose such limitations or conditions. If the possibility of injury to other persons cannot be eliminated or minimized by appropriate limitation or conditions, petitioner shall propose an amount of bond or other undertaking to be imposed on the petitioner should the stay be granted, explaining why that amount is reasonable in light of the identified potential injuries.
 - (h) A description of additional procedures, if any, the petitioner believes should be followed by the Agency in determining the appropriateness of the stay request.
 - (i) An appendix of affidavits containing all evidence (other than evidence contained in the record of the contested case out of which the stay request arose) upon which the petitioner

relies in support of the statements required under ~~Parts F~~ paragraphs (f) and ~~G of this Subsection~~ (g). The record of the contested case out of which the stay request arose is a part of the record of the stay proceeding.

- (3-) The request must be delivered or mailed to the Agency and, on the same date, a copy delivered or mailed to all parties identified in the request, as required by ~~Subsection 2.D~~ paragraph (2)(d) ~~of this Section~~.

Section 14-240-190 Request for Stay--Motion to Intervene

- (1-) Any party identified under ~~Subsection 14-235.185(2)(D)~~ (d) desiring to participate as a party in the stay proceeding may file a response to the request for stay.

(2-) The response shall contain:

- (a) The full title of the Agency decision as it appears on the order;
- (b) The name, address and telephone number of the person filing the response, except that if the person is represented by an attorney, then the name, address and telephone number of the attorney shall be included, and the person's address and telephone number may be deleted; and
- (c) A statement accepting, rejecting or proposing alternatives to the petitioner's statement on the bond amount or undertaking or other reasonable conditions that should be imposed on petitioner, should the stay request be granted.

- (3-) The response may contain affidavits containing additional evidence upon which the party relies in support of the statement under ~~Subsection paragraph (2)(C-c)~~ of this Section.

- (4-) The response must be delivered or mailed to the Agency and to all parties identified in the stay request within ten (10) days of the date of delivery or mailing to the Agency of the stay request.

Section 14-245-00 Request for Stay--Agency Determination

- (1-) The Agency may allow the petitioner to amend or supplement the stay request to comply with ~~Subsection 14-235.185(2)~~ or ~~Section 14-240-190~~. All amendments and supplements shall be delivered or mailed as provided in ~~Subsection 14-235.3185(3)~~, and the deadlines for response and Agency action shall be computed from the date of delivery or mailing to the Agency.

(2-) After the deadline for filing of responses, the Agency shall:

- (a) Decide upon the basis of the material before it; or
- (b) Conduct such further proceedings as it deems desirable; or
- (c) Allow the petitioner, within a time certain, to submit responsive legal arguments and affidavits to rebut any response. Petitioner may not bring new direct evidence through

such affidavits. The Agency may rely on evidence in such affidavits only if it rebuts intervenor evidence.

~~(3.)~~ The Agency's order shall:

- (a) Grant the stay request upon findings of irreparable injury to the petitioner and a colorable claim of error in the Agency order, and may impose reasonable conditions, including but not limited to a bond or other undertaking, and that the petitioner file all documents necessary to bring the matter to issue before the Court of Appeals within a specified reasonable period of time; or
- (b) Deny the stay request upon a finding that the petitioner failed to show irreparable injury or a colorable claim of error in the Agency order; or
- (c) Deny the stay request upon a finding that a specified substantial public harm would result from granting the stay, notwithstanding the petitioner's showing of irreparable injury and a colorable claim of error in the Agency order.

~~(4.)~~ Nothing in ~~Section~~ 14-19040 or in ~~Sections~~ 14-235190, 14-2400 and this ~~S~~section prevents the Agency from receiving evidence from Agency staff concerning the stay request. Such evidence shall be presented by affidavit within the time limits imposed by ~~Subsection~~ 14-2050(1). If there are further proceedings pursuant to ~~Subsection paragraph (2.) (Bb) of this Section~~, the Agency staff may present additional evidence in the same manner that parties are permitted to present additional evidence.

Section 14-2050 Request for Stay--Time Frames

1. Unless otherwise agreed to by the Agency, petitioner and respondents, the Agency shall commence any proceeding instituted pursuant to ~~Section~~ 14-235-190 within twenty (20) days after receiving the stay request.
2. Unless otherwise agreed to by the Agency, petitioner and respondents, the Agency shall grant or deny the stay request within thirty (30) days after receiving it.

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**LANE REGIONAL AIR PROTECTION AGENCY
TITLE 29**

DESIGNATION OF AIR QUALITY AREAS

Section 29-0010 Definitions

The definitions in ~~Title-title~~ 12 and this ~~rule-section~~ apply to this ~~division-title~~. If the same term is defined in this ~~rule-section~~ and ~~Title-title~~ 12, the definition in this ~~rule-section~~ applies to this ~~division-title~~. Definitions of boundaries in this ~~rule-section~~ also apply to LRAPA Rules and Regulations.

~~(1) "AQCR" means Air Quality Control Region.~~

~~(2) "AQMA" means Air Quality Maintenance Area.~~

~~(3) "CO" means Carbon Monoxide.~~

~~(4) "CBD" means Central Business District.~~

~~(5) "Criteria Pollutant" means any of the six pollutants set out by the Clean Air Act (sulfur oxides, particulate matter, ozone, carbon monoxide, nitrogen dioxide, and lead) for which the EPA has promulgated standards in 40 CFR 50.4 through 50.12 (July, 1993).~~

~~(6)~~ "Eugene-Springfield UGB" means the area within the bounds beginning at the Willamette River at a point due east from the intersection of East Beacon Road and River Loop No.1; thence southerly along the Willamette River to the intersection with Belt Line Road; thence easterly along Belt Line Road approximately one-half mile to the intersection with Delta Highway; thence northwesterly and then northerly along Delta Highway and on a line north from the Delta Highway to the intersection with the McKenzie River; thence generally southerly and easterly along the McKenzie River approximately eleven miles to the intersection with Marcola Road; thence southwesterly along Marcola Road to the intersection with 42nd Street; thence southerly along 42nd Street to the intersection with the northern branch of US Highway 126; thence easterly along US Highway 126 to the intersection with 52nd Street; thence north along 52nd Street to the intersection with High Banks Road; thence easterly along High Banks Road to the intersection with 58th Street; thence south along 58th Street to the intersection with Thurston Road; thence easterly along Thurston Road to the intersection with the western boundary of Section 36, T17S, R2W; thence south to the southwest corner of Section 36, T17S, R2W; thence west to the Springfield City Limits; thence following the Springfield City Limits southwesterly

to the intersection with the western boundary of Section 2, T18S, R2W; thence on a line southwest to the Private Logging Road approximately one-half mile away; thence southeasterly along the Private Logging Road to the intersection with Wallace Creek; thence southwesterly along Wallace Creek to the confluence with the Middle Fork of the Willamette River; thence generally northwesterly along the Middle Fork of the Willamette River approximately seven and one-half miles to the intersection with the northern boundary of Section 11, T18S, R3W; thence west to the northwest corner of Section 10, T18S, R3W; thence south to the intersection with 30th Avenue; thence westerly along 30th Avenue to the intersection with the Eugene City Limits; thence following the Eugene City Limits first southerly then westerly then northerly and finally westerly to the intersection with the northern boundary of Section 5, T18S, R4W; thence west to the intersection with Greenhill Road; thence north along Greenhill Road to the intersection with Barger Drive; thence east along Barger Drive to the intersection with the Eugene City Limits (Ohio Street); thence following the Eugene City Limits first north then east then north then east then south then east to the intersection with Jansen Drive; thence east along Jansen Drive to the intersection with Belt Line Road; thence northeasterly along Belt Line Road to the intersection with Highway 99; thence northwesterly along Highway 99 to the intersection with Clear Lake Road; thence west along Clear Lake Road to the intersection with the western boundary of Section 9, T17S, R4W; thence north to the intersection with Airport Road; thence east along Airport Road to the intersection with Highway 99; thence northwesterly along Highway 99 to the intersection East Enid Road; thence east along East Enid Road to the intersection with Prairie Road; thence southerly along Prairie Road to the intersection with Irvington Road; thence east along Irvington Road to the intersection with the Southern Pacific Railroad Line; thence southeasterly along the Southern Pacific Railroad Line to the intersection with Irving Road; thence east along Irving Road to the intersection with Kalmia Road; thence northerly along Kalmia Road to the intersection with Hyacinth Road; thence northerly along Hyacinth Road to the intersection with Irvington Road; thence east along Irvington Road to the intersection with Spring Creek; thence northerly along Spring Creek to the intersection with River Road; thence northerly along River Road to the intersection with East Beacon Drive; thence following East Beacon Drive first east then south then east to the intersection with River Loop No.1; thence on a line due east to the Willamette River and the point of beginning.

~~(7) "Maintenance Area" means any area that was formerly nonattainment for a criteria pollutant but has since met EPA promulgated standards and has had a maintenance plan to stay within the standards approved by the EPA pursuant to 40 CFR 51.110 (July, 1993).~~

~~(8) "Nonattainment Area" means any area that has been designated as not meeting the standards established by the U.S. Environmental Protection Agency (EPA) pursuant to 40 CFR 51.52 (July, 1993) for any criteria pollutant.~~

~~(9) "O3" means Ozone.~~

~~(10)~~ 2 "Oakridge PM2.5 Nonattainment Area" means the area enclosed by the following: T21S, R2E, Sect 11 (NW Corner) east to T21S, R3E, Sect 11 (NE corner), south to T21S, R3E, Sect 23(SE Corner), west to T21S, R2E, Sect 23(SW corner) correctly back to T21S, R2E, Sect 11(NW corner).

~~(11)~~ 3 "Oakridge UGB" means the area enclosed by the following: Beginning at the northwest corner of Section 17, T21S, R3E and the city limits; thence south along the western boundary of Section 17, T21S, R3E along the city limits approximately 800 feet; thence southwesterly following the city limits approximately 750 feet; thence west along the city limits approximately 450 feet; thence northwesterly along the city limits approximately 450 feet; thence on a line

south along the city limits approximately 250 feet; thence on a line east along the city limits approximately 100 feet; thence southwesterly along the city limits approximately 200 feet; thence on a line east along the city limits approximately 400 feet; thence on a line south along the city limits to the channel of the Willamette River Middle Fork; thence south-easterly up the Willamette River Middle Fork along the city limits approximately 7200 feet; thence exiting the Willamette River Middle Fork with the city limits in a northerly manner and forming a rough semicircle with a diameter of approximately one-half mile before rejoining the Willamette River Middle Fork; thence diverging from the city limits upon rejoining the Willamette River Middle Fork and moving southeasterly approximately 5600 feet up the Willamette River Middle Fork to a point on the river even with the point where Salmon Creek Road intersects with U.S. Highway 58; thence on a line east from the channel of the Willamette River Middle Fork across the intersection of Salmon Creek Road and U.S. Highway 58 to the intersection with the Southern Pacific Railroad Line; thence northerly along the Southern Pacific Railroad Line to the intersection with the northern boundary of Section 22, T21S, R3E; thence west along the northern boundary of Section 22, T21S, R3E to the intersection with Salmon Creek Road; thence on a line north to the intersection with the Southern Pacific Railroad Line; thence east along the Southern Pacific Railroad Line approximately 600 feet; thence on a line north to the intersection with High Prairie Road; thence on a line west approximately 400 feet; thence on a line north to the intersection with the northern boundary of Section 15, T21S, R3E; thence west along the northern boundary of Section 15, T21S, R3E to the intersection with the southeastern corner of Section 9, T21S, R3E; thence north along the eastern boundary of Section 9, T21S, R3E approximately 1300 feet; thence on a line west approximately 1100 feet; thence on a line south to the intersection with West Oak Road; thence northwesterly along West Oak Road approximately 2000 feet; thence on a line south to the intersection with the northern boundary line of the city limits; thence westerly and northwesterly approximately 8000 feet along the city limits to the point of beginning.

~~(12) "Particulate Matter" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by an applicable reference method with the Department's *Source Sampling Manual*, (January, 1992).~~

~~(13) PM10:~~

~~(a) When used in the context of emissions, means finely divided solid or liquid material, including condensable water, other than combined water, with an aerodynamic diameter less than or equal to a nominal 10 microns, emitted to the ambient air as measured by as applicable reference method in accordance with the Department's *Source Sampling Manual* (January, 1992);~~

~~(b) When used in the context of ambient concentration, means airborne finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 10 microns as measured in accordance with 40 CFR Part 50, Appendix J (July, 1993).~~

~~(14) "UGA" means Urban Growth Area. (synonymous with "UGB")~~

~~(15) "UGB" means Urban Growth Boundary.~~

Section 29-0020 Designation of Air Quality Control Regions

Oregon's thirty-six counties are divided into five AQCRs. The AQCR boundaries follow county lines, and there are no counties that belong to more than one AQCR. The five AQCRs are as follows:

(1) Portland Interstate AQCR, containing ten counties:

- (a) Benton County;
- (b) Clackamas County;
- (c) Columbia County;
- (d) Lane County;
- (e) Linn County;
- (f) Marion County;
- (g) Multnomah County;
- (h) Polk County;
- (i) Washington County;
- (j) Yamhill County.

(2) Northwest Oregon AQCR, containing three counties:

- (a) Clatsop County;
- (b) Lincoln County;
- (c) Tillamook County.

(3) Southwest Oregon AQCR, containing five counties:

- (a) Coos County;
- (b) Curry County;
- (c) Douglas County;
- (d) Jackson County;
- (e) Josephine County.

(4) Central Oregon AQCR, containing eight counties:

- (a) Crook County;

- (b) Deschutes County;
- (c) Hood River County;
- (d) Jefferson County;
- (e) Klamath County;
- (f) Lake County;
- (g) Sherman County;
- (h) Wasco County.

(5) Eastern Oregon AQCR, containing ten counties:

- (a) Baker County;
- (b) Gilliam County;
- (c) Grant County;
- (d) Harney County;
- (e) Malheur County;
- (f) Morrow County;
- (g) Umatilla County;
- (h) Union County;
- (i) Wallowa County;
- (j) Wheeler County.

Section 29-0030 Designation of Nonattainment Areas

The following areas are designated as Nonattainment Areas:

(1) PM10 Nonattainment Areas:

- (a) The Oakridge Nonattainment Area for PM10 is the Oakridge UGB as defined in ~~Section~~ 29-0010.

(2) PM2.5 Nonattainment Areas:

- (a) The Oakridge Nonattainment Area for PM2.5 is defined in ~~Section~~ 29-0010.

Section 29-0040 Designation of Maintenance Areas

The following areas are designated as Maintenance Areas:

(1) Carbon Monoxide Maintenance Areas:

(a) The Eugene Maintenance Area for ~~C~~carbon ~~M~~monoxide is the Eugene-Springfield UGB as defined in ~~Section~~ 29-0010.

(2) PM10 Maintenance Areas:

(a) The Eugene-Springfield Maintenance Area for PM10 is the Eugene-Springfield UGB as defined in ~~Section~~ 29-0010.

Section 29-0050 Designation of Prevention of Significant Deterioration Areas

(1) All of the following areas which were in existence on August 7, 1977, and for which the 1990 Clean Air Act Amendments clarified, shall be Class I Areas and may not be redesignated:

(a) Mt. Hood Wilderness, as established by Public Law 88-577;

(b) Eagle Cap Wilderness, as established by Public Law 88-577;

(c) Hells Canyon Wilderness, as established by Public Law 94-199;

(d) Mt. Jefferson Wilderness, as established by Public Law 90-548;

(e) Mt. Washington Wilderness, as established by Public Law 88-577;

(f) Three Sisters Wilderness, as established by Public Law 88-577;

(g) Strawberry Mountain Wilderness, as established by Public Law 88-577;

(h) Diamond Peak Wilderness, as established by Public Law 88-577;

(i) Crater Lake National Park, as established by Public Law ~~88-577 and expanded in the 1990 Clean Air Act Amendments~~32-202;

(j) Kalmiopsis Wilderness, as established by Public Law 88-577;

(k) Mountain Lake Wilderness, as established by Public Law 88-577;

(l) Gearhart Mountain Wilderness, as established by Public Law 88-577.

(2) All other areas, in Oregon are initially designated Class II, but may be redesignated as provided in ~~Section~~ 29-0060.

(3) The following areas may be redesignated only as Class I or II:

(a) An area which as of August 7, 1977, exceeded 10,000 acres in size and was a national monument, a national primitive area, a national preserve, a national recreational area, a

national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore; and

(b) A national park or national wilderness area established after August 7, 1977, which exceeds 10,000 acres in size.

(4) The extent of the areas referred to in section (1) and (3) ~~of this rule~~ shall conform to any changes in the boundaries of such areas which occurred between August 7, 1977, and ~~November 15, 1990~~ [April 15, 2015](#).

Section 29-0060 Redesignation of Prevention of Significant Deterioration Areas

(1)(a) All areas in Oregon, except as otherwise provided under ~~Section~~ 29-0050, are designated Class II as of December 5, 1974;

(b) Redesignation, except as otherwise precluded by ~~Section~~ 29-0050, may be proposed by LRAPA, as provided below, subject to approval by the EPA Administrator as a revision to the ~~State Implementation Plan~~ [SIP](#).

(2) LRAPA may submit to the EPA Administrator a proposal to redesignate areas of the state Class I or II provided that:

(a) At least one public hearing has been held in accordance with procedures established in the ~~Plan~~ [SIP](#);

(b) Other ~~States~~ [states](#), Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation were notified at least 30 days prior to the public hearing;

(c) A discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic, social and energy effects of the proposed redesignation, was prepared and made available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contained appropriate notification of the availability of such discussion;

(d) Prior to the issuance of notice respecting the redesignation of an area that includes any ~~F~~ederal lands, LRAPA has provided written notice to the appropriate Federal Land Manager and afforded adequate opportunity, not in excess of 60 days to confer with LRAPA respecting the redesignation and to submit written comments and recommendations. In redesignating any area with respect to which any Federal Land Manager had submitted written comments and recommendations, LRAPA ~~shall~~ [must](#) have published a list of any inconsistency between such redesignation and such comments and recommendations together with the reasons for making such redesignation against the recommendation of the Federal Land Manager; and

(e) LRAPA has proposed the redesignation after consultation with the elected leadership of local general purpose governments in the area covered by the proposed redesignation.

(3) Any area other than an area to which ~~Section~~ 29-0050 refers may be redesignated as Class III if:

(a) The redesignation would meet the requirements of subsection (2) ~~of this rule~~;

(b) The redesignation, except any established by an Indian Governing Body, has been specifically approved by the Governor, after consultation with the appropriate committees of the legislature, if it is in session, or with the leadership of the legislature, if it is not in session, unless state law provides that the redesignation must be specifically approved by state legislation, and if general purpose units of local government representing a majority of the residents of the area to be redesignated enact legislation or pass resolutions concurring in the redesignation;

(c) The redesignation would not cause, or contribute to, a concentration of any air-regulated pollutant which would exceed any maximum allowable increase permitted under the classification of any other area or any ~~national~~ ambient air quality standard; and

(d) Any permit application for any major stationary source or major modification, subject to review under subsection (1) ~~of this rule~~, which could receive a permit under this section only if the area in question were redesignated as Class III, and any material submitted as part of that application, were available insofar as was practicable for public inspection prior to any public hearing on redesignation of the area as Class III.

(4) Lands within the exterior boundaries of Indian Reservations may be redesignated only by the appropriate Indian Governing Body. ~~The appropriate Indian Governing Body may submit to the EPA Administrator a proposal to redesignate areas Class I, II, or III; provided that:~~

~~(a) The Indian Governing Body has followed procedures equivalent to those required of LRAPA under section (2) and subsections (3)(c) and (d) of this rule; and~~

~~(b) Such redesignation is proposed after consultation with the state(s) in which the Indian Reservation is located and which border the Indian Reservation.~~

(5) The EPA Administrator ~~shall~~ may disapprove, within 90 days of submission, a proposed redesignation of any area only if the EPA Administrator ~~he~~ finds, after notice and opportunity for public hearing, that such redesignation does not meet the procedural requirements of this paragraph or is inconsistent with ~~Section~~ 29-0050. If any such disapproval occurs, the classification of the area ~~shall~~ must be that which was in effect prior to the redesignation which was disapproved.

(6) If the EPA Administrator disapproves any proposed redesignation, LRAPA ~~or Indian Governing Body~~, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the EPA Administrator.

Section 29-0070 Special Control Areas

The following areas are designated as Special Control Areas:

(1) Lane County;

(2) Within incorporated cities having a population of 4,000 or more, and within three miles of the corporate limits of any such city.

Section 29-0080 Motor Vehicle Inspection Boundary Designations

In addition to the area specified in ORS 815.300, pursuant to ORS 468A.390, the following geographical areas are designated as areas within which motor vehicles are subject to the requirement under ORS 815.300 to have a Certificate of Compliance issued pursuant to ORS 468A.380 to be registered or have the registration of the vehicle renewed.

(1) There are currently no geographic areas in Lane County subject to motor vehicle inspection programs.

Section 29-0090 Oxygenated Gasoline Control Areas

There currently are no oxygenated gasoline control areas in Lane County.

Designation of Areas

Section 29-0300 Designation of Sustainment Areas

(1) The Board may designate sustainment areas provided that LRAPA submits a request for designation that includes the following information:

- (a) Monitoring data showing that an area is exceeding or has the potential to exceed an ambient air quality standard;
- (b) A description of the affected area based on the monitoring data;
- (c) A discussion and identification of the priority sources contributing to the exceedance or potential exceedance of the ambient air quality standard; and
- (d) A discussion of the reasons for the proposed designation.

(2) Designation of sustainment areas:

- (a) Reserved
- (b) Reserved

(3) An area designated as a sustainment area under subsection (2) will automatically be reclassified immediately upon the EPA officially designating the area as a nonattainment area.

(4) The Board may rescind the designation based on a request by LRAPA. LRAPA will consider the following information for rescinding the designation:

- (a) Whether at least three consecutive years of monitoring data shows the area is meeting the ambient air quality standard; and
- (b) A request by a local government.

NOTE: This rule, except subsections (2) and (3), is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Section 29-0310 Designation of Reattainment Areas

(1) The Board may designate reattainment areas provided that LRAPA submits a request for designation that includes the following information:

(a) At least three consecutive years of monitoring data showing that an area that is currently designated by EPA as nonattainment is attaining an ambient air quality standard; and

(b) A discussion of the reasons for the proposed designation.

(2) Designation of sustainment areas:

(a) The Oakridge PM2.5 Non-attainment area as defined in 29-0010(2) is designated as a reattainment area for PM2.5.

(b) Reserved.

(3) An area designated as a reattainment area under subsection (2) will automatically be reclassified immediately upon:

(a) The Board designating the area as a maintenance area and EPA officially designating the area as an attainment area; or

(b) The Board rescinding the designation based on a request by LRAPA. LRAPA will consider the following information for rescinding the designation:

(A) Monitoring data that shows the area is not meeting the ambient air quality standard; and

(B) A request by a local government.

NOTE: This rule, except subsections (2) and (3), is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Section 29-0320 Priority Sources

For the purposes of LRAPA title 38, priority sources are identified as follows:

(1) In the Oakridge reattainment area, uncertified residential wood fuel-fired devices. The offset values for replacement of uncertified residential wood fuel-fired devices are specified in OAR 340-240-0560.

(2) In any other area, LRAPA may identify priority sources during a specific permit action based on the sources addressed in the emission reduction strategies that were included in the attainment or maintenance plans for the area. The offset value for priority sources identified under this section must be determined by LRAPA. The offset values for replacement of uncertified residential wood fuel-fired devices in rules LRAPA develops for areas with unique air quality needs may only be used if LRAPA determines that the values reasonably apply to the geographical area in question.

INCINERATOR REGULATIONS

Section 30-010 Definitions

The definitions in title 12 and title 46 and this section apply to this title. If the same term is defined in this section and title 12 or title 46, the definition in this section applies to this title.~~Words and terms used in this title are defined as follows, unless the context requires otherwise:~~

- "Acid Gases" means any exhaust gas which includes hydrogen chloride and sulfur dioxide.
- "Administrator" means the Administrator of the U.S. Environmental Protection Agency or his/her authorized representative or Administrator of a State Air Pollution Control Agency.
- "CFR" means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 2016 edition.
- ~~• "Best Available Control Technology (BACT)" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction of each air contaminant subject to regulation under the Clean Air Act which would be emitted from any proposed major source or major modification which, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air contaminant. In no event shall the application of BACT result in emissions of any air contaminant which would exceed the emissions allowed by any applicable new source performance standard or any standard for hazardous air pollutants. If an emission limitation is not feasible, a design, equipment, work practice, or operational standard, or combination thereof, may be required. Such standard shall, to the degree possible, set forth the emission reduction achievable and shall provide for compliance by prescribing appropriate permit conditions.~~
- ~~• "Biological Waste," includes blood and blood products, excretions, exudates, secretions, suctionings and other body fluids that cannot be directly discarded into a municipal sewer system, and waste materials saturated with blood or body fluids, but does not include diapers soiled with urine or feces (see also "infectious waste").~~
- "Continuous Emissions Monitoring (CEM)" means a monitoring system for continuously measuring the emissions of a pollutant from an affected incinerator. Continuous monitoring equipment and operation shall be certified in accordance with EPA performance specifications and quality assurance procedures outlined in 40 CFR 60, Appendices B and F, and the ~~Department's~~ DEQ CEM Manual.
- "Crematory Incinerator" means an incinerator used solely for the cremation of non-pathological human, non-pathological animal remains, and appropriate containers.
- "Cultures and stocks" includes etiologic agents and associated biologicals, including specimen cultures and dishes and devices used to transfer, inoculate and mix cultures,

wastes from production of biologicals, and serums and discarded live and attenuated vaccines. "Cultures" does not include throat and urine cultures (see also "infectious waste").

~~• "Department" means the Oregon Department of Environmental Quality.~~

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

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

- "Dry Standard Cubic Foot" means the amount of gas, free of uncombined water, that would occupy a volume of 1 cubic foot at standard conditions. When applied to combustion flue gases from waste or refuse burning, "Standard Cubic Foot (SCF)" means adjustment of gas volume to that which would result at a concentration of 7% oxygen (dry basis) [or 50 percent excess air](#).

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

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

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

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

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

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

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

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

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

- ~~"Person in Charge of Property" means an agent, occupant, lessee, tenant, contract purchaser, or other person having possession or control of property.~~
- "Primary Combustion Chamber" means the discrete equipment, chamber or space in which drying of the waste, pyrolysis, and essentially the burning of the fixed carbon in the waste occurs.
- "Pyrolysis" means the endothermic gasification of waste material using external energy.
- "Refuse" means unwanted matter.
- "Refuse Burning Equipment" means a device designed to reduce the volume of solid, liquid, or gaseous refuse by combustion.
- "Secondary (or Final) Combustion Chamber" means the discrete equipment, chamber, or space, excluding the stack, in which the products of pyrolysis are combusted in the presence of excess air, such that essentially all carbon is burned to carbon dioxide.
- "Sharps" includes needles, IV tubing with needles attached, scalpel blades, lancets, glass tubes that could be broken during handling, and syringes that have been removed from their original sterile containers (see also "infectious waste").
- "Solid Waste" means refuse, more than 50% of which is waste consisting of a mixture of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustible materials, and noncombustible materials such as metal, glass, and rock.
- "Solid Waste Incinerator" means an incinerator which is operated or utilized for the disposal or treatment of solid waste, including combustion for the recovery of heat.
- ~~"Source" means any building, structure, facility, installation or combination thereof which emits or is capable of emitting air contaminants to the atmosphere and is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control. This includes all of the pollutant emitting activities which belong to the same industrial grouping or major group (i.e. which have the same two digit code) as described in EPA's Standard Industrial Classification (SIC) manual (U.S. Office of Management and Budget 1987). (Title 12 contains another definition of "source" for use with other rules.)~~
- ~~"Standard Conditions" means a gas temperature of sixty eight (68) degrees Fahrenheit and a gas pressure of 29.92 inches of mercury.~~
- ~~"Startup/Shutdown" means the time during which an air contaminant source or emission control equipment is brought into normal operation and normal operation is terminated, respectively.~~
- ~~"Startup," means that time during which an air contaminant source or emission control equipment is brought into normal operation. (Title 12 contains another definition of "startup" for use with other rules.)~~

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

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 31

PUBLIC PARTICIPATION

Section 31-0010 Purpose

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

Section 31-0020 Applicability

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

Section 31-0030 Public Notice Categories and Timing

- (1) LRAPA categorizes permit actions according to potential environmental and public health significance and the degree to which LRAPA has discretion for implementing the applicable regulations. Category I is for permit actions with low environmental and public health significance so they have less public notice and opportunity for public participation. Category IV is for permit actions with potentially high environmental and public health significance so they have the greatest level of public notice and opportunity for participation.
- (2) -Permit actions are assigned to specific categories in OAR 340, division 218 and LRAPA ~~Title~~-title 37. If a permit action is uncategorized, the permit action will be processed under Category III.
- (3) The following describes the public notice or participation requirements for each category:
 - (a) Category I -- No prior public notice or opportunity for participation. However, LRAPA will maintain a list of all permit actions processed under Category I and make the list available for public review.
 - (b) Category II -- LRAPA will provide public notice of the proposed permit action and a minimum of 30 days to submit written comments.
 - (c) Category III -- LRAPA will provide public notice of the proposed permit action and a minimum of 35 days to submit written comments. LRAPA will provide a minimum of 30 days notice for a hearing, if one is scheduled. LRAPA will schedule a hearing at a reasonable time and place to allow interested persons to submit oral or written comments if:
 - (A) LRAPA determines that a hearing is necessary; or

- (B) Within 35 days of the mailing of the public notice, LRAPA receives written requests from ten persons, or from an organization representing at least ten persons, for a hearing.

☉(d) Category IV -- Once an application is considered complete under ~~Section 37-~~0040, LRAPA will:

- (A) Provide notice of the completed application and requested permit action; and
- (B) Schedule an informational meeting within the community where the facility will be or is located and provide public notice at least 14 days before ~~of~~ the meeting. During the meeting, LRAPA will describe the requested permit action and accept comments from the public. LRAPA will consider any information gathered in this process in its drafting of the proposed permit, but will not maintain an official record of the meeting and will not provide a written response to the comments;
- (C) Once a draft permit is completed, provide public notice of the proposed permit and a minimum of 40 days to submit written comments; and
- (D) Schedule a public hearing at a reasonable time and place to allow interested persons to submit oral or written comments and provide a minimum of 30 days public notice for the hearing.

•(4) Except for ~~title V permit~~ actions regarding LRAPA Title V Operating Permits, LRAPA may move a permit action to a higher category under subsection (3) ~~of this rule~~ based on, but not limited to the following factors:

- ☉(a) Anticipated public interest in the facility;
- ☉(b) Compliance and enforcement history of the facility or owner; ~~or~~
- ☉(c) Potential for significant environmental or public harm due to location or type of facility; ~~;~~ or
- ☉(d) Federal requirements.

Section 31-0040 Public Notice Information

•(1) The following information is required in public notices or included in a web link from the public notice for all proposed ACDP and draft LRAPA Title V Operating Permit actions, except for General Permit actions:

- ☉(a) Name of applicant and location of the facility;
- (b) Type of facility, including a description of the facility's processes subject to the permit;

- (c) Description of the air contaminant emissions including, the type of [regulated](#) pollutants, quantity of emissions, and any decreases or increases since the last permit action for the facility;
- (d) Location and description of documents relied upon in preparing the draft permit;
- (e) Other permits required by LRAPA;
- (f) Date of previous permit actions;
- (g) Opportunity for public comment and a brief description of the comment procedures, whether in writing or in person, including the procedures for requesting a hearing (unless a hearing has already been scheduled or is not an option for the Public Notice category);
- (h) Compliance, enforcement, and complaint history along with resolution of the same;
- (i) A summary of the discretionary decisions made by LRAPA in drafting the permit;
- (j) Type and duration of the proposed or draft permit action;
- (k) Basis of need for the proposed or draft permit action;
- (l) Any special conditions imposed in the proposed or draft permit action;
- (m) Whether each proposed permitted emission is a criteria pollutant and whether the area in which the source is located is designated as attainment/[unclassified](#), [sustainment](#), ~~or~~ non-attainment, [re attainment or maintenance](#) for that pollutant;
- (n) If the proposed permit action is for a federal major source, whether the proposed permitted emission would have a significant impact on a Class I airshed;
- (o) If the proposed permit action is for a major source for which dispersion modeling has been performed, an indication of what impact each proposed permitted emission would have on the ambient air quality standard and PSD increment consumption within an attainment area;
- (p) Other available information relevant to the permitting action;
- (q) The name and address of LRAPA office processing the permit;
- (r) The name, address, and telephone number and e-mail address of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including any compliance plan, permit, and monitoring and compliance certification report, except for information that is exempt from disclosure, and all other materials available to LRAPA that are relevant to the permit decision; and
- (s) If applicable, a statement that an enhanced ~~New Source Review~~ [NSR](#) process, under LRAPA ~~Title~~ [title](#) 38, including the external review procedures required

under OAR 340-218-0210 and 340-218-0230, is being used to allow for subsequent incorporation of the operating approval into an LRAPA Title V Operating Permit as an administrative amendment.

- (2) General Permit Actions. The following information is required for General ACDP and General LRAPA Title V Operating Permit actions:
 - (1)(a) -The name and address of potential or actual facilities assigned to the General Permit;
 - (2)(b) Type of facility, including a description of the facility's process subject to the permit;
 - (3)(c) Description of the air contaminant emissions including, the type of pollutants, quantity of emissions, and any decreases or increases since the last permit action for the potential or actual facilities assigned to the permit;
 - (4)(d) Location and description of documents relied upon in preparing the draft permit;
 - (5)(e) Other permits required by LRAPA;
 - (6)(f) Date of previous permit actions;
 - (7)(g) Opportunity for public comment and a brief description of the comment procedures, whether in writing or in person, including the procedures for requesting a hearing (unless a hearing has already been scheduled or is not an option for the Public Notice category)
 - (8)(h) Compliance, enforcement, and complaint history along with resolution of the same;
 - (9)(i) A summary of the discretionary decisions made by LRAPA in drafting the permit;
 - (10)(j) Type and duration of the proposed or draft permit action;
 - (11)(k) Basis of need for the proposed or draft permit action;
 - (12)(l) Any special conditions imposed in the proposed or draft permit action;
 - (13)(m) Whether each proposed permitted emission is a criteria pollutant and whether the area in which the sources are located are designated as attainment or nonattainment for that pollutant;
 - (14)(n) If the proposed permit action is for a federal major source, whether the proposed permitted emission would have a significant impact on a Class I airshed;
 - (15)(o) Other available information relevant to the permitting action; and

~~(16)~~(p) The name, address, and telephone number and e-mail address of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including any compliance plan, permit, and monitoring and compliance certification report, except for information that is exempt from disclosure, and all other materials available to LRAPA that are relevant to the permit decision.

Section 31-0050 Public Notice Procedures

- ~~(1)~~ (1) All notices. LRAPA will mail or e-mail a notice of proposed permit actions to the persons identified in ~~Section~~ 31-0060.
- ~~(2)~~ (2) ~~New Source Review~~ NSR, LRAPA Title V Operating Permit and General ACDP actions. In addition to subsection (1) of this rule, LRAPA will provide notice of ~~New Source Review~~ NSR, LRAPA Title V Operating Permit and General ACDP actions as follows:
 - ~~(1)~~(a) ~~Advertisement in a newspaper of general circulation in the area where the source or sources are~~ On the LRAPA website and/or will be located or LRAPA publication designed to give general public notice; and
 - ~~(a)~~(b) Other means, if necessary, to assure adequate notice to the affected public.

Section 31-0060 Persons Required to Be Notified

- ⊖ ~~(1)~~ (1) All notices. For all types of public notice, LRAPA will provide notice to the following persons:
 - ~~1.~~(a) The applicant;
 - ~~2.~~(b) Persons on a mailing list maintained by LRAPA, including those who request in writing to be notified of air quality permit actions;
 - ~~3.~~(c) Local news media; and
 - ~~4.~~(d) Interested state and federal agencies.
- ⊖ ~~(2)~~ (2) General ACDP or General LRAPA Title V Operating Permit actions. In addition to subsection (1) of this rule, LRAPA will notify the following:
 - ~~1.~~(a) Potential applicants; and
 - ~~(a)~~(b) All existing permit holders in the source category in the case where a General Permit is being issued to a category of sources already permitted.
- ⊖ ~~(3)~~ (3) LRAPA Title V Operating Permit actions. LRAPA will provide notice to affected states and the EPA in addition to the persons identified in subsections (1) and (2) of this rule.

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

- ~~1.(a)~~ The chief executives of the city and county where the source or modification would be located;
- ~~2.(b)~~ Any comprehensive regional land use planning agency;
- ~~3.(c)~~ Any state, federal land manager, or Indian governing body whose land may be affected by emissions from the source or modification; and
- ~~4.(d)~~ The EPA.

Section 31-0070 Hearing and Meeting Procedures

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

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

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

~~c. During the meeting, LRAPA will:~~

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

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

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

• ~~(1)~~ -Notice of the hearing may be given either in the notice accompanying the proposed or draft permit action or in such other manner as is reasonably calculated to inform interested persons. LRAPA will provide notice of the hearing at least 30 days before the hearing.

• ~~(2)~~ Presiding Officer. A Presiding Officer will preside over the public hearing and ensure that proper procedures are followed to allow for the public to comment on the proposed permit action.

~~e(a)~~ -Before accepting oral or written comments by members of the public, the Presiding Officer or LRAPA representative will present a summary of the

proposed permit action and the LRAPA's preliminary decision. During this period, there ~~will~~ may be an opportunity to ask questions about the proposed or draft permit action.

- e**(b)** The Presiding Office will then provide an opportunity for interested persons to submit oral or written comments regarding the proposed permit action. Interested persons are encouraged to submit written comments because time constraints may be imposed, depending on the level of participation. While public comment is being accepted, discussion of the proposed or draft permit action will not be allowed.
- e**(c)** -After the public hearing, the Presiding Officer will prepare a report of the hearing that includes the date and time of the hearing, the permit action, names of persons attending the hearing, written comments, and a summary of the oral comments. The Presiding Officer's report will be entered into the permit action record.

Section 31-0080 Issuance or Denial of a Permit

- **(1)** Following the public comment period and public hearing, if one is held, LRAPA will take action upon the matter as expeditiously as possible. Before taking such action, LRAPA will prepare a written response to separately address each substantial, distinct issue raised during the comment period and during the hearing record.
- **(2)** LRAPA will make a record of the public comments, including the names and affiliation of persons who commented, and the issues raised during the public participation process. The public comment records may be in summary form rather than a verbatim transcript. The public comment records are available to the public ~~in the location(s) listed in Section 31-0040.~~
- **(3)** The applicant may submit a written response to any comments submitted by the public within 10 working days after the ~~close of the public comment period~~ LRAPA provides the applicant with a copy of the written comments received by LRAPA. LRAPA will consider the applicant's response in making a final decision.
- **(4)** After considering the comments, LRAPA may adopt or modify the provisions requested in the permit application.
- **(5)** Issuance of permit: LRAPA will promptly notify the applicant in writing of the final action as provided in ~~Section 14-1740~~ and will include a copy of the permit. If the permit conditions are different from those contained in the proposed permit, the notification will identify the affected conditions and include the reasons for the changes.
- **(6)** Denial of a permit: LRAPA will promptly notify the applicant in writing of the final action as provided in ~~Section 14-1740~~. If LRAPA denies a permit application, the notification will include the reasons for the denial.
- **(7)** LRAPA's decision under subsections (4) and (5) is effective 20 days from the date of service of the notice unless, within that time, LRAPA receives a request for a hearing from the applicant. The request for a hearing must be in writing and state the grounds for the request. The hearing will be conducted as a contested case hearing in accordance with ORS 183.413 through 183.470 and LRAPA ~~Title~~ title 31.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 32

EMISSION STANDARDS

Section 32-001 Definitions

The definitions in title 12 and title 29 and this section apply to this title. If the same term is defined in this section and title 12 or title 29, the definition in this section applies to this title.

- (1) "Distillate fuel oil" means any oil meeting the specifications of ASTM Grade 1 or 2 fuel oils; See Title 12, Definitions.
- (2) "Residual fuel oil" means any oil meeting the specifications of ASTM Grade 4, 5, or 6 fuel oils.
- (3) "Special control area" means an area designated in title 29 or OAR 340-204-0070.

Section 32-005 Highest and Best Practicable Treatment and Control Required

~~1.~~(1) As specified in 32-006 through 32-009 and subsections (2) through (6) ~~of this section~~, the highest and best practicable treatment and control of air contaminant emissions shall in every case be provided so as to maintain overall air quality at the highest possible levels, and to maintain contaminant concentrations, visibility reduction, odors, soiling and other deleterious factors at the lowest possible levels. In the case of ~~new~~ sources installed, constructed, or modified after June 1, 1970 ~~of air contamination~~, particularly those located in areas with existing high-level air quality degradation, the degree of treatment and control provided shall be such that further degradation of existing air quality is minimized to the greatest extent possible.

~~2.~~(2) A source ~~shall be deemed to be~~ in compliance with subsection (1) ~~of this section~~ if the source is in compliance with all other applicable emission standards and requirements contained in LRAPA ~~Titles~~ titles 32 through 51 and OAR ~~Division 340~~ division 218; ~~including but not limited to requirements applicable to:~~

~~A.—specific pollutants in Title 32;~~

~~B.—specific existing and new source categories in Title 33;~~

~~C.—hazardous air pollutants in Title 44~~

~~D.—control requirements and operational and maintenance requirements in sections 32-007 through 32-009; and~~

~~E.—review of new major sources and major modifications in Title 38.~~

~~3.~~(3) LRAPA may adopt additional rules as necessary to ensure that the highest and best practicable treatment and control is provided as specified in subsection ~~(1) of this section~~. Such rules may include, but are not limited to, the following requirements:

~~A.~~(a) Applicable to a source category, regulated pollutant or geographic area of Lane County;

~~B.~~(b) Necessary to protect public health and welfare for air contaminants that are not otherwise regulated by LRAPA; or

~~C.~~(c) Necessary to address the cumulative impact of sources on air quality.

~~4.~~(4) LRAPA encourages the owner or operator of a source to further reduce emissions from the source beyond applicable control requirements where feasible.

~~5.~~(5) Nothing in ~~sections~~ 32-005 through 32-009 revokes or modifies any existing permit term or condition unless or until LRAPA revokes or modifies the term or condition by a permit revision. ~~Adoption of 32-005 is not intended to withdraw authority for application of any existing policy for new sources of toxic and hazardous air pollutants to a federal operating permit program source until the effective date of the program.~~

~~6.~~(6) Compliance with a specific emission standard in these rules does not preclude the required compliance with any other applicable emission standard.

Section 32-006 Pollution Prevention

The owner or operator of a source is encouraged to take into account the overall impact of the control methods selected, considering risks to all environmental media and risks from all affected products and processes. The owner or operator of a source is encouraged, but not required, to utilize the following hierarchy in controlling air contaminant emissions:

~~1.~~(1) Modify the process, raw materials or product to reduce the toxicity and/or quantity of air contaminants generated;

~~2.~~(2) Capture and reuse air contaminants;

~~3.~~(3) Treat to reduce the toxicity and/or quantity of air contaminants released; or

~~4.~~(4) Otherwise control emissions of air contaminants.

Section 32-007 Operating and Maintenance Requirements

~~1.~~(1) Operational, Maintenance and Work Practice Requirements:

~~A.~~(a) Where LRAPA has determined that specific operational, maintenance, or work practice requirements are appropriate to ensure that the owner or operator of a source is operating and maintaining air pollution control equipment and emission reduction processes at the highest reasonable efficiency and effectiveness to minimize emissions, LRAPA shall establish such requirements by permit condition or Notice of Construction (NOC) approval.

~~B.~~(b) Operational, maintenance and work practice requirements include, but are not limited to:

(~~1~~A) Flow rates, temperatures, pressure drop, ammonia slip, and other physical or chemical parameters related to the operation of air pollution control ~~equipment~~ devices and emission reduction processes;

(~~2~~B) Monitoring, record-keeping, testing and sampling requirements and schedules;

(~~3~~C) Maintenance requirements and schedules; or

(~~4~~D) Requirements that components of air pollution control ~~equipment~~ devices be functioning properly.

(~~2.~~) Emission Action Levels

~~A.~~(a) Where LRAPA has determined that specific operational, maintenance, or work practice requirements considered or required under subsection (~~1~~) ~~of this section~~ are not sufficient to ensure that the owner or operator of a source is operating and maintaining air pollution control ~~equipment~~ devices and emission reduction processes at the highest reasonable efficiency and effectiveness, LRAPA may establish, by permit or Notice of Construction (NOC) approval, specific emission action levels in addition to applicable emission standards. An emission action level shall be established at a level which ensures that air pollution control ~~equipment~~ devices or an emission reduction process is operated at the highest reasonable efficiency and effectiveness to minimize emissions.

~~B.~~(b) If emissions from a source equal or exceed the applicable emission action level, the owner or operator of the source shall:

(~~1~~A) Take corrective action as expeditiously as ~~practical~~ practicable to reduce emissions to below the emission action level;

(~~2~~B) Maintain records at the plant site for ~~two~~ five (~~25~~) years which document the exceedance, the cause of the exceedance, and the corrective action taken;

(~~3~~C) Make such records available for inspection by LRAPA during normal business hours; and

(~~4~~D) Submit such records to LRAPA upon request.

~~C.~~(c) LRAPA shall revise an emission action level if it finds that ~~such~~ the level does not reflect the highest reasonable efficiency and effectiveness of air pollution control ~~equipment~~ devices and emission reduction processes.

~~D.~~(d) An exceedance of an emission action level which is more stringent than an applicable emission standard shall not be a violation of ~~such~~ the emission standard.

~~3.~~(3) In determining the highest reasonable efficiency and effectiveness for purposes of this rule, LRAPA shall take into consideration operational variability and the capability of air pollution control ~~equipment~~ devices and emission reduction processes. If the performance of air pollution control ~~equipment~~ devices and emission reduction processes during start-up or shut-

down differs from the performance under normal operating conditions, LRAPA shall determine the highest reasonable efficiency and effectiveness separately for these start-up and shut-down operating modes.

Section 32-008 Typically Achievable Control Technology (TACT)

For existing sources, the emission limit established will be typical of the emission level achieved by emissions units similar in type and size. For new and modified sources, the emission limit established will 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 will be based on information known to LRAPA while 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 devices. 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, operational standard, or combination thereof, may be required.

~~1.~~ Existing Sources. An existing emissions unit must meet TACT for existing sources if:

- ~~A.~~(a) The emissions unit, ~~for the pollutants emitted,~~ is not already subject to emissions standards for the regulated pollutant under ~~Title-title~~ 30, ~~Title-title~~ 32, ~~Title-title~~ 33, ~~Title title~~ 38, ~~Title-title~~ 39 or ~~Title-title~~ 46 at the time TACT is required;
- ~~B.~~(b) The source is required to have a permit;
- ~~C.~~(c) The emissions unit has emissions of criteria pollutants equal to or greater than five (5) tons per year of particulate or ten (10) tons per year of any gaseous pollutant; and
- ~~D.~~(d) LRAPA determines that air pollution control ~~equipment-devices~~ and emission reduction processes in use for the emissions unit do not represent TACT and that further emission control is necessary to address documented nuisance conditions, address an increase in emissions, ensure that the source is in compliance with other applicable requirements, or to protect public health or welfare or the environment.

~~2.~~(2) New and Modified Sources. A new or modified emissions unit must meet TACT for new or modified sources if:

- ~~A.~~(a) The new or modified emissions unit, ~~for the pollutants to be emitted,~~ is not subject to ~~New Source Review~~ Major NSR requirements in ~~Title-title~~ 38, a Type A State NSR action under LRAPA title 38, an applicable Standard of Performance for New Stationary Sources in ~~Title-title~~ 46, or any other standard applicable only to new or modified sources in ~~Title-title~~ 32, ~~Title-title~~ 33, or ~~Title-title~~ 39 ~~at the time TACT is required~~ for the regulated pollutant emitted;
- ~~B.~~(b) The source is required to have a permit.;
- ~~C.~~(c) The emissions unit:

(1A) If new, would have emissions of any criteria pollutant equal to or greater than 1 ton per year, or of PM₁₀ equal to or greater than 500 pounds per year in a PM₁₀ nonattainment area; or

(2B) If modified, would have an increase in emissions from the permitted level for the emissions unit of any criteria pollutant equal to or greater than 1 ton per year, or of PM₁₀ equal to or greater than 500 pounds per year in a PM₁₀ nonattainment area; and

~~D.(d)~~ LRAPA determines that the proposed air pollution control ~~equipment-devices~~ and emission reduction processes do not represent TACT.

(3-) ~~Prior to~~Before making a TACT determination, LRAPA ~~shall~~will notify the owner or operator of a source of its intent to make such determination utilizing information known to LRAPA. The owner or operator of the source may supply LRAPA with additional information by a reasonable date set by LRAPA ~~for use in making the TACT determination~~.

(4-) The owner or operator of a source subject to TACT shall submit, ~~by a reasonable date established by LRAPA~~, compliance plans and specifications ~~by a reasonable date established by LRAPA~~ for ~~LRAPA's~~ approval ~~by LRAPA~~. The owner or operator of the source ~~shall~~ must demonstrate compliance in accordance with a method and compliance schedule approved by LRAPA.

Section 32-009 Additional Control Requirements for Stationary Sources of Air Contaminants

LRAPA shall establish control requirements in addition to otherwise applicable requirements by permit, if necessary, as specified in ~~subsections (1) through (5) of this section~~:

(1-) Requirements shall be established to prevent violation of an ~~A~~ambient ~~A~~air ~~Q~~quality ~~S~~standard caused or projected to be caused substantially by emissions from the source as determined by modeling, monitoring or a combination thereof. For existing sources, the violation of an ~~A~~ambient ~~A~~air ~~Q~~quality ~~S~~standard shall be confirmed by monitoring conducted by LRAPA.

(2-) Requirements shall be established to prevent significant impairment of visibility in Class I areas caused or projected to be caused substantially by a source as determined by modeling, monitoring or a combination thereof. For existing sources, the visibility impairment shall be confirmed by monitoring conducted by LRAPA.

(3-) A requirement applicable to major source shall be established if it has been adopted by EPA but has not otherwise been adopted by the EQC or the ~~LRAPA~~-Board.

(4-) An additional control requirement shall be established if requested by the owner or operator of a source.

(5-) Additional controls may be required to achieve air contaminant reduction as part of a State Implementation Plan.

Section 32-010 Visible Air Contaminant Limitations

- ~~1. Except as provided in Subsection 2, air contaminant emissions from any air contaminant source must not equal or exceed 20% opacity for a period or periods aggregating more than three minutes in any one hour.~~
- ~~2. Existing Fuel Burning Equipment Utilizing Wood Wastes (any source installed, constructed or modified before June 1, 1970). Air contaminant emissions from any single source must not equal or exceed 40% opacity for a period or periods aggregating more than three minutes in any one hour.~~
- ~~3. Exception Visible Air Contaminant Standards. Uncombined Water. Where the presence of uncombined water is the only reason for failure of any emission to meet the requirements of Section 32-010-1 or 2, such section shall not apply.~~
- ~~4. Veneer Dryers (moved to Title 33, section 33.060-2.A)~~
- ~~5. Opacity is determined in accordance with the procedures specified in the definition of "opacity" in LRAPA Title 12.~~
 - (1) The emissions standards in this section do not apply to fugitive emissions from a source or part of a source.
 - (2) For all visible emission standards in this section, the minimum observation period must 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 are equal to or greater than the opacity percentage in the standard, whether or not the readings are consecutive. Each EPA Method 203B reading represents 15 seconds of time. Three-minute aggregate periods are measured by:
 - (a) EPA Method 203B;
 - (b) A continuous opacity monitoring system (COMS) installed and operated in accordance with the DEQ Continuous Monitoring Manual or 40 CFR part 60; or
 - (c) An alternative monitoring method approved by LRAPA that is equivalent to EPA Method 203B.
 - (3) For sources, other than wood-fired boilers, no person may emit or allow to be emitted any visible emissions that equal or exceed an average of 20 percent opacity for a period or periods aggregating more than three minutes in any one hour.
 - (4) For wood-fired boilers that existed prior to June 1, 1970, no person may emit or allow to be emitted any visible emissions that equal or exceed:
 - (a) An average of 40 percent opacity for a period or periods aggregating more than three minutes in any one hour through December 31, 2019.
 - (b) An average of 20 percent opacity for a period or periods aggregating more than three minutes in any one hour on or after January 1, 2020, with one or more of the following exceptions:

(A) Visible emissions may equal or exceed 20 percent opacity but may not equal or exceed 40 percent opacity, as the average of all three-minute aggregate periods during grate cleaning operations provided the grate cleaning is performed in accordance with a grate cleaning plan approved by LRAPA; or

(B) LRAPA may approve, at the owner's or operator's request, a boiler specific limit greater than 20 percent opacity for a period or periods aggregating more than three minutes in any one hour, but not to equal or exceed 40 percent opacity for a period or periods aggregating more than three minutes in any one hour, based on the opacity measured during a source test that demonstrates compliance with 32-020(2) as provided below:

(i) Opacity must be measured for at least 60 minutes during each compliance source test run using any method included in subsection (2);

(ii) The boiler specific limit will be the average of at least 30 three-minute aggregate periods obtained during the compliance source test;

(iii) The boiler specific limit will include a higher limit for one three minute aggregate period during any hour based on the maximum three-minute aggregate periods measured during the compliance source test; and

(iv) Specific opacity limits will be included in the permit for each affected source as a minor permit modification (simple fee) for sources with an LRAPA Title V Operating Permit or a Basic Technical Modification for sources with an Air Contaminant Discharge Permit.

(5) For wood-fired boilers installed, constructed, or modified after June 1, 1970 but before April 16, 2015, no person may emit or allow to be emitted any visible emissions that equal or exceed an average of 20 percent opacity for a period or periods aggregating more than three minutes in any one hour.

(6) For all wood-fired boilers installed, constructed, or modified after April 16, 2015, no person may emit or allow to be emitted any visible emissions that equal or exceed an average of 20 percent opacity for a period or periods aggregating more than three minutes in any one hour.

Section 32-015 Particulate ~~Matter Weight Standards~~ Emission Limitations for Sources Other Than Fuel Burning Equipment, Refuse Burning Equipment and Fugitive Emissions

~~Notwithstanding emission limits of Sections 32-020 and 32-030, particulate emissions shall not exceed:~~

~~1.—0.2 grain per standard dry cubic foot for any air contaminant source constructed or modified prior to June 1, 1970; or~~

~~2.—0.1 grain per standard dry cubic foot for any air contaminant source installed, constructed or modified after June 1, 1970.~~

(1) This section does not apply to fugitive emissions sources, fuel burning equipment, refuse burning equipment, or to solid fuel burning devices certified under OAR 340-262-0500.

- (2) No person may cause, suffer, allow, or permit particulate matter emissions from any air contaminant source in excess of the following limits:
- (a) For sources installed, constructed, or modified before June 1, 1970:
- (A) 0.10 grains per dry standard cubic foot provided that all representative compliance source test results collected prior to April 16, 2015 demonstrate emissions no greater than 0.080 grains per dry standard cubic foot;
- (B) If any representative compliance source test results collected prior to April 16, 2015 demonstrate emissions greater than 0.080 grains per dry standard cubic foot, or if there are no representative compliance source test results, then:
- (i) 0.24 grains per dry standard cubic foot prior to Dec. 31, 2019; and
- (ii) 0.15 grains per dry standard cubic foot on or after Jan. 1, 2020; and
- (C) In addition to the limits in subparagraphs (A) or (B), for equipment or a mode of operation that is used less than 876 hours per calendar year, 0.24 grains per dry standard cubic foot from April 16, 2015 through December 31, 2019, and 0.20 grains per dry standard cubic foot on or after Jan. 1, 2020.
- (b) For sources installed, constructed, or modified on or after June 1, 1970 but prior to April 16, 2015:
- (A) 0.10 grains per dry standard cubic foot provided that all representative compliance source test results prior to April 16, 2015 demonstrate emissions no greater than 0.080 grains per dry standard cubic foot; or;
- (B) If any representative compliance source test results prior to April 16, 2015 are greater than 0.080 grains per dry standard cubic foot, or if there are no representative compliance source test results, then 0.14 grains per dry standard cubic foot.
- (c) For sources installed, constructed or modified after April 16, 2015, 0.10 grains per dry standard cubic foot.
- (d) The owner or operator of a source installed, constructed, or modified before June 1, 1970 who is unable to comply with the standard in sub-subparagraph (a)(B)(ii) may request that LRAPA grant an extension allowing the source up to one additional year to comply with the standard. The request for an extension must be submitted no later than Oct. 1, 2019.
- (3) Compliance with the emissions standards in subsection (2) is determined using:
- (a) DEQ Method 5;
- (b) DEQ Method 8, as approved by LRAPA for sources with exhaust gases at or near ambient conditions;
- (c) DEQ Method 7 for direct heat transfer sources; or
- (d) An alternative method approved by LRAPA.

(e) For purposes of this section, representative compliance source test results are data that was obtained:

(A) No more than ten years before April 16, 2015; and

(B) When a source is operating and maintaining air pollution control devices and emission reduction processes at the highest reasonable efficiency and effectiveness to minimize emissions based on the current configuration of the emissions unit and pollution control equipment.

Section 32-020 Particulate Matter Weight Standards - Existing Combustion Sources

(1) For fuel burning equipment sources installed, constructed, or modified before June 1, 1970, except solid fuel burning devices that have been certified under OAR 340-262-0500, no person may cause, suffer, allow, or permit particulate matter emissions from any fuel burning equipment in excess of the following limits:

(a) 0.10 grains per dry standard cubic foot provided that all representative compliance source test results collected prior to April 16, 2015 demonstrate emissions no greater than 0.080 grains per dry standard cubic foot;

(b) If any representative compliance source test results collected prior to April 16, 2015 demonstrate emissions greater than 0.080 grains per dry standard cubic foot, or if there are no representative compliance source test results, then:

(A) 0.24 grains per dry standard cubic foot until Dec. 31, 2019; and

(B) 0.15 grains per dry standard cubic foot on and after Jan. 1, 2020; and

(c) In addition to the limits in paragraph (a) or (b), for equipment or a mode of operation (e.g., backup fuel) that is used less than 876 hours per calendar year, 0.24 grains per dry standard cubic foot from April 16, 2015 through December 31, 2019, and 0.20 grains per dry standard cubic foot on and after Jan. 1, 2020.

(2) The owner or operator of a source installed, constructed or modified before June 1, 1970 who is unable to comply with the standard in subparagraph (1)(b)(B) may request that LRAPA set a source specific limit of 0.17 grains per dry standard cubic foot. The owner or operator must submit an application for a permit modification to request the alternative limit by no later than Oct. 1, 2019 that demonstrates, based on a signed report prepared by a registered professional engineer that specializes in boiler/multiclone operation, that the fuel burning equipment will be unable to comply with the standard in subparagraph (1)(b)(B) after either:

(a) Maintenance or upgrades to an existing multiclone system; or

(b) Conducting a boiler tune-up if the boiler does not have a particulate matter emission control system.

(3) If a source qualifies under subsection (2), LRAPA will add the 0.17 grains per dry standard cubic foot source specific limit as a significant permit modification (simple fee) for sources with an LRAPA Title V Operating Permit or a Simple Technical Modification for sources with an Air Contaminant Discharge Permit.

- (4) The owner or operator of a source installed, constructed or modified before June 1, 1970 may request that LRAPA grant an extension allowing the source up to one additional year to comply with the standard in subsection (2) provided that the owner or operator demonstrates, based on an engineering report signed by a registered professional engineer that specializes in boiler/multiclone operation, that the source cannot comply with the source specific limit established in 32-020(2) without making significant changes to the equipment or control equipment or adding control equipment. The request for an extension must be submitted no later than Oct. 1, 2019.
- (5) Compliance with the emissions standards in 32-020 is determined using Oregon Method 5, or an alternative method approved by LRAPA.
- (a) For fuel burning equipment that burns wood fuel by itself or in combination with any other fuel, the emission results are corrected to 12% CO₂.
- (b) For fuel burning equipment that burns fuels other than wood, the emission results are corrected to 50% excess air.
- (c) For purposes of this rule, representative compliance source test results are data that was obtained:
- (A) No more than ten years before April 16, 2015; and
- (B) When a source is operating and maintaining air pollution control devices and emission reduction processes at the highest reasonable efficiency and effectiveness to minimize emissions based on the current configuration of the fuel burning equipment and pollution control equipment.

~~The maximum allowable emission of particulate matter from any existing combustion source (sources installed, constructed or modified prior to June 1, 1970) shall not exceed 0.2 grain per cubic foot of exhaust gas, adjusted to 50 percent excess air or calculated to 12 percent carbon dioxide.~~

Section 32-030 Particulate Matter Weight Standards - New Combustion Sources

- (1) For fuel burning equipment sources installed, constructed, or modified after June 1, 1970, but prior to April 16, 2015, except solid fuel burning devices that have been certified under OAR 340-262-0500, no person may cause, suffer, allow, or permit particulate matter emissions from any fuel burning equipment in excess of the following limits:
- (a) 0.10 grains per dry standard cubic foot provided that all representative compliance source test results prior to April 16, 2015 demonstrate emissions no greater than 0.080 grains per dry standard cubic foot; or
- (b) If any representative compliance source test results collected prior to April 16, 2015 demonstrate emissions greater than 0.080 grains per dry standard cubic foot, or if there are no representative compliance source test results, then 0.14 grains per dry standard cubic foot.
- (2) For sources installed, constructed or modified after April 16, 2015, except solid fuel burning devices that have been certified under OAR 340-262-0500, no person may cause, suffer,

allow, or permit particulate matter emissions from any fuel burning equipment in excess of 0.10 grains per dry standard cubic foot.

(3) Compliance with the emissions standards in 32-030 is determined using DEQ Method 5, or an alternative method approved by LRAPA.

(a) For fuel burning equipment that burns wood fuel by itself or in combination with any other fuel, the emission results are corrected to 12% CO₂.

(b) For fuel burning equipment that burns fuels other than wood, the emission results are corrected to 50% excess air.

(c) For purposes of this section, representative compliance source test results are data that was obtained:

(A) No more than ten years before April 16, 2015; and

(B) When a source is operating and maintaining air pollution control devices and emission reduction processes at the highest reasonable efficiency and effectiveness to minimize emissions based on the current configuration of the fuel burning equipment and pollution control equipment.

~~The maximum allowable emission of particulate matter from any new combustion source (sources installed, constructed or modified after June 1, 1970) shall not exceed 0.1 grain per cubic foot of exhaust gas, adjusted to 50 percent excess air or calculated to 12 percent carbon dioxide.~~

Section 32-045 Process Weight Emission Limitations and Determination of Process Weight

(1) A.—No person may cause, suffer, allow, or permit the emissions of particulate matter in any one hour from any process in excess of the amount shown in~~The maximum allowable emissions of particulate matter for specific processes shall be a function of process weight and shall be determined from Table 1 of Title 32~~32-8010, for the process weight rate allocated to such process.

(2) B.—Process weight is the total weight of all materials introduced into a piece of process equipment. Solid fuels charged are considered part of the process weight, but liquid and gaseous fuels and combustion air are not.~~The maximum allowable emissions of particulate matter from hot mix asphalt plants shall be determined from Table 1 of Title 32 except that the maximum allowable particulate emissions from processes greater than 60,000 pounds per hour shall be limited to 40 pounds per hour.~~

(a) For a cyclical or batch operation, the process weight per hour is derived by dividing the total process weight by the number of hours in one complete operation, excluding any time during which the equipment is idle.

(b) For a continuous operation, the process weight per hour is derived by dividing the process weight by a typical period of time, as approved by LRAPA.

(3) Where the nature of any process or operation or the design of any equipment permits more than one interpretation of this rule, the interpretation that results in the minimum value for allowable emission applies.

Section 32-050 Concealment and Masking of Emissions

(1) No person shall willfully cause or permit the installation or use of any device or use of any means which, without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission of air contaminant which would otherwise violate these rules.

(2) No person shall cause or permit the installation or use of any device or use of any means designed to mask the emission of an air contaminant which causes or tends to cause detriment to health, safety or welfare of any person.

No person may cause or permit the installation or use of any device or use of any means designed to mask the emission of an air contaminant that causes or is likely to cause detriment to health, safety, or welfare of any person or otherwise violate any other regulation or requirement.

Section 32-055 Particulate ~~Matter Size Standard~~ Fallout Limitation

No person ~~shall~~may cause or permit the emissions of ~~any~~ particulate matter ~~which is great~~larger than 250 microns in size ~~if such particulate matter does or will deposit at such duration or quantity as to create an observable deposition~~ upon the real property of another person ~~when notified by LRAPA that the deposition exists and must be controlled.~~

Section 32-060 Air Conveying Systems

(1~~7~~) Affected Sources

Dry material air conveying systems located within PM₁₀ Nonattainment or Maintenance Areas which use a cyclone or other mechanical separating device and which have a baseline year emission rate of three (3) ~~M~~metric ~~T~~tons or more of particulate matter are affected sources.

(2~~7~~) Emission Limits for Affected Sources

Notwithstanding the general and specific emission standards and regulations contained in these rules, affected sources shall not emit particulate matter to the atmosphere in excess of the following amounts:

~~A.~~(a) One (1) ~~M~~metric ~~T~~ton/year (1.10 ~~T~~tons/year)

~~B.~~(b) 2.88 kg/day (6.24 lbs./day)

Gaseous Emission Limitations

Section 32-065 Sulfur Content of Fuels

(1~~7~~) Residual Fuel Oils

No person ~~shall~~may sell, distribute, use or make available for use, any residual fuel oil containing more than 1.75 percent sulfur by weight.

~~(2)~~ Distillate Fuel Oils

No person ~~shall~~may sell, distribute, use or make available for use, any distillate fuel oil or on-specification used oil containing more than the following percentages of sulfur:

~~A.(a)~~ ASTM Grade 1 fuel oil - 0.3 percent by weight

~~B.(b)~~ ASTM Grade 2 fuel oil - 0.5 percent by weight

~~C. — ASTM Grade 4 fuel oil — 1.5 percent by weight~~

~~(3)~~ Coal

~~A.(a)~~ Except as provided in ~~sub-section~~paragraph B(b) of this section, no person ~~shall~~may sell, distribute, use or make available for use, any coal containing greater than 1.0 percent sulfur by weight.

~~B.(b)~~ ~~Except as provided for sub-subsections D and E of this subsection, no~~No person ~~shall~~may sell, distribute, use or make available for use any coal or coal-containing fuel with greater than 0.3% ~~percent~~ sulfur and ~~5%~~five (5) percent volatile matter as defined in ASTM Method D3175 for direct space heating within PM10 ~~nonattainment or maintenance areas~~. For coals subjected to a devolatilization process, compliance with the sulfur limit may be demonstrated on the sulfur content of coal prior to the devolatilization process.

~~C.(c)~~ Distributors of coal or coal-containing fuel destined for direct residential space heating use ~~shall~~must keep records for a five-year period which ~~shall~~must be available for LRAPA inspection and which:

~~(1A)~~ ~~specify~~Specify quantities of coal or coal-containing fuels sold;

~~(2B)~~ ~~contain~~Contain name and address of customers who are sold coal or coal-containing fuels;

~~(3C)~~ ~~specify~~Specify the sulfur and volatile content of coal or the coal-containing fuel sold to residences in PM10 nonattainment or maintenance areas.

~~D. — Users of coal for direct residential space heating in 1980 who apply in writing by July 1, 1983 and receive written approval from LRAPA shall be exempted from the requirement of sub-subsection B of this subsection provided they certify that they used more than one-half (1/2) ton of coal in 1980.~~

~~E. — Distributors may sell coal not meeting specification in sub-subsection B of this subsection to those users who have applied for and received the exemption provided for in subsection D of this section.~~

~~(4)~~ Exemptions. Exempted from the requirements of 32-065:(1) through (3), above, are:

(a) Fuels used exclusively for the propulsion and auxiliary power requirements of vessels, railroad locomotives and diesel motor vehicles.

~~(1)~~

(b) ~~B.~~ With prior approval of LRAPA, fuels used in such a manner or control provided such that sulfur dioxide emissions can be demonstrated to be equal to or less than those resulting from the combustion of fuels complying with the limitations of 32-065.

Section 32-070 Sulfur Dioxide Emission Limitations

Fuel Burning Equipment: The following emissions standards are applicable to new sources (any air contaminant source installed, constructed or modified after January 1, 1972) ~~only~~ except recovery furnaces regulated in LRAPA Title 33:

~~(1)~~ For fuel burning equipment having more than 150 million BTU per hour heat input, but not more than 250 million BTU per hour input, no person shall cause, suffer, allow or permit the emission into the atmosphere of sulfur dioxide in excess of:

~~A.(a)~~ 1.4 ~~lb.~~ pounds per million BTU heat input, maximum 3-hour average, when liquid fuel is burned.

~~B.(b)~~ 1.6 ~~lb.~~ pounds per million BTU heat input, maximum 3-hour average, when solid fuel is burned.

~~(2)~~ For fuel burning equipment having more than 250 million BTU per hour heat input, no person shall cause, suffer, allow or permit the emission into the atmosphere of sulfur dioxide in excess of:

~~A.(a)~~ 0.8 ~~lb.~~ pounds per million BTU heat input, maximum 3-hour average, when liquid fuel is burned.

~~B.(b)~~ 1.2 ~~lb.~~ pounds per million BTU heat input, maximum 3-hour average, when solid fuel is burned.

Section 32-075 Federal Acid Rain Regulations Adopted by Reference

~~(1)~~ 40 CFR ~~Part~~ parts 72, 75, and 76 (~~July 2, 2010~~) ~~is~~ are 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~~ FCAA. The term "permitting authority" shall mean ~~the~~ LRAPA, and the term "Administrator" ~~shall~~ means the Administrator of the United States ~~Environmental Protection Agency~~ EPA.

~~(2)~~ If the provisions or requirements of 40 CFR ~~Part~~ part 72 conflict with or are not included in OAR ~~Divisions~~ divisions 218 and 220, the ~~Part~~ part 72 provisions and requirements ~~shall~~ must apply and take precedence.

Section 32-080 Control of Ozone Depleting Chemicals

- ~~1. The purpose of Section 32-080 is to reduce the use of stratospheric ozone-depleting chemicals, to recycle those chemicals already in use, and to encourage the use of less dangerous chemicals. The LRAPA Board of Directors, having determined that equipment for the recovery and recycling of chlorofluorocarbons (CFC) from automobile air conditioners is affordable and available, intends that Section 32-080 apply to persons handling automobile air conditioners.~~
- ~~2. Requirement for recycling automobile air conditioning coolant are as follows:
 - ~~A. Except as provided in sub-subsection B of this subsection, no person shall engage in the business of installing, servicing, repairing, disposing of, or otherwise treating automobile air conditioners without recovering and recycling CFC.~~
 - ~~B. Any automobile repair shop that has:
 - ~~(1) fewer than four employees; or~~
 - ~~(2) fewer than three covered bays shall comply with the provisions of sub-subsection A of this subsection after August 10, 1992.~~~~
 - ~~C. Only recovery and recycling equipment that is certified by Underwriters Laboratory (UL) as meeting the requirements and specifications of UL1963 and the Society of Automotive Engineers (SAE) Standards, J1990 and J1991, or other requirements and specifications determined by LRAPA as being equivalent, shall be used.~~
 - ~~D. All recovery and recycling equipment shall be operated and maintained at full efficiency and effectiveness according to the manufacturer's directions and guidelines contained in SAE Standard J1989.~~~~
- ~~3. Except as provided in subsection 4 of this section, 40 CFR Part 82 (July 1, 1994) is by this reference adopted and incorporated herein for major sources only, for purposes of implementing a stratospheric ozone protection program that meets the requirements of Title VI of the Clean Air Act.~~
- ~~4. Where "Administrator" or "EPA" appears in 40 CFR Part 82, "LRAPA" shall be substituted, except in any section of 40 CFR Part 82 for which a federal rule or delegation specifically indicates that authority will not be delegated to the state/local agency.~~
- ~~5. Where a discrepancy is determined to exist between LRAPA Section 32-080 and 40 CFR Part 82, 40 CFR Part 82 will apply.~~

Section 32-090 Other Emissions

- ~~(1.)~~ No person shall discharge from any source whatsoever such quantities of air contaminants which cause injury or damage to any persons, the public, business or property. Such determination is to be made by LRAPA.
- ~~(2.)~~ No person shall cause or permit emission of water vapor if the water vapor causes or tends to cause detriment to the health, safety or welfare of any person or causes, or tends to cause damage to property or business.

Section 32-095 Fugitive Emissions

See LRAPA Title 48 for rules pertaining to fugitive emissions.

Section 32-100 Alternative Emission Controls (Bubble) [moved from 34-060(8)]

- (1) ~~Alternative LRAPA may approve alternative~~ emission controls for VOC and NO_x emissions ~~may be approved~~ in a Standard ACDP or LRAPA Title V Operating Permit for use within a single source such that a specific emission limit is exceeded, provided that:
 - (a) Such alternatives are not specifically prohibited by a rule or permit condition;
 - (b) Net total emissions for each regulated pollutant from all emissions units involved (i.e., “under the bubble”) are not increased above the PSEL;
 - (c) The owner or operator of the source demonstrates ~~The~~ net air quality ~~impact is not increased as demonstrated by procedures required by~~ under ~~Section 38-0090~~ 0520, Requirements for Net Air Quality Benefit;
 - (d) No other ~~pollutants~~ air contaminants including malodorous, toxic or hazardous pollutants are substituted;
 - (e) BACT and LAER, where required by a previously issued permit pursuant to LRAPA Title 38 (NSR), ~~NSPS (LRAPA Title 46)~~, (NSPS), and ~~NESHAP (LRAPA Title 44~~ (NESHAP), where required, are not relaxed;
 - (f) Specific emission limits are established for each emission unit involved (“under the bubble”) such that compliance with the PSEL can be readily determined;
 - (g) The owner or operator of the source applies ~~Application is made~~ for a permit or permit modification and such ~~modification application~~ is approved by LRAPA; and
 - (h) The emissions unit that reduces its emissions achieves the reductions by ~~reducing emission source reduces~~ reducing its allowable emission rate, and not by. ~~Merely~~ reducing production, throughput, or hours of operation ~~is insufficient~~.
- (2) The permit will include a net ~~T~~ total emissions limit on total emissions from ~~the~~ all devices or emissions sources ~~units involved (“under the bubble”)~~ ~~will be established in the permit~~.
- ~~(2)~~(3) Alternative emission controls, in addition to those allowed in subsection (1.) ~~above~~, may be approved by LRAPA and EPA as a source specific SIP amendment.

Section 32-8010

TABLE 1

Table of Allowable Rate of Particulate Emissions – Based on Process Weight

Particulate Matter Emissions Standards for Process Equipment					
<u>Process</u> <u>lbs/hr</u>	<u>Emissions</u> <u>lbs/hr</u>	<u>Process</u> <u>lbs/hr</u>	<u>Emissions</u> <u>lbs/hr</u>	<u>Process</u> <u>lbs/hr</u>	<u>Emissions</u> <u>lbs/hr</u>
<u>50</u>	<u>0.24</u>	<u>2300</u>	<u>4.44</u>	<u>7500</u>	<u>8.39</u>
<u>100</u>	<u>0.46</u>	<u>2400</u>	<u>4.55</u>	<u>8000</u>	<u>8.71</u>
<u>150</u>	<u>0.66</u>	<u>2500</u>	<u>4.64</u>	<u>8500</u>	<u>9.03</u>
<u>200</u>	<u>0.85</u>	<u>2600</u>	<u>4.74</u>	<u>9000</u>	<u>9.36</u>
<u>250</u>	<u>1.03</u>	<u>2700</u>	<u>4.84</u>	<u>9500</u>	<u>9.67</u>
<u>300</u>	<u>1.20</u>	<u>2800</u>	<u>4.92</u>	<u>10000</u>	<u>10.00</u>
<u>350</u>	<u>1.35</u>	<u>2900</u>	<u>5.02</u>	<u>11000</u>	<u>10.63</u>
<u>400</u>	<u>1.50</u>	<u>3000</u>	<u>5.10</u>	<u>12000</u>	<u>11.28</u>
<u>450</u>	<u>1.63</u>	<u>3100</u>	<u>5.18</u>	<u>13000</u>	<u>11.89</u>
<u>500</u>	<u>1.77</u>	<u>3200</u>	<u>5.27</u>	<u>14000</u>	<u>12.50</u>
<u>550</u>	<u>1.89</u>	<u>3300</u>	<u>5.36</u>	<u>15000</u>	<u>13.13</u>
<u>600</u>	<u>2.01</u>	<u>3400</u>	<u>5.44</u>	<u>16000</u>	<u>13.74</u>
<u>650</u>	<u>2.12</u>	<u>3500</u>	<u>5.52</u>	<u>17000</u>	<u>14.36</u>
<u>700</u>	<u>2.24</u>	<u>3600</u>	<u>5.61</u>	<u>18000</u>	<u>14.97</u>
<u>750</u>	<u>2.34</u>	<u>3700</u>	<u>5.69</u>	<u>19000</u>	<u>15.58</u>
<u>800</u>	<u>2.43</u>	<u>3800</u>	<u>5.77</u>	<u>20000</u>	<u>16.19</u>
<u>850</u>	<u>2.53</u>	<u>3900</u>	<u>5.85</u>	<u>30000</u>	<u>22.22</u>
<u>900</u>	<u>2.62</u>	<u>4000</u>	<u>5.93</u>	<u>40000</u>	<u>28.30</u>
<u>950</u>	<u>2.72</u>	<u>4100</u>	<u>6.01</u>	<u>50000</u>	<u>34.30</u>
<u>1000</u>	<u>2.80</u>	<u>4200</u>	<u>6.08</u>	<u>60000</u>	<u>40.00</u>
<u>1100</u>	<u>2.97</u>	<u>4300</u>	<u>6.15</u>	<u>70000</u>	<u>41.30</u>
<u>1200</u>	<u>3.12</u>	<u>4400</u>	<u>6.22</u>	<u>80000</u>	<u>42.50</u>
<u>1300</u>	<u>3.26</u>	<u>4500</u>	<u>6.30</u>	<u>90000</u>	<u>43.60</u>
<u>1400</u>	<u>3.40</u>	<u>4600</u>	<u>6.37</u>	<u>100000</u>	<u>44.60</u>
<u>1500</u>	<u>3.54</u>	<u>4700</u>	<u>6.45</u>	<u>120000</u>	<u>46.30</u>
<u>1600</u>	<u>3.66</u>	<u>4800</u>	<u>6.52</u>	<u>140000</u>	<u>47.80</u>
<u>1700</u>	<u>3.79</u>	<u>4900</u>	<u>6.60</u>	<u>160000</u>	<u>49.00</u>

Particulate Matter Emissions Standards for Process Equipment

<u>Process</u> <u>lbs/hr</u>	<u>Emission</u> <u>lbs/hr</u>	<u>Process</u> <u>lbs/hr</u>	<u>Emission</u> <u>lbs/hr</u>	<u>Process</u> <u>lbs/hr</u>	<u>Emission</u> <u>lbs/hr</u>
<u>1800</u>	<u>3.91</u>	<u>5000</u>	<u>6.67</u>	<u>200000</u>	<u>51.20</u>
<u>1900</u>	<u>4.03</u>	<u>5500</u>	<u>7.03</u>	<u>100000</u> <u>0</u>	<u>69.00</u>
<u>2000</u>	<u>4.14</u>	<u>6000</u>	<u>7.37</u>	<u>200000</u> <u>0</u>	<u>77.60</u>
<u>2100</u>	<u>4.24</u>	<u>6500</u>	<u>7.71</u>	<u>600000</u> <u>0</u>	<u>92.70</u>
<u>2200</u>	<u>4.34</u>	<u>7000</u>	<u>8.05</u>		

<u>Process</u> <u>Lbs/Hr.</u>	<u>Emission</u> <u>Lbs/Hr.</u>	<u>Process</u> <u>Lbs/Hr.</u>	<u>Emission</u> <u>Lbs/Hr.</u>	<u>Process</u> <u>Lbs/hr.</u>	<u>Emission</u> <u>Lbs/Hr.</u>
50	0.24	2300	4.44	7500	8.39
100	0.46	2400	4.55	8000	8.71
150	0.66	2500	4.64	8500	9.03
200	0.85	2600	4.74	9000	9.36
250	1.03	2700	4.84	9500	9.67
300	1.20	2800	4.92	10000	10.00
350	1.35	2900	5.02	11000	10.63
400	1.50	3000	5.10	12000	11.28
450	1.63	3100	5.18	13000	11.89
500	1.77	3200	5.27	14000	12.50
550	1.85	3300	5.36	15000	13.13
600	2.01	3400	5.44	16000	13.74
650	2.12	3500	5.52	17000	14.36
700	2.24	3600	5.61	18000	14.97
750	2.34	3700	5.69	19000	15.58
800	2.43	3800	5.77	20000	16.19
850	2.53	3900	5.85	30000	22.22
900	2.62	4000	5.93	40000	28.30
950	2.72	4100	6.01	50000	34.30
1000	2.80	4200	6.08	60000	40.00
1100	2.97	4300	6.15	70000	41.30
1200	3.12	4400	6.22	80000	42.50
1300	3.26	4500	6.30	90000	43.60
1400	3.40	4600	6.37	100000	44.60
1500	3.54	4700	6.45	120000	47.30
1600	3.66	4800	6.52	140000	47.80
1700	3.79	4900	6.60	160000	49.00
1800	3.91	5000	6.67	200000	51.20
1900	4.03	5500	7.03	1000000	69.00
2000	4.14	6000	7.37	2000000	77.60
2100	4.24	6500	7.71	6000000	92.70
2200	4.34	7000	8.05		

Interpolation and extrapolation of emissions above a process weight of 60,000,000 pounds ~~per~~/ hour shall be accomplished by the use of this equation:

$$E = (55.0 \times P^{0.11}) - 40,$$

~~Where~~where: P = process weight in tons ~~per~~/ hour, and

E = emission rate in pounds ~~per~~/hour.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 33

PROHIBITED PRACTICES AND CONTROL OF SPECIAL CLASSES OF INDUSTRY

Section 33-005 Definitions (

See individual sections for applicable definitions). [The definitions in title 12 and in the individual sections in this title apply to this title. If the same term is defined in this title and title 12, the definition in this title applies to this title.](#)

Section 33-045 Gasoline Tanks

Gasoline tanks with a capacity of 1500 gallons or more may not be installed without a permanent submerged fill pipe or other adequate vapor loss control device in any control area.

~~Section 33-020 Incinerator and Refuse Burning Equipment~~

~~Section 33-020 rescinded and new, separate incinerator rules adopted 03/08/94. See Title 30.~~

~~Section 33-030 Concealment and Masking of Emissions~~

- ~~1. No person shall willfully cause or permit the installation or use of any device or use of any means which, without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission of air contaminant which would otherwise violate these rules.~~
- ~~2. No person shall cause or permit the installation or use of any device or use of any means designed to mask the emission of an air contaminant which causes or tends to cause detriment to health, safety or welfare of any person.~~

~~Section 33-045 Gasoline Tanks~~

~~Gasoline tanks with a capacity of 1500 gallons or more may not be installed without a permanent submerged fill pipe or other adequate vapor loss control device in any control area.~~

~~Section 33-055 Sulfur Content of Fuels (Moved to Title 32, Section 065, on 11/10/94.)~~

Section 33-060 Board Products Industries (Hardboard, Particleboard, Plywood, Veneer)

(1-) Definitions

- ~~A.—"Baseline emissions rate" means a source's actual emissions rate during the baseline period, as defined in title 12, expressed as pounds of emissions per thousand square feet of finished product, on a 1/8" basis."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. A violation of the average operating opacity limitation is judged to have occurred if the opacity of emissions on each of the three days is greater than the specified average operating opacity limitation.~~
- "Tempering oven" means any facility used to bake hardboard following an oil treatment process.
- ~~B.—"Board Products" means hardwood, particleboard, plywood and veneer.~~
- ~~C.—"EPA Method 9" means the method for Visual Determination of the Opacity of Emissions From Stationary Sources described as Method 9 (average of 24 consecutive observations) in the Department *Source Sampling Manual* (January, 1992).~~
- ~~D.—"Fuel Moisture Content By Weight Greater Than 20 Percent" means bark, hogged wood waste, or other wood with an average moisture content of more than 20 percent by weight on a wet basis as used for fuel in the normal operation of a wood-fired veneer dryer as measured by ASTM D4442-84 during compliance source testing.~~
- ~~E.—"Fuel Moisture Content By Weight Less Than 20 Percent" means pulverized ply trim, sanderdust, or other wood with an average moisture content of 20 percent or less by weight on a wet basis as used for fuel in the normal operation of a wood-fired veneer dryer as measured by ASTM D4442-84 during compliance source testing.~~
- ~~F.—"Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure.~~
- ~~G.—"Maximum Opacity" means the opacity as determined by EPA Method 9 (average of 24 consecutive observations).~~
- ~~H.—"Particleboard" means matformed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.~~
- ~~I.—"Particulate Matter" means all solid or liquid material, other than uncombined water, emitted to the ambient air as measured in accordance with the Department *Source Sampling Manual*. Particulate matter emissions determinations shall consist of the average of three separate consecutive runs.
 - ~~(1) For sources tested using DEQ Method 7, each run shall have a minimum sampling time of one hour, a maximum sampling time of eight hours, and a minimum sampling volume of 31.8 dscf. Veneer dryers, wood particle dryers, fiber dryers and press/cooling vents shall be tested with DEQ Method 7.~~
 - ~~(2) For sources tested using DEQ Method 8, each run shall have a minimum sampling time of 15 minutes and shall collect a minimum particulate sample of 100 mg. Air conveying systems shall be tested with DEQ Method 8.~~~~

- J. ~~"Plywood" means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it.~~
- K. ~~"Tempering Oven" means any facility used to bake hardboard following an oil treatment process.~~
- L. ~~"Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log.~~
- M. ~~"Wood Fired Veneer Dryer" means a veneer dryer which is directly heated by the products of combustion of wood fuel in addition to or exclusive of steam of natural gas or propane combustion.~~

~~(2)~~ General Provisions

- ~~A.~~(a) This section establishes minimum performance and emission standards for veneer, plywood, particleboard and hardboard manufacturing operations.
- ~~B.~~(b) Emission limitations established herein are in addition to, and not in lieu of, general emission standards for visible emissions, fuel burning equipment, and refuse burning equipment, except as provided for in ~~LRAPA-33-060(3)~~.
- ~~C.~~(c) Each affected veneer, plywood, particleboard, and hardboard plant ~~shall~~must proceed with a progressive and timely program of air pollution control. Each plant ~~shall~~must, at the request of LRAPA, submit periodic reports in such form and frequency as directed to demonstrate the progress being made toward full compliance with ~~LRAPA 33-060-2(2)~~ through ~~5(5)~~.

~~(3)~~ Veneer and Plywood Manufacturing Operations

~~A.~~(a) Veneer Dryers:

- ~~(1A)~~ Consistent with ~~Section 33-060(2), A-D(a) through (c)~~, it is the objective of this section to control air contaminant emissions, including but not limited to ~~condensable~~condensable hydrocarbons, such that visible emissions from each veneer dryer are limited to a level which does not cause a characteristic "blue ~~Haze~~haze" to be observable.
- ~~(2B)~~ No person ~~shall~~may operate any veneer dryer such that visible air contaminants emitted from any dryer stack or emission point exceed:
- (a) ~~an~~A daily average operating opacity of ~~10%~~percent on more than two days within any 12-month period, with the days separated from each other by at least 30 days, as measured by EPA Method 9; and
- (b) ~~a~~A maximum opacity of ~~20%~~percent at any time as measured by EPA Method 9.

~~Where the presence of uncombined water is the only reason for the failure to meet the above requirement, this requirement shall not apply.~~

(3C) Particulate emissions from wood-fired veneer dryers ~~shall~~may not exceed:

(a) 0.75 pounds per 1000 square feet of veneer dried (3/8"- inch basis) for units using fuel which has a moisture content ~~by weight of equal to or less than 20% percent or less~~by weight on a wet basis as measured by ASTM D442-84;

(b) 1.50 pounds per 1000 square feet of veneer dried (3/8"- inch basis) for units using fuel which has a moisture content ~~by weight of greater than 20%; percent~~by weight on a wet basis as measured by ASTM D442-84; and/or

(c) ~~In addition to paragraphs (a) and (b) of this subsection,~~ 0.40 pounds per 1000 pounds of steam generated in boilers which exhaust gases to the veneer dryer.

(4D) Exhaust gases from fuel-burning equipment vented to the veneer dryer are exempt from ~~LRAPA~~-32-020 and 32-030.

(5E) Each veneer dryer ~~shall~~must be maintained and operated at all times such that air contaminant generating processes and all contaminant control ~~equipment~~devices ~~shall~~must be at full efficiency and effectiveness so that the emissions of air contaminants are kept at the lowest practicable levels.

(6F) No person ~~shall~~may willfully cause or permit the installation or use of any means, such as dilution, which without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission which would otherwise violate this regulation.

(7G) Where effective measures are not taken to minimize fugitive emissions, LRAPA may require that the equipment or structures in which processing, handling and storage are done be tightly closed, modified, or operated in such a way that air contaminants are minimized, controlled, or removed before discharge to the open air.

(8H) LRAPA may require more restrictive emission limits than provided in ~~Sections~~subparagraphs (33-060-3.Aa)(2A) and ~~(a)~~(3B) for an individual plant upon finding by the Board ~~of Directors~~ that the individual plant is located or is proposed to be located in a special problem area. The more restrictive emission limits for special problem areas may be established on the basis of allowable emission expressed in opacity, pounds per hour, or total maximum daily emissions to the atmosphere, or a combination thereof.

~~B.~~(b) Other Sources: No person shall cause to be emitted particulate matter from veneer and plywood mill sources, including but not limited to, sanding machines, saws, presses, barkers, hogs, chippers and other material size reduction equipment, process or space ventilation systems, and truck loading and unloading facilities in excess of a total from all sources within the plant site of an average hourly emission rate (~~lbs/hr~~pounds/hour) based on the maximum hourly production capacity of the facility times one (1.0) pound per 1000 square feet of production. Production is expressed in terms of 1000 square feet of plywood or veneer production on a 3/8 inch basis of finished product equivalent. The maximum hourly production capacity is the maximum production capacity for a typical operating shift divided by the number of hours in the operating shift.

- (1) (c) Excepted from ~~subsection-paragraph 33-060-3.(B-b)~~ are veneer dryers, fuel burning equipment and refuse burning equipment.
- (2) (d) Compliance with the average hourly emission rate is determined by summing the emissions from the affected sources as determined by emission factor calculations or actual emissions data for a ~~twenty-four~~24 hour period divided by 24. ~~(epa-comment)~~
- E.(e) Monitoring and Reporting: LRAPA may require any veneer dryer facility to establish an effective program for monitoring the visible air contaminant emissions from each veneer dryer emission point. The program ~~shall-must~~ be ~~subject to reviewed~~ and ~~approval approved~~ by LRAPA and ~~shall-must~~ consist of the following:
- (1A) A specified minimum frequency for performing visual opacity determinations on each dryer emission point;
- (2B) All data obtained ~~shall-must~~ be recorded on copies of a "Veneer Dryer Visual Emission Monitoring Form" ~~which shall be provided by the Authority~~LRAPA or on an alternate form which is approved by LRAPA; and
- (3C) A specified period during which all records ~~shall-must~~ be maintained at the plant site for inspection by authorized representatives of LRAPA.

~~F. Open Burning~~

~~Upon the effective date of these regulations, no person shall cause or permit the open burning of wood residues or other refuse in conjunction with the operation of any veneer or plywood manufacturing mill and such acts are hereby prohibited.~~

(4.) Particleboard Manufacturing Operations

- A.(a) Every person operating or intending to operate a particleboard manufacturing plant ~~shall-must cause-enclose~~ all truck dump and storage areas holding or intended to hold raw materials ~~to be enclosed~~ to prevent windblown particle emissions from these areas to be deposited upon property not under the ownership of said person.
- B.(b) The temporary storage of raw materials outside the regularly used areas of the plant site is prohibited unless the person who desires to temporarily store such raw materials notifies LRAPA and receives written approval for said storage:
- (1A) When authorized by LRAPA, temporary storage areas ~~shall-must~~ be operated to prevent windblown particulate emissions from being deposited upon property not under the ownership of the person storing the raw materials.
- (2B) Any temporary storage areas authorized by LRAPA ~~shall-may~~ not be operated in excess of six (6) months from the date they are first authorized.
- C.(c) Any person who proposes to control windblown particulate emissions from truck dump and storage areas other than by enclosure ~~shall-must~~ apply to LRAPA for authorization to utilize alternative controls. The application ~~shall-must be submitted pursuant to LRAPA 34-035 and shall~~ describe in detail the plan proposed to control

windblown particulate emissions and indicate on a plot plan the nearest location of property not under ownership of the applicant.

~~D.(d)~~ ~~No person shall cause to be emitted~~ The combined particulate ~~matter emissions~~ from particleboard plant sources including, but not limited to, hogs, chippers and other material size reduction equipment, process or space ventilation systems, particle dryers, classifiers, presses, sanding machines and materials handling systems, ~~in excess of total from all sources within the plant site of an~~ must not exceed a plant specific average hourly emission rate, ~~(lbs/pounds/hr) per hour, determined by multiplying the plant production capacity by three pounds per based on the maximum hourly production capacity of the facility times three (3.0) pounds per~~ 1,000 square feet ~~of production. Production is expressed in terms of 1000 square feet of particleboard production on a 3/4 inch basis of finished product equivalent.~~ The plant production capacity is the maximum hourly production capacity is the maximum production capacity in terms of 1,000 square feet on a 3/4 inch basis of finished product for a typical operating shift divided by the number of hours in the operating shift.

~~(3)~~ (e) Excepted from ~~subsection paragraph 33-060-C.4(d)~~ are truck dump and storage areas, fuel burning equipment and refuse burning equipment.

~~(4)~~ (f) Compliance with the average hourly emission rate is determined by summing the emissions from the affected sources as determined by emission factor calculations or actual emissions data for a ~~twenty-four~~ 24 hour period divided by 24. ~~(epa comment)~~

~~G. Open Burning~~

~~Upon the effective date of these regulations, no person shall cause or permit the open burning of wood residues or other refuse in conjunction with the operation of any particleboard manufacturing plant and such acts are hereby prohibited.~~

~~(5.)~~ Hardboard Manufacturing Operations

~~A.(a)~~ (a) Every person operating or intending to operate a hardboard manufacturing plant ~~shall~~ must ~~cause~~ enclose all truck dump and storage areas holding or intended to hold raw materials ~~to be enclosed~~ to prevent windblown particle emissions from these areas to be deposited upon property not under the ownership of said person.;

~~B.(b)~~ (b) The temporary storage of raw materials outside the regularly used areas of the plant site is prohibited unless the person who desires to temporarily store such raw materials first notifies LRAPA and receives written approval.;

~~(1A)~~ (A) When authorized by LRAPA, temporary storage areas ~~shall~~ must be operated to prevent windblown particulate emissions from being deposited upon property not under the ownership of the person storing the raw materials.;

~~(2B)~~ (B) Any temporary storage areas authorized by LRAPA ~~shall~~ may not be operated in excess of six (6) months from the date they are first authorized.

~~C.(c)~~ (c) Alternative Means of Control

Any person who desires to control windblown particulate emissions from truck dump and storage areas other than by enclosure ~~shall~~must first apply to LRAPA for authorization to utilize alternative controls. The application ~~shall~~must be submitted pursuant to LRAPA 34-035 and shall describe in detail the plan proposed to control windblown particulate emissions and indicate on a plot plan the nearest location of property not under ownership of the applicant.

~~D.(d) No person shall cause to be emitted~~The combined particulate ~~matter emissions~~ from ~~hardboard plant~~all emissions sources at the plant must not exceed a plant specific hourly average emission rate~~including, but not limited to hogs, chippers and other material size reduction equipment, process or space ventilation systems, particle dryers, classifiers, presses, sanding machines, and materials handling systems, in excess of a total from all sources within the plant site of an average hourly emission rate (lbs/hr) based on the maximum hourly production capacity of the facility times~~ determined by multiplying the plant production capacity by one (1.0) pound per 1,000 square feet of production. The plant Pproduction capacity is the maximum production is expressed in terms of 1000 square feet ~~of hardboard production~~ on a 1/8 inch finished basis ~~of finished product equivalent.~~ ~~The maximum hourly production capacity is the maximum production capacity~~ for a typical operating shift divided by the number of hours in the operating shift.

~~A.(e)~~ Excepted from ~~subsections paragraphs 33-060-3.D(4)(d) and (e)~~ are truck dump and storage areas, fuel burning equipment and refuse burning equipment.

~~B.(f)~~ Compliance with the average hourly emission rate is determined by summing the emissions from the affected sources as determined by emission factor calculations or actual emissions data for a ~~twenty-four~~24 hour period divided by 24. ~~(epa comment)~~

~~G.~~ No person ~~shall~~may operate any hardboard tempering oven unless all gases and vapors emitted from said oven are treated in a fume incinerator capable of raising the temperature of said gases and vapors to at least 1500°F for 0.3 seconds or longer except that. ~~Specific~~ specific operating temperatures lower than 1500°F may be approved by LRAPA ~~upon application, provided that information is supplied to show that operation of said temperatures provides sufficient treatment to prevent odors from being perceived on property not under the ownership of the person operating the hardboard plant. In no case shall fume incinerators installed pursuant to this section be operated at temperatures less than 1000°F~~ using the procedures in 40 CFR 63.2262 of the NESHAP for Plywood and Composite Wood Products.

(g)

~~H.~~ Any person who proposes to control emissions from hardboard tempering ovens by means other than fume incineration shall apply to LRAPA for authorization to utilize alternative controls. The application shall be submitted pursuant to LRAPA 34-035 and shall describe in detail the plan proposed to control odorous emissions and indicate on a plot plan the location of the nearest property not under ownership of the applicant.

~~I.~~ Open Burning

~~Upon the effective date of these regulations, no person shall cause or permit the open burning of wood residues or other refuse in conjunction with the operating of any hardboard manufacturing plant and such acts are hereby prohibited.~~

(6) Testing and Monitoring: All source tests must be done using the DEQ Source Sampling Manual.

(a) Veneer dryers, wood particle dryers, fiber dryers and press/cooling vents must be tested using DEQ Method 7.

(b) Air conveying systems must be tested using DEQ Method 8.

(c) Fuel burning equipment must be tested using DEQ Method 5. When combusting wood fuel by itself or in combination with any other fuel, the emission results are corrected to 12% CO₂. When combusting fuels other than wood, the emission results are corrected to 50% excess air.

Section 33-065 Charcoal Producing Plants

~~(1-)~~ No person ~~shall~~may cause or permit the emission of particulate matter from charcoal producing plant sources including, but not limited to, charcoal furnaces (retorts), heat recovery boilers, after combustion chambers, and wood dryers using any portion of the charcoal furnace off-gases as a heat source, in excess of a total from all sources within the plant site of 10.0 pounds per ton of charcoal produced (as determined from the retort process) as an annual average.

~~(2-)~~ Emissions from char storage, briquette making (excluding dryers using furnace off-gases), boilers not using charcoal furnace off-gases, and fugitive sources are excluded in determining compliance with subsection (1) ~~of Section 33-065~~.

~~(3-)~~ Charcoal producing plants as described in subsection (1) above ~~shall~~are exempt from the limitations of ~~Section 32-030~~ which concern particulate emission concentrations.

~~(4-)~~ LRAPA may require the installation and operation of instruments and recorders for measuring emissions and/or parameters which affect the emission of air contaminants from sources covered by this rule to ensure that the sources and the air pollution control equipment are operated at all times at their full efficiency and effectiveness so that the emission of air contaminants is kept at the lowest practicable level. The instruments and recorders ~~shall~~must be periodically calibrated. The method and frequency of calibration ~~shall~~must be approved in writing by LRAPA. The recorded information ~~shall~~must be kept for a period of at least one year and shall be made available to LRAPA upon request.

~~(5-)~~ The person responsible for the sources of particulate emissions ~~shall~~must make or have made tests once every year to determine the type, quantity, quality and duration of emissions, and process parameters affecting emissions, in conformance with test methods of file with LRAPA. If this test exceeds the annual emission limitation then three (3) additional tests ~~shall~~are required at three (3) month intervals with all four (4) tests being averaged to determine compliance with the annual standard. No single test ~~shall~~may be greater than twice the annual average emission limitation for that source.

~~A.~~(a) Source testing ~~shall~~must begin within 90 days of the date by which compliance is to be achieved for each individual emission source.

~~B.~~(b) These source testing requirements ~~shall~~must remain in effect unless waived in writing by LRAPA upon adequate demonstration that the source is consistently operating at lowest practicable levels.

Section 33-070 Kraft Pulp Mills

(1.) Definitions

- "BLS" means ~~Black~~black ~~Liquor~~liquor ~~Solids~~solids, dry weight.

~~A.~~ ~~"Continual Monitoring" means sampling and analysis, in a timed sequence, using techniques which will adequately reflect actual emission levels or concentrations on an ongoing basis.~~

- "Continuous Monitoring" means instrumental sampling of a gas stream on a continuous basis, excluding periods of calibration.
- "Daily ~~Arithmetic~~arithmetic ~~Average~~average" means the average concentration over the twenty-four hour period in a calendar day, ~~or LRAPA approved equivalent period,~~ as determined by continuous monitoring equipment or reference method testing. Any equivalent period must be approved first by EPA. Determinations based on EPA reference methods ~~or equivalent methods in accordance with~~using the ~~Department~~ DEQ Source ~~Test Sampling~~ Manual (~~January 1992~~) consist of three (3) separate consecutive runs having a minimum sampling time of sixty (60) minutes each and a maximum sampling time of eight (8) hours each. The three values for concentration (ppm or grains/dscf) are averaged and expressed as the daily arithmetic average which is used to determine compliance with process weight limitations, grain loading or volumetric concentration limitations and to determine daily emission rate.
- "Dry standard 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 dry standard cubic foot.
- "Kraft ~~Mill~~mill" or "~~Mill~~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.
- "Lime ~~Kiln~~kiln" means any production device in which calcium carbonate is thermally converted to calcium oxide.
- "Non-~~Condensibles~~condensables" means gases and vapors, contaminated with TRS compounds, from the digestion and multiple-effect evaporation processes of a mill.
- "Operations" includes plant, mill or facility.

- "Other ~~Sources~~sources" as used in 33-070 means sources of TRS emissions in a kraft mill other than recovery furnaces, lime kilns smelt dissolving tanks, sewers, drains, and wastewater treatment facilities, including but not limited to:
 - A. Vents from knotters, brown stock washing systems, evaporators, blow tanks, blow heat accumulators, black liquor storage tanks, black liquor oxidation system, pre-steaming vessels, tall oil recovery operation; and

Categorically insignificant and aggregate insignificant activities; and

~~CB.~~ Any vent which is shown to contribute to an identified nuisance condition.

- ~~• "Particulate Matter" means all solid or liquid material, other than uncombined water, emitted to the ambient air, as measured by EPA Method 5 or an equivalent test method in accordance with the Department *Source Test Manual*. Particulate matter emission determinations by EPA Method 5 shall use water as the cleanup solvent instead of acetone, and consist of the average of three (3) separate consecutive runs having a minimum sampling time of 60 minutes each, a maximum sampling time of eight (8) hours each, and a minimum sampling volume of 31.8 dscf each.~~
- ~~• "Parts Per Million (ppm)" means parts of a contaminant per million parts of gas by volume on a dry gas basis (1 ppm equals 0.0001% by volume).~~
- "Production" as used in 33-070 means the daily amount of air-dried unbleached pulp, or equivalent, produced during the 24-hour period each calendar day, or ~~Authority~~LRAPA-approved equivalent period, and expressed in air-dried metric tons (admt) per day. The corresponding English unit is air-dried tons (adt) per day.
- "Recovery ~~Furnace~~furnace" means the combustion device in which dissolved wood solids are incinerated and pulping chemicals recovered from the molten smelt. For ~~these regulations~~33-070, and where present, this term shall include the direct contact evaporator, if present.
- "Recovery system" means the process by which all or part of the cooking chemicals may be recovered, and cooking liquor regenerated from spent cooking liquor, including evaporation, combustion, dissolving, fortification, and storage facilities associated with the recovery cycle.
- ~~• "Significant Upgrading of Pollution Control Equipment" means a modification or a rebuild of an existing pollution control device for which a capital expenditure of 50 percent or more of the replacement cost of the existing device is required, other than ongoing routine maintenance.~~
- "Smelt dissolving tank vent" means the vent serving the vessel used to dissolve the molten smelt produced by the recovery furnace.
- ~~• "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.~~

- ~~• "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 (H₂S).~~

(2.) Statement of Policy

Recent technological developments have enhanced the degree of malodorous emissions control possible for the kraft pulping process. While recognizing that complete malodorous and particulate emission control is not presently possible, consistent with the meteorological and geographical conditions in Oregon, it is hereby declared to be the policy of LRAPA to:

~~A.~~(a) Require, in accordance with a specific program and time table for all sources at each operating mill, the highest and best practicable treatment and control of atmospheric emissions from kraft mills through the utilization of technically feasible equipment, devices, and procedures. Consideration will be given to the economic life of equipment which, when installed, complies with the highest and best practicable treatment requirement.

~~B.~~(b) Require degrees and methods of treatment for major and minor emissions points that will minimize emissions of odorous gases and eliminate ambient odor nuisances.

~~C.~~(c) Require effective monitoring and reporting of emissions and reporting of other data pertinent to air quality or emissions. LRAPA will use these data in conjunction with ambient air data and observation of conditions in the surrounding area to develop and revise emission and ambient air standards, and to determine compliance therewith.

~~D.~~(d) Encourage and assist the kraft pulping industry to conduct a research and technological development program designed to progressively reduce kraft mill emissions, in accordance with a definite program, including specified objectives and time schedules.

3.(3) Emission Limitations

~~A.~~(a) Emission of Total Reduced Sulfur (TRS):

~~(1)~~A) Recovery Furnaces:

~~(a)~~i) The emissions of TRS from each recovery furnace placed in operation before January 1, 1969, ~~shall~~may not exceed 10 ppm and 0.15 ~~K~~kg/metric ton (0.30 ~~lb~~pound/ton) of production as daily arithmetic averages.;

~~(b)~~ii) TRS emissions from each recovery furnace placed in operation after January 1, 1969, and before September 25, 1976, or any recovery furnace modified

significantly after January 1, 1969, and before September 25, 1976, to expand production, ~~shall~~must be controlled such that the emissions of TRS ~~shall~~may not exceed 5 ppm and 0.075 ~~K~~kg/metric ton (0.150 ~~lb~~pound/ton) production as daily arithmetic averages.

(~~2~~B) Lime Kilns. Lime kilns ~~shall~~must be operated and controlled such that emission of TRS ~~shall~~may not exceed 20 ppm as a daily arithmetic average and 0.05 ~~K~~kg/metric ton (0.10 ~~lb~~pound/ton) of production as a daily arithmetic average. This ~~sub~~paragraph applies to those sources where construction was initiated prior to September 25, 1976.

(~~3~~C) Smelt Dissolving Tanks:

(~~a~~i) TRS emissions from each smelt dissolving tank ~~shall~~may not exceed 0.0165 gram/~~K~~kg BLS (0.033 ~~lb~~pound/ton BLS) as a daily arithmetic average.

(~~4~~D) Non-Condensibles:

Non-condensibles from digesters, multiple-effect evaporators and contaminated condensate stripping ~~shall~~must be continuously treated to destroy TRS gases by thermal incineration in a lime kiln or incineration device capable of subjecting the non-condensibles to a temperature of not less than 650°C (1200°F) for not less than 0.3 second. An alternate device meeting the above requirements ~~shall~~must be available in the event adequate incineration in the primary device cannot be accomplished. Venting of TRS gases during changeover ~~shall~~must be minimized but in no case ~~shall~~may the time exceed one hour.

(~~5~~E) Other Sources:

(~~a~~i) The total emissions of TRS from other sources ~~shall~~may not exceed 0.078 ~~K~~kg/metric ton (0.156 ~~lb~~pound/ton) of production as a daily arithmetic average.

(~~b~~ii) Miscellaneous Sources and Practices. If ~~it is~~LRAPA determined ~~determines~~ that sewers, drains, and anaerobic lagoons significantly contribute to an odor problem, a program for control ~~shall~~will be required.

~~B~~(b) Particulate Matter:

(~~1~~A) Recovery Furnaces. The emissions of particulate matter from each recovery furnace stack ~~shall~~may not exceed:

(~~a~~i) 2.0 kilograms per metric ton (4.0 pounds per ton) of production as a daily arithmetic average;

(~~b~~ii) 0.30 gram per dry standard cubic meter (0.13 grain per dry standard cubic foot) as a daily arithmetic average; and

(~~e~~iii) ~~35~~Thirty-five percent opacity for a period or periods aggregating more than thirty (30) minutes in any one hundred and eighty (180) consecutive minutes

or more than sixty (60) minutes in any twenty four (24) consecutive hours (excluding periods when the facility is not operating).

(2B) Lime Kilns. The emissions of particulate matter from each lime kiln stack ~~shall~~ may not exceed:

(a) 0.50 kilogram per metric ton (1.00 pound per ton) of production as a daily arithmetic average;

(b) 0.46 gram per dry standard cubic meter (0.20 grain per dry standard cubic foot) as a daily arithmetic average; and

(c) The visible emission limitations in ~~LRAPA section 33-070-(3-)(Dd)~~.

(3C) Smelt Dissolving Tanks. The emission of particulate matter from each smelt dissolving tank stack ~~shall~~ may not exceed:

(a) A daily arithmetic average of 0.25 kilogram per metric ton (0.50 pound per ton) of production; and

(b) The visible emission limitations in ~~LRAPA section 33-070-(3-)(Dd)~~.

(4D) Replacement ~~or Significant Upgrading~~ of or modification or a rebuild of an existing particulate pollution control ~~equipment~~ device for which a capital expenditure of 50 percent or more of the replacement cost of the existing device is required, other than ongoing routine maintenance, after July 1, 1988 ~~shall~~ will result in more restrictive standards as follows:

(a) Recovery Furnaces.

(i) The emission of particulate matter from each affected recovery furnace stack ~~shall~~ may not exceed 1.00 kilogram per metric ton (2.00 pounds per ton) of production as a daily arithmetic average; and

(ii) 0.10 gram per dry standard cubic meter (0.044 grain per dry standard cubic foot) as a daily arithmetic average.

(b) Lime Kilns.

(i) The emission of particulate matter from each affected lime kiln stack ~~shall~~ may not exceed 0.25 kilogram per metric ton (0.50 pound per ton) of production as a daily arithmetic average; and

(ii) 0.15 gram per dry standard cubic meter (0.067 grain per day standard cubic foot) as a daily arithmetic average when burning gaseous fossil fuel; or

(iii) 0.50 kilogram per metric ton (1.00 pound per ton) of production as a daily arithmetic average; and

~~(iv)~~IV) 0.30 gram per dry standard cubic meter (0.13 grain per dry standard cubic foot) as a daily arithmetic average when burning liquid fossil fuel.

~~(eii)~~Smelt Dissolving Tanks. The emissions of particulate matter from each smelt dissolving tank vent stack ~~shall~~ may not exceed 0.15 kilogram per metric ton (0.30 pound per ton) of production as a daily arithmetic average.

~~C.~~(c) Sulfur Dioxide (SO₂). Emissions of sulfur dioxide from each recovery furnace stack ~~shall~~ may not exceed a 3-hour arithmetic average of 300 ppm on a dry-gas basis except when burning fuel oil. The sulfur content of fuel oil used ~~shall~~ may not exceed the sulfur content of residual and distillate oil established in ~~LRAPA section 32-065-(1)~~ and ~~(2)~~, respectively.

~~D.~~(d) ~~All Emissions from each~~ kraft mill source~~s~~, with the exception of ~~the mill's emissions attributable to a~~ recovery ~~furnaces~~ furnace, ~~shall~~ may not ~~equal or~~ exceed ~~an opacity equal to or greater than~~ 20 percent ~~opacity~~ for a period exceeding three (3) minutes in any one (1) hour.

~~E.~~(e) New Source Performance Standards. New or modified sources that commenced construction after September 24, 1976, are subject to each provision of this section and the New Source Performance Standards, ~~40 CFR part 60 subpart BB as adopted under LRAPA section 46-630~~, whichever is more stringent.

~~(4.)~~ More Restrictive Emission Limits

LRAPA may establish more restrictive emission limits than the numerical emission standards contained in ~~rule 33-070-3(3)~~; and maximum allowable daily mill site emission limits in kilograms per day for an individual mill upon a finding by LRAPA that:

~~A.~~(a) The individual mill is located or is proposed to be located in a special problem area or an area where ambient air standards are exceeded or are projected to be exceeded or where the emissions will have a significant ~~air quality~~ impact in an area where the standards are exceeded; or

~~B.~~(b) An odor or nuisance problem has been documented at any mill, in which case the TRS emission limits may be reduced below the regulatory limits; or LRAPA may require the mill to undertake and odor emission reduction study program; or

~~C.~~(c) Other rules which are more stringent apply.

~~5.—Plans and Specifications~~

~~Prior to construction of new kraft mills or modification of facilities affecting emissions at existing kraft mills, complete and detailed engineering plans and specifications for air pollution control devices and facilities, and such other data as may be required to evaluate projected emissions and potential effects on air quality, shall be submitted to and approved by the LRAPA. All construction shall be in accordance with plans as approved in writing by the LRAPA.~~

~~(6.5)~~ Monitoring

~~A.~~(a) (Reserved)

~~B.~~(b) Total Reduced Sulfur (TRS). Each mill ~~shall~~must monitor TRS continuously ~~in accordance with~~using the following:

~~(1)~~(A) The monitoring equipment ~~shall~~must determine compliance with the emission limits and reporting requirements established by these regulations, and ~~shall~~must continuously sample and record concentrations of TRS.;

~~(2)~~(B) The sources monitored ~~shall~~must include, but are not limited to, individual recovery furnaces and lime kilns. All sources ~~shall~~must be monitored downstream of their respective control ~~equipment~~devices, in either the ductwork or the stack, in accordance with the ~~Department DEQ Continuous Emissions Monitoring (CEM) Manual~~.;

~~(3)~~(C) Unless otherwise authorized or required by permit, at least once per year, vents from other sources as required in ~~subsection 33-070-(3)-(Aa)(5E)~~, ~~Other other Sources~~sources, ~~shall~~must be sampled to demonstrate the representativeness of the emissions of TRS using EPA Method 16, 16A, 16B or continuous emissions monitors. Sampling using these EPA methods ~~shall~~must consist of three (3) separate consecutive runs of one hour each, ~~in accordance with~~using the ~~Department DEQ Source Test Sampling Manual~~. Continuous emissions monitors ~~shall~~must be operated for three consecutive hours in accordance with the ~~Department CEM Manual DEQ Continuous Monitoring Manual~~. All results ~~shall~~must be reported to LRAPA.;

~~(4)~~(D) Smelt dissolving tank vents ~~shall~~must be sampled for TRS quarterly except that testing may be semi-annual when the preceding six source tests were less than 0.0124 gram/~~K~~kg ~~Bls~~LS (0.025 ~~lb~~pound/ton ~~Bls~~BLS) using EPA Method 16, 16A, 16B or continuous emission monitors. Sampling using these EPA methods ~~shall~~must consist of three (3) separate consecutive runs of one hour each, ~~in accordance with~~using the ~~DEQ Source Sampling Manual~~Department Source Test Manual.

~~C.~~(c) Particulate Matter.

~~(A)~~(1) Each mill ~~shall~~must sample the recovery furnace(s), lime kiln(s) and smelt dissolving tank vent(s) for particulate emissions as measured by EPA Method 5 or 17, in accordance with the ~~DEQ Source Sampling Manual~~Department Source Test Manual. Particulate matter emission determinations by EPA Method 5 must use water as the cleanup solvent instead of acetone, and consist of the average of three separate consecutive runs having a minimum sampling time of 60 minutes each, a maximum sampling time of eight hours each, and a minimum sampling volume of 31.8 dscf each.

(i) When applied to recovery furnace gases "dry standard 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%.

(ii) When applied to lime kiln gases "dry standard 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%.

(iii) The mill must demonstrate that oxygen concentrations are below the values in sub-subparagraphs (i) and (ii) or furnish oxygen levels and corrected data.

(2B) Each mill ~~shall~~must provide continuous monitoring of opacity of emissions discharged to the atmosphere from each recovery furnace stack ~~or particulate matter from the recovery furnace(s) in a manner approved in writing by LRAPA~~using the DEQ Continuous Monitoring Manual. (~~or~~)

(3C) (Reserved)

(4D) Recovery furnace particulate source tests ~~shall~~must be performed quarterly except that testing may be semi-annual when the preceding six (6) source tests were less than 0.225 gram/dscm (0.097 grain/dscf) for furnaces subject to ~~LRAPA section 33-070-(3)B(b)(1A)(a)~~ or 0.075 gram/dscm (0.033 grain/dscf) for furnaces subject to ~~LRAPA section 33-070-(3)B(b)(4D)(a)~~(i).

(5E) Lime kiln source tests ~~shall~~must be performed semi-annually.

(6F) Smelt dissolving tank vent source tests ~~shall~~must be performed quarterly except that testing may be semi-annual when the preceding six (6) source tests were less than 0.187 ~~K~~kilogram per metric ton (0.375 pound per ton) of production.

~~D~~(d) Sulfur Dioxide (SO₂). Representative sulfur dioxide emissions from each recovery furnace ~~shall~~must be determined at least once each month by the average of three (3) one-hour source tests ~~in accordance with~~using the ~~Department Source Test Manual~~ DEQ Source Sampling Manual or from continuous emission monitors. If continuous emission monitors are used, the monitors ~~shall~~must be operated for three consecutive hours, ~~in accordance with~~using the DEQ Continuous Monitoring Manual~~Department CEM Manual.~~

(e) Combined Monitoring. LRAPA may allow the monitoring for opacity of a combination of more than one emission stream if each individual emission stream has been demonstrated (with the exception of opacity) to be in compliance with all the emission limits of ~~rule 33-070-(3)~~. LRAPA may establish more stringent emission limits for the combined emission stream.

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- (f) New Source Performance Standards Monitoring. New or modified sources that are subject to the New Source Performance Standards, 40 CFR ~~Part part~~ 60, ~~Subpart subpart~~ BB, ~~shall~~must conduct monitoring or source testing as required by Subpart BB. In addition, when ~~it is~~these rules are more stringent than ~~Subpart 40 CFR part 60 subpart~~ BB, LRAPA may require some or all of the relevant monitoring in this subsection.

~~7~~(6) Reporting

If required by LRAPA or required by permit, each mill must report data ~~shall be reported by each mill for~~ each calendar month by the last day of the subsequent month as follows:

- ~~A.~~(a) Applicable daily average emissions of TRS gases expressed in parts per million of H₂S on a dry gas basis with oxygen concentrations, if oxygen corrections are required, for each source included in the approved monitoring program.
- ~~B.~~(b) Daily average emissions of TRS gases in pounds of total reduced sulfur per equivalent ton of pulp processed, expressed as H₂S for each source included in the approved monitoring program.
- ~~C.~~(c) Maximum daily 3-hour average emissions of SO₂ based on all samples collected from the recovery furnace(s), expressed as ppm, dry basis.
- ~~D.~~(d) All daily average opacities for each recovery furnace stack where transmissometers are utilized.
- ~~E.~~(e) All 6-minute average opacities from each recovery furnace stack that exceeds 35 percent.
- ~~F.~~(f) Daily average kilograms of particulate per equivalent metric ton (pounds of particulate per equivalent ton) of pulp produced for each recovery furnace stack. ~~Where transmissometers are not feasible, the mass emission rate shall be determined by alternative sampling approved by LRAPA.~~
- ~~G.~~(g) Unless otherwise approved in writing, all periods of non-~~condensable~~-condensable gas bypass ~~shall~~-must be reported.
- ~~H.~~(h) Each Kraft mill ~~shall~~-must furnish, upon request of LRAPA, such other pertinent data as LRAPA may require to evaluate the mill's emission control program.
- ~~I.~~(i) Monitoring data reported ~~shall~~-must reflect actual observed levels corrected for oxygen, if required, and analyzer calibration.
- ~~J.~~(j) Oxygen concentrations used to correct regulated pollutant data ~~shall~~-must reflect oxygen concentrations at the point of measurement of regulated pollutants.

~~(Reserved)~~

~~9.~~(8) Chronic Upset Conditions

If LRAPA determines that an upset condition is chronic and correctable by installing new or modified process or control procedures or equipment, the owner or operator must submit to LRAPA a program and schedule to effectively eliminate the deficiencies causing the upset conditions ~~shall be submitted~~. Such reoccurring upset conditions causing emissions in excess of applicable limits may be subject to civil penalty or other appropriate action.

Section 33-075 Hot Mix Asphalt Plants

~~(1.)~~ Definitions

~~A. "Collection Efficiency" means the overall performance of the air cleaning device in terms of ratio of material collected to total input to the collector unless specific size fractions of the contaminant are stated or required.~~

- ~~B.~~ "Dusts" means minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, or sweeping.

- ~~C.~~—"Hot mix asphalt plants" 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.

~~D.~~—"Particulate matter" means any matter except uncombined water, which exists as a liquid or solid at standard conditions.

- ~~E.~~—"Portable hot mix asphalt plants" means those hot mix asphalt plants which are designed to be dismantled and are transported from one job site to another job site.

- ~~F.~~—"Process weight ~~by hour~~" means the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "process weight per hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

- ~~G.~~—"Special control areas" means any [area designated in OAR 340-204-0070, title 29, location within and](#):

- ~~(1)~~—~~Benton, Clackamas, Columbia, Lane, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties;~~

- ~~(2A)~~ Any incorporated city or within six (6) miles of the city limits of said incorporate city;

- ~~(3B)~~ Any area of Lane County within one (1) mile of any structure or building used for a residence;

- ~~(4C)~~ Any area of Lane County within two (2) miles straight-line distance or air miles of any paved public road, highway, or freeway having a total of two (2) or more traffic lanes.

~~(2.)~~ Control Facilities Required

~~A.(a)~~ No person ~~shall~~ may operate any hot mix asphalt plant, either portable or stationary, located within any area of Lane County outside special control areas unless all dusts and gaseous effluents generated by the hot mix asphalt plant are ~~subjected to~~ controlled by a air cleaning control device or devices ~~having a particulate collection with a removal efficiency for particulate matter~~ of at least 80 percent by weight. To determine compliance with this standard, the owner or operator must conduct a particulate matter source test using DEQ Method 5 at the inlet and outlet of the control device. If it is not feasible to conduct a particulate matter source test at the inlet to the control device, the owner or operator must provide documentation demonstrating that the control device is

designed to meet the standard and prepare and implement an operation and maintenance plan for ensuring that the control device will have at least an 80 percent removal efficiency when operated.

~~B.~~(b) No person ~~shall~~may operate any hot mix asphalt plant, either portable or stationary, located within any special control area of Lane County without installing and operating systems or processes for the control of particulate emissions so as to comply with the emission limits established by the process weight table, ~~Table 1, attached herewith and by reference made a part of this rule in 33-500,~~ attached herewith and by reference made part of this rule ~~and the emission limitations Section 32-010-1 and 3 and 32-015.~~ Compliance is determined using DEQ Method 5. All source tests must be done using the DEQ Source Sampling Manual.

(c) Hot mix asphalt plants are subject to the emission limitations in ~~Sections~~ 32-010, 32-015, and 46-535, as applicable.

(d) If requested by LRAPA, the owner or operator must develop a fugitive emission control plan.

~~(3.)~~ Other Established Air Quality Limitations

The emission limits established under ~~Section~~ 33-075 are in addition to visible emission and other ambient air standards, established or to be established by the ~~LRAPA Board of Directors,~~ unless otherwise provided by rule ~~or regulation.~~

~~4.—~~ Portable Hot Mix Asphalt Plants

~~Portable hot mix asphalt plants may apply for air contaminant discharge permits within the area of LRAPA jurisdiction without indicating specific site locations. As a condition of said permit, the permittee will be required to obtain approval from LRAPA for the air pollution controls to be installed at each site location or set up at least ten (10) days prior to operating at each site location or set up.~~

~~5(4.)~~ Ancillary Sources of Emission--Housekeeping of Plant Facilities

~~A.~~(a) Ancillary air contamination sources from ~~the a~~ hot mix asphalt plant and its facilities which emit air contaminants into the atmosphere such as, but not limited to, the drier openings, screening and classifying system, hot rock elevator, bins, hoppers, and pug mill mixer, ~~shall~~must be controlled at all times so as to maintain the highest possible level of air quality and the lowest possible discharge of air contaminants.

~~B.~~(b) The handling of aggregate and truck traffic ~~shall~~must be conducted at all times so as to minimize emissions into the atmosphere.

Section 33-080 Reduction of Animal Matter

~~(1.)~~ Control Facilities Required

~~A.~~(a) ~~No~~ A person ~~shall~~may operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such article, machine, equipment or other contrivance are:

(~~1~~A) Incinerated at temperatures of not less than 1200°F for a period of not less than 0.3 seconds; or

(~~2~~B) Processed in such a manner determined by LRAPA to be equally, or more, effective for the purpose of air pollution control than sub-~~subsection~~paragraph (~~1~~A)-of this subsection.

~~B~~.(b) Any person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this section shall ~~must~~ provide, properly install and maintain in calibration, in good working order and in operation, devices as specified by LRAPA, for indicating temperature, pressure or other operating conditions.

~~C~~.(c) For the purpose of this section, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.

~~D~~.(d) The provisions of this section shall ~~do~~ not apply to any article, machine, equipment, or other contrivance used exclusively for the processing of food for human consumption.

(~~2~~.) Monitoring of Reduction Facilities

~~A~~.(a) When requested by LRAPA for the purpose of formulating plans in conjunction with industries who are or may be sources of air pollution, and to investigate sources of air pollution, monitoring data shall ~~must~~ be submitted for plant operational periods and shall ~~must~~ include:

(~~1~~A) Continuous or at least hourly influent and effluent temperature readings on the condenser;

(~~2~~B) Continuous or at least hourly temperature readings on the after-burner;

(~~3~~C) Estimated weights of finished products processed in pounds per hour;

(~~4~~D) Hours of operation per day; and

(~~5~~E) A narrative description to accurately portray control practices, including the housekeeping measures employed.

~~B~~.(b) Except as otherwise required under the Oregon Public Records Law, ORS 192.410 to 192.505. ~~When~~ when requested by the plant manager any information relating to processing or production shall ~~must~~ be kept confidential by LRAPA and shall ~~may~~ not be disclosed or made available to competitors or their representatives in the rendering industry.

~~C~~.(c) Whenever a breakdown of operating facilities occurs or unusual loads or conditions are encountered that cause or may cause release of excessive and malodorous gases or vapors, LRAPA shall ~~must~~ be immediately notified.

(~~3~~.) Housekeeping of Plant and Plant Area. The plant facilities and premises are to be kept clean and free of accumulated raw material, products, and waste materials. The methods used for housekeeping shall ~~must~~ include, but not be limited to:

~~A.~~(a) A washdown, at least once each working day, of equipment, facilities and building interiors that come in contact with raw or partially processed material, with steam or hot water and detergent or equivalent additive;

~~B.~~(b) Storage of all solid wastes in covered containers, and daily disposal in an incinerator or fill, approved by LRAPA, or by contract with a company or municipal department providing such service; and

~~C.~~(c) Disposal of liquid and liquid-borne waste in a manner approved by LRAPA.

(4.) Applicability. Section 33-080 shall apply in all areas of Lane County which are within city limits or within two miles of the boundaries of incorporated cities.

Section 33-500 Particulate Matter Emissions Standards for Process Equipment

<u>Particulate Matter Emissions Standards for Process Equipment</u>					
<u>Process</u> <u>s</u> <u>lbs/hr</u>	<u>Emission</u> <u>s</u> <u>lbs/hr</u>	<u>Process</u> <u>s</u> <u>lbs/hr</u>	<u>Emission</u> <u>s</u> <u>lbs/hr</u>	<u>Process</u> <u>lbs/hr</u>	<u>Emission</u> <u>s</u> <u>lbs/hr</u>
<u>50</u>	<u>0.24</u>	<u>2300</u>	<u>4.44</u>	<u>7500</u>	<u>8.39</u>
<u>100</u>	<u>0.46</u>	<u>2400</u>	<u>4.55</u>	<u>8000</u>	<u>8.71</u>
<u>150</u>	<u>0.66</u>	<u>2500</u>	<u>4.64</u>	<u>8500</u>	<u>9.03</u>
<u>200</u>	<u>0.85</u>	<u>2600</u>	<u>4.74</u>	<u>9000</u>	<u>9.36</u>
<u>250</u>	<u>1.03</u>	<u>2700</u>	<u>4.84</u>	<u>9500</u>	<u>9.67</u>
<u>300</u>	<u>1.20</u>	<u>2800</u>	<u>4.92</u>	<u>10000</u>	<u>10.00</u>
<u>350</u>	<u>1.35</u>	<u>2900</u>	<u>5.02</u>	<u>11000</u>	<u>10.63</u>
<u>400</u>	<u>1.50</u>	<u>3000</u>	<u>5.10</u>	<u>12000</u>	<u>11.28</u>
<u>450</u>	<u>1.63</u>	<u>3100</u>	<u>5.18</u>	<u>13000</u>	<u>11.89</u>
<u>500</u>	<u>1.77</u>	<u>3200</u>	<u>5.27</u>	<u>14000</u>	<u>12.50</u>
<u>550</u>	<u>1.89</u>	<u>3300</u>	<u>5.36</u>	<u>15000</u>	<u>13.13</u>
<u>600</u>	<u>2.01</u>	<u>3400</u>	<u>5.44</u>	<u>16000</u>	<u>13.74</u>
<u>650</u>	<u>2.12</u>	<u>3500</u>	<u>5.52</u>	<u>17000</u>	<u>14.36</u>
<u>700</u>	<u>2.24</u>	<u>3600</u>	<u>5.61</u>	<u>18000</u>	<u>14.97</u>
<u>750</u>	<u>2.34</u>	<u>3700</u>	<u>5.69</u>	<u>19000</u>	<u>15.58</u>
<u>800</u>	<u>2.43</u>	<u>3800</u>	<u>5.77</u>	<u>20000</u>	<u>16.19</u>
<u>850</u>	<u>2.53</u>	<u>3900</u>	<u>5.85</u>	<u>30000</u>	<u>22.22</u>
<u>900</u>	<u>2.62</u>	<u>4000</u>	<u>5.93</u>	<u>40000</u>	<u>28.30</u>
<u>950</u>	<u>2.72</u>	<u>4100</u>	<u>6.01</u>	<u>50000</u>	<u>34.30</u>
<u>1000</u>	<u>2.80</u>	<u>4200</u>	<u>6.08</u>	<u>60000</u>	<u>40.00</u>
<u>1100</u>	<u>2.97</u>	<u>4300</u>	<u>6.15</u>	<u>70000</u>	<u>41.30</u>

Particulate Matter Emissions Standards for Process Equipment

<u>Process s lbs/hr</u>	<u>Emission s lbs/hr</u>	<u>Process s lbs/hr</u>	<u>Emission s lbs/hr</u>	<u>Process lbs/hr</u>	<u>Emission s lbs/hr</u>
<u>1200</u>	<u>3.12</u>	<u>4400</u>	<u>6.22</u>	<u>80000</u>	<u>42.50</u>
<u>1300</u>	<u>3.26</u>	<u>4500</u>	<u>6.30</u>	<u>90000</u>	<u>43.60</u>
<u>1400</u>	<u>3.40</u>	<u>4600</u>	<u>6.37</u>	<u>100000</u>	<u>44.60</u>
<u>1500</u>	<u>3.54</u>	<u>4700</u>	<u>6.45</u>	<u>120000</u>	<u>46.30</u>
<u>1600</u>	<u>3.66</u>	<u>4800</u>	<u>6.52</u>	<u>140000</u>	<u>47.80</u>
<u>1700</u>	<u>3.79</u>	<u>4900</u>	<u>6.60</u>	<u>160000</u>	<u>49.00</u>
<u>1800</u>	<u>3.91</u>	<u>5000</u>	<u>6.67</u>	<u>200000</u>	<u>51.20</u>
<u>1900</u>	<u>4.03</u>	<u>5500</u>	<u>7.03</u>	<u>100000</u> <u>0</u>	<u>69.00</u>
<u>2000</u>	<u>4.14</u>	<u>6000</u>	<u>7.37</u>	<u>200000</u> <u>0</u>	<u>77.60</u>
<u>2100</u>	<u>4.24</u>	<u>6500</u>	<u>7.71</u>	<u>600000</u> <u>0</u>	<u>92.70</u>
<u>2200</u>	<u>4.34</u>	<u>7000</u>	<u>8.05</u>		

Interpolation and extrapolation of emissions above a process weight of 6,000,000 pounds/hour shall be accomplished by the use of this equation:

$$E = (55.0 \times P^{0.11}) - 40,$$

where: P = process weight in tons/ hour, and

E = emission rate in pounds/hour.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 34

STATIONARY SOURCE NOTIFICATION REQUIREMENTS

Section 34-005 Definitions

The definitions in title 12 and title 29 and this section apply to this title. If the same term is defined in this section and title 12 or title 29, the definition in this section applies to this title.~~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) This title applies to air contaminant sources, to stationary sources, and to modifications of existing portable sources that are required to have permits under title 37.
- ~~(4)~~(2) Except as provided in subsection (2) of this rule, 34-010 and 34-034 through 34-038 Title 34 applies to the following:
 - (a) All new stationary sources not otherwise required to obtain a permit under title 37 or OAR 340 division 218. Sources that are required to submit a permit application under title 37 or OAR 340 division 218 are not required to submit a Notice of Construction application under this rule;
 - ~~a. and~~
 - (b) Modifications at existing sources, including sources that have permits under title 37 or OAR 340 218; and
 - ~~b. (c) All sources that use~~ air pollution control ~~equipment devices~~ used to comply with emissions limits, or used to avoid the requirement to obtain an LRAPA Title V Operating Permits (OAR 340 division 218) or ~~New Source Review~~Major NSR or Type A State NSR (LRAPA ~~T~~title 38) requirements, or MACT standards (LRAPA ~~T~~title 44).
- ~~(5)~~(3) Section 34-010 and 34-034 through 34-038 do not apply to the following stationary sources:
 - ~~a. (a) Agricultural operations or equipment that is~~ ~~Those sources conducting certain activities that are~~ exempted by ~~LRAPA Title 12~~12-020;
 - ~~b. (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 limited to barbecues, house painting, maintenance, and groundskeeping; ~~and~~
- e. (d) Portable sources, except modifications of portable sources that have permits under title 37 or OAR 340 division 218; and
- d. (e) Categorically insignificant activities as defined in LRAPA Title 12 that unless they 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 stationary sources ~~subject to Title 34 shall~~ must 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 34-016 Records; Maintaining and Reporting

- (1) When notified by LRAPA, any person owning or operating a source within the state must keep and maintain written records of the nature, type, and amounts of emissions from such source and other information LRAPA may require in order to determine whether the source is in compliance with applicable emission rules, limitations, or control measures.
- (2) The records must be prepared in the form of a report and submitted to LRAPA on an annual, semi-annual, or more frequent basis, as requested in writing by LRAPA. Submittals must be filed at the end of the first full period after the LRAPA’s notification to such persons owning or operating a stationary air contaminant source of these recordkeeping requirements. Unless otherwise required by rule or permit, semi-annual periods are January 1 to June 30, and July 1 to December 31. A more frequent basis for reporting may be required due to noncompliance or if necessary to protect human health or the environment.
- (3) The required reports must be completed on forms approved by LRAPA and submitted within 30 days after the end of the reporting period, unless otherwise authorized by permit.
- (4) All reports and certifications submitted to LRAPA must accurately reflect the monitoring, record keeping and other documentation held or performed by the owner or operator.

(5) The owner or operator of any source required to obtain a permit under title 37 or OAR 340 division 218 must retain records of all required monitoring data and supporting information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. For the owner or operator of a source permitted under title 37, this requirement took effect on July 1, 2015.

34-017 Enforcement; Credible Evidence

Notwithstanding any other provisions contained in any applicable requirement, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any such applicable requirements.

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~~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.~~(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.~~(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.~~(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~~must 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.~~(a) the information shall not be patented;

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

(d) ~~D.~~—it shall give its users the chance to obtain a business advantage over competitors not having the information~~;~~ and

(e) It must not be emissions data.

Registration

Section 34-025 Registration in General

- (1) Any air contaminant source which is not subject to the Air Contaminant Discharge Permits, rules (LRAPA title 3734-090 through 34-160), or the Oregon Title V Operating Permits, program rules (OAR Division division 218), shall must 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.~~(a) Motor vehicle surface coating operations.
 - ~~b.~~(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 ~~subsection (2) of this rule~~ must pay the applicable fees in Title title 37 Table 2 by March 1 of each year:
 - ~~a.~~(a) Failure to pay fees. Registration is ~~may be~~ automatically 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 ~~subsection (2) of this rule~~ must maintain records required by the approved environmental performance program under ~~subsection (3) of this rule~~. The records must be kept on site and in a form suitable and readily available for expeditious inspection and review.
- ~~(5)~~(6) The owner or operator of an air contaminant source that is subject to a federal NSPS or NESHAP in 40 CFR part 60 or 40 CFR part 63 and that is not located at a source that is required to obtain a permit under title 37 (Air Contaminant Discharge Permits) or OAR 340 division 218 (Oregon Title V Operating Permits), must register and maintain registration with LRAPA pursuant to section 34-030 if requested in writing by LRAPA (or by EPA at LRAPA's request).
- ~~(6)~~(7) Revocation. LRAPA may revoke a registration if a source fails to meet any requirement in ~~LRAPA~~ 34-030.

Section 34-030 Registration Requirements and Re-Registration Requirements and Maintaining Registration

~~(1-)~~ Registration pursuant to 34-025 shall be completed within thirty (30) days following the mailing date of the request by LRAPA.

~~(2-)~~ Registration ~~shall~~ must be made on forms furnished by LRAPA and completed by the owner, lessee of the source, or agent. If a form is not available from LRAPA, the registrant may provide the information using a format approved by LRAPA.

~~(3-)~~ In order to obtain registration pursuant to ~~Section 34-025-(1)~~, the following information shall be reported by registrants:

~~A-(a)~~ name, address, and nature of business;

~~B-(b)~~ name of local person responsible for compliance with these rules;

~~C-(c)~~ name of person authorized to receive requests for data and information;

~~D-(d)~~ a description of the production processes and a related flow chart;

~~E-(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-(f)~~ type and quantity of fuels used;

~~G-(g)~~ amount, nature, and duration of air contaminant emissions;

~~H-(h)~~ estimated efficiency of air pollution control ~~equipment~~ devices under present or anticipated operating conditions; and

~~I-(i)~~ any other information requested by LRAPA.

(4) In order to obtain registration pursuant to ~~Section 34-025-(2)~~ the following information must be submitted by a source-registrant must submit the information in section 3.A, B, C, and I of this rule and the following:

(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;

~~(H)~~

~~a.~~—Information demonstrating that the air contaminant source is operating in compliance with all applicable state and federal rules and regulations, as requested by

(d) LRAPA;

~~b-(e)~~ Information demonstrating that the source is certified through an approved environmental certification program;

(f) A signed statement that the submitted information is true, accurate, and complete. This signed statement ~~shall~~ must state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete: and

~~e-~~(g) Any other information requested by LRAPA.

(5) In order to obtain registration pursuant to 34-025(6), the following information must be submitted by a registrant:

(a) Name, address and nature of business or institution;

(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 air contaminant source subject to regulation;

(e) Identification of the applicable regulation;

(f) Confirmation that approval to construct and operate the air contaminant source was obtained in accordance with 34-010 and 34-034 through 34-038;

(g) Confirmation that the air contaminant source is operating in compliance with all applicable state rules and regulations, including but not limited to section 32-010 (visible air contaminant limitations) and 32-020 or 32-030 (grain loading standards);

(h) Confirmation that the air contaminant source is operating in compliance with all applicable federal rules and regulations, including but not limited to 40 CFR part 60 and part 63 standards and work practice requirements, such as routine tune-up for boilers; and

(i) Any other information requested by LRAPA.

~~(56-)~~ 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.

~~(10)~~(7) Any changes in any of the factual data reported under ~~subsubsection~~ section (3) or (4) of this section shall be reported to LRAPA, at which time re-registration may be required on forms furnished by LRAPA.

(8) 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, in which case the person must not have had their registration terminated or revoked since the change in ownership.

~~(11)~~(9) If a registered air contaminant source is sold or transferred, the sale or transfer must be reported to LRAPA by either the former owner or the new owner within 30 days of the date of sale or transfer. The new owner of the registered air contaminant source must register the air contaminant source within 30 days of the date of sale or transfer in accordance with subsections (2) and (4).

Notice of Construction and Approval of Plans

Section 34-034 Requirements for Construction

- (1) New ~~Stationary Sources~~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 existing Sources~~existing 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~~Devices. No person is allowed to construct or modify any air pollution control ~~equipment~~device 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~~devices are divided into the following Types:

- ~~A.~~(1) Type 1 changes include construction or modification of ~~stationary~~ sources or air pollution control ~~equipment~~devices where such a change meets the criteria in paragraphs (a) through (f):
- (a) Would not increase emissions from the source above the ~~Plant Site Emission Limit~~PSEL by more than the de_minimis emission levels defined in ~~LRAPA Title~~ 12 for sources required to have a permit;
 - (b) Would not increase emissions from the source above the netting basis by more than or equal to the ~~significant emissions rate~~SER;
 - (c) Would not increase emissions from any ~~stationary new, modified, or replaced device, activity or process, or any combination of devices, activities or process at the source or combination of stationary sources~~ by more than the de_minimis emission levels defined in LRAPA ~~T~~title 12;
 - (d) Would not be used to establish a federally enforceable limit on the potential to emit;
 - (e) Would not require a TACT determination under ~~Section~~ 32-008 or a MACT determination under ~~Section~~ 44-0200; and
 - (f) Is not required to obtain a permit under title 37.

~~(1)~~(2) Type 2 changes include construction or modification of stationary sources or air pollution control ~~equipment~~-~~devices~~ where such a change meets the criteria in paragraphs (a) through (f):

- ~~a.~~(a) Would not increase emissions from the source above the ~~Plant Site Emission Limit~~PSEL by more than the de minimis emission levels defined in ~~OAR 340-200-0020~~title 12 for sources required to have a permit;
- ~~b.~~(b) Would not increase emissions from the source above the netting basis by more than or equal to the ~~significant emissions rate~~SER;
- ~~c.~~(c) Would not increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the stationary source or combination of stationary sources by more than or equal to the significant emission rateSER;
- ~~d.~~(d) Would not be used to establish a federally enforceable limit on the potential to emit;
- ~~e.~~(e) Would not require a TACT determination under ~~Section 32-008~~ or a MACT determination under ~~Section 44-130~~; and
- ~~f.~~(f) Is not required to obtain a permit under title 37.~~Would not increase emissions from any stationary source or combination of stationary sources by more than or equal to the significant emission rate;~~

~~(2)~~(3) Type 3 changes include construction or modification of stationary sources or air pollution control ~~equipment~~-~~devices~~ where such a change does not qualify as a Type 4 change under subsection (4) and:

- ~~g.~~(a) Would increase emissions from the source above the ~~Plant Site Emission Limit~~PSEL by more than the de minimis emission levels defined in ~~LRAPA T~~title 12 before applying unassigned emissions or emissions reduction credits available to the source but less than the ~~significant emission rate~~SER after applying unassigned emissions or emissions reduction credits available to the source for sources required to have a permit;
- ~~h.~~(b) Would increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the stationary source or combination of stationary sources by more than the ~~significant emission rate~~SER but are not subject to ~~Section 42-0041-(3)-B-(b)~~ or ~~LRAPA T~~title 38 (NSR rules);
- ~~i.~~(c) Would be used to establish a federally enforceable limit on the potential to emit; or
- ~~j.~~(d) Would require a TACT determination under ~~Section 32-008~~ or a MACT determination under ~~Section 44-130~~.

~~(3)~~(4) Type 4 changes include construction or modification of stationary sources or air pollution control ~~equipment~~-~~devices~~ where such a change or changes would increase emissions from the source above the PSEL, after applying unassigned emissions or emissions reduction credits available to the source, or ~~Netting-netting Basis-basis~~ of the source by more than the ~~significant emission rate~~SER.

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~~device. The notice must be in writing on a form supplied by LRAPA and include the following information as applicable:

- ~~A.~~(a) Name, address, and nature of business;
- ~~B.~~(b) Name of local person responsible for compliance with these rules;
- ~~C.~~(c) Name of person authorized to receive requests for data and information;
- ~~D.~~(d) The type of construction or modification as defined in ~~Section~~-34-035;
- ~~E.~~(e) A description of the constructed or modified source;
- ~~F.~~(f) A description of the production processes and a related flow chart;
- ~~G.~~(g) A plot plan showing the location and height of all air contaminant sources and indicating the nearest residential or commercial property;
- ~~H.~~(h) Type and quantity of fuels used;
- ~~I.~~(i) Change in amount, nature and duration of air contaminant emissions;
- ~~J.~~(j) Plans and specifications for air pollution control ~~equipment~~devices and facilities and their relationship to the production process;
- ~~K.~~(k) Estimated efficiency of air pollution control ~~equipment~~devices under present or anticipated operating conditions;
- ~~L.~~(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.~~(m) A list of any requirements applicable to the new construction or modification;
- ~~N.~~(n) Where the operation or maintenance of air pollution control ~~equipment~~devices 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.~~(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) The owner or operator must notify LRAPA ~~must be notified~~ of any corrections and revisions to the plans and specifications upon becoming aware of the changes.

~~A.(4)~~ Where a permit issued in accordance with ~~LRAPA Title 37~~ or OAR 340 ~~Division 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

~~A.(1)~~ Approval to Construct:

~~a.(a)~~ For Type 1 changes, the owner or operator may proceed with the construction or modification 10 calendar days after LRAPA receives the notice required in ~~Section 34-036~~ or on the date that LRAPA approves the proposed construction in writing, whichever is sooner, unless LRAPA notifies the owner or operator in writing that the proposed construction or modification is not a Type 1 change.

~~b.(b)~~ For Type 2 changes, the owner or operator may proceed with the construction or modification 60 calendar days after LRAPA receives the notice required in ~~Section 34-036~~ or on the date that LRAPA approves the proposed construction in writing, whichever is sooner, unless LRAPA notifies the owner or operator in writing that the proposed construction or modification is not a Type 2 change.

~~e.(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 title~~ 37 before proceeding with the construction or modification.

~~(a)(d)~~ For Type 4 changes, the owner or operator must obtain a new or modified Standard ACDP in accordance with ~~LRAPA Title title~~ 37 before proceeding with the construction or modification.

~~[Note: In non-attainment areas and maintenance areas, Type 4 changes may also be subject to LRAPA Title title 38, New Source Review NSR requirements. 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.]~~

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

~~E.(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:

~~G.(a)~~ The date of completion of construction or modification; and

(b) The date the stationary source, device, activity, process, or air pollution control ~~equipment~~ device was or will be put in operation.

~~D.~~(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.

~~E.~~(5) Hearing. A person against whom an order prohibiting construction or modification is directed may ~~demand-request~~ a contested case hearing within 20 days from the date of mailing the order. The ~~demand-request~~ 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~~ title 3114.

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-device~~ unless otherwise allowed by subsection (2) or (3) or under the applicable either the-ACDP or LRAPA-Oregon 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 subject to the conditions of LRAPA's approval to construct provided in accordance with 34-037.

(A) Approval to operate does not relieve the owner of the obligation of complying with applicable requirements that may include but are not limited to the general opacity standards in 32-010 and general particulate matter standards in 32-015 and 32-030.

(B) If required by LRAPA as a condition of the approval to construct or at any other time in accordance with 34-030, the owner or operator must conduct testing or monitoring to verify compliance with applicable requirements. All required testing must be performed in accordance with section.

~~a.~~(C) The owner or operator must register the air contaminant source with LRAPA if required as a condition of the approval to construct or at any other time in accordance with 34-030.

~~b.~~(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~~the newly constructed equipment.

~~e.~~(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.~~(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)~~ (a) For new sources, Type 3 or 4 changes require a standard ACDP before operation of the changes.
- ~~(b)~~ (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)~~ (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, and OAR 340-218-0010, ~~and OAR 340-244-0020,~~ LRAPA is authorized to implement all Oregon Administrative Rules, ~~Divisions~~ divisions 218, and 220, ~~and 244,~~ which apply to sources subject to the Oregon Title V Operating Permit program in Lane County. LRAPA shall implement ~~Division~~ division 218, and 220, ~~and 244~~ rules as they pertain to Oregon Title V Operating Permit Program sources until such time as ~~it~~ LRAPA adopts its own Title V Permit Program rules.

Section 34-180 Amended 06/13/00.

Section 34-190 Definitions

All definitions relevant to Oregon 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 the Oregon 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 35

STATIONARY SOURCE TESTING AND MONITORING

Section 35-0010

Definitions

The definitions in LRAPA ~~title 12, 29-0010, OAR 340-204-0100~~ and this ~~rule-section~~ apply to this title. If the same term is defined in this ~~rule-section~~ and LRAPA ~~title 12 or OAR 340-204-0100 or 29-0010~~, the definition in this ~~rule-section~~ applies to this title.

Sampling, Testing and Measurement

Section 35-0110

Applicability

~~Sections 35-0110 through 35-0160 apply to all stationary sources in Lane County. Stationary source includes portable sources that are required to have permits under title 37.~~

Section 35-0120

Program

- (1) As part of its coordinated program of air quality control and preventing and abating air pollution, LRAPA may:
 - (a) Require the owner or operator of a stationary source to determine the type, quantity, quality, and duration of the emissions from any air contamination source;
 - (b) Require full reporting in writing of all test procedures and signed by the person or persons responsible for conducting the tests;
 - (c) Require continuous monitoring of specified air contaminant emissions or parameters and periodic regular reporting of the results of such monitoring.
- (2) LRAPA may require an owner or operator of a source to provide emission testing facilities as follows:
 - (a) Sampling ports, safe sampling platforms, and access to sampling platforms adequate for test methods applicable to such source; and
 - (b) Utilities for sampling and testing equipment.

- (3) Testing must be conducted in accordance with the ~~ODEQ's Source Sampling Manual (January 1992)~~, the ~~ODEQ's Continuous Monitoring Manual (January 1992)~~, or an applicable EPA Reference Method unless LRAPA, if allowed under applicable federal requirements:
- (a) Specifies or approves minor changes in methodology in specific cases;
 - (b) Approves the use of an equivalent ~~method~~ or alternative method ~~that will provide adequate results~~ as defined in title 12;
 - (c) Waives the testing requirement because the owner or operator has satisfied LRAPA that the affected facility is in compliance with applicable requirements; or
 - (d) Approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors.

Section 35-0130

Stack Heights and Dispersion Techniques

- (1) 40 CFR ~~Parts~~ parts 51.100(ff) through 51.100(kk), 51.118, 51.160 through 51.166 ~~(July 1, 2000)~~, concerning stack heights and dispersion techniques, are adopted and incorporated herein. The federal rule generally prohibits the use of excessive stack height and certain dispersion techniques when calculating compliance with ambient air quality standards. The rule forbids neither the construction and actual use of excessively tall stacks, nor the use of dispersion techniques. It only forbids their use in noted calculations.

The rule generally applies as follows: Stacks 65 meters high or greater that were constructed after December 31, 1970, and major modifications made after December 31, 1970 to existing plants with stacks 65 meters high or greater which were constructed before that date are subject to this rule. Certain stacks at federally owned, coal-fired steam electric generating units constructed under a contract awarded before February 8, 1974 are exempt. Any dispersion technique implemented after December 31, 1970 at any plant is subject to this rule. However, if the plant's total allowable emissions of sulfur dioxide are less than 5,000 tons per year, then certain dispersion techniques to increase final exhaust gas plume rise may be used when calculating compliance with ambient air quality standards for sulfur dioxide:

- (2) Where found in the federal rule, the following terms apply:
- (a) "Reviewing agency" means ~~the Department~~ DEQ, LRAPA, or ~~the~~ EPA, as applicable;
 - (b) "Authority administering the State Implementation Plan" means ~~Department~~ DEQ, LRAPA, or EPA;
 - (c) The "procedures" referred to in 40 CFR 51.164 are ~~the~~ LRAPA's ~~New Source Review~~ Major NSR procedures (~~Title 38~~ 38-0010 through 38-0070 and 38-0050 through 38-0540 of LRAPA rules), and the review procedures for new, or modifications to, minor sources, at LRAPA's review procedures for new or modified minor sources (~~Section 34-0200 to 34-0220, or LRAPA Title 37~~ 38-0010 through 38-0038, or 38-0200 through 38-0270 and 38-0500 through 38-0540).

- (d) “The state” or “state, or local control agency” as referred to in 40 CFR 51.118, means ~~the Department~~ DEQ or LRAPA;
- (e) “Applicable state implementation plan” and “plan” refer to the ~~Department’s~~ DEQ’s or LRAPA’s programs and rules, as approved by ~~the~~ EPA, or any regulations promulgated by EPA (see 40 CFR ~~Part~~ part 52, ~~Subpart~~ subpart MM).

Section 35-0140

Methods

- (1) Any sampling, testing, or measurement performed pursuant to this title must conform to methods contained in ~~ODEQ’s~~ the DEQ’s Source Sampling Manual (~~January 1992~~) or to recognized applicable standard methods approved in advance by LRAPA.
- (2) LRAPA may approve any equivalent or alternative method as defined in title 12 of sampling if it finds that the proposed method is satisfactory and complies with the intent of these rules, is at least equivalent to the uniform recognized procedures in objectivity and reliability, and is demonstrated to be reproducible, selective, sensitive, accurate, and applicable to the program.

Section 35-0150

LRAPA Testing

Instead of asking for tests and sampling of emissions from the owner or operator of a source LRAPA may conduct such tests alone or in conjunction with the owner or operator. If LRAPA conducts the testing or sampling, the agency will provide a copy of the results to the owner or operator.

Section 35-0160

Records; Maintaining and Reporting

- ~~(1) When notified by LRAPA, any person owning or operating a source within the state must keep and maintain written records of the nature, type, and amounts of emissions from such source and other information LRAPA may require in order to determine whether the source is in compliance with applicable emission rules, limitations, or control measures.~~
- ~~(2) The records must be prepared in the form of a report and submitted to LRAPA on an annual, semi-annual, or more frequent basis, as requested in writing by LRAPA. Submittals must be filed at the end of the first full period after LRAPA’s notification to such persons owning or operating a stationary air contaminant source of these recordkeeping requirements. Unless otherwise required by rule or permit, semi-annual periods are January 1 to June 30, and July 1 to December 31. A more frequent basis for reporting may be required due to noncompliance or if necessary to protect human health or the environment.~~

- ~~(3) The required reports must be completed on forms approved by LRAPA and submitted within 30 days after the end of the reporting period, unless otherwise authorized by permit.~~
- ~~(4) All reports and certifications submitted to LRAPA under LRAPA's Rules and Regulations must accurately reflect the monitoring, record keeping and other documentation held or performed by the owner or operator.~~

Compliance Assurance Monitoring

Section 35-0200

Purpose and Applicability

- (1) The purpose of ~~Section~~ 35-0200 through 35-0280 is to require, as part of the issuance of a permit under title V of the ~~Act~~[FCAA](#), improved or new monitoring at those emissions units where monitoring requirements do not exist or are inadequate to meet the requirements of ~~Section~~ 35-0200 through 35-0280. Except for backup utility units that are exempt under ~~subsection-paragraph~~ (2)(b) ~~of this section~~, the requirements of ~~Section~~ 35-0200 through 35-0280 apply to a [regulated](#) pollutant-specific emissions unit at a major source that is required to obtain an ~~a~~ LRAPA Title V Operating Permit if the unit meets all of the following criteria:
- (a) The unit is subject to an emission limitation or standard for the applicable regulated ~~air~~ pollutant (or a surrogate thereof), other than an emission limitation or standard that is exempt under ~~subsection-paragraph~~ (2)(a);
 - (b) The unit uses a control device to achieve compliance with any such emission limitation or standard; and
 - (c) The unit has potential pre-control device emissions of the applicable regulated ~~air~~ pollutant that are equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source. For purposes of this subsection, "potential pre-control device emissions" has the same meaning as "potential to emit," as defined in ~~LRAPA Title~~ 12, except that emission reductions achieved by the applicable control device are not taken into account.
- (2) Exemptions:
- (a) Exempt emission limitations or standards. The requirements of ~~Section~~ 35-0200 through 35-0280 do not apply to any of the following emission limitations or standards:
 - (A) Emission limitations or standards proposed by the Administrator after November 15, 1990 pursuant to section 111 or 112 of the ~~Act~~[FCAA](#);
 - (B) Stratospheric ozone protection requirements under title VI of the ~~Act~~[FCAA](#);
 - (C) Acid Rain Program requirements pursuant to sections 404, 405, 406, 407(a), 407(b), or 410 of the ~~Act~~[FCAA](#);

- (D) Emission limitations or standards or other applicable requirements that apply solely under an emissions trading program approved or promulgated by the Administrator under the ~~Act~~ FCAA that allows for trading emissions within a source or between sources;
 - (E) An emissions cap that meets the requirements specified in 40 CFR 70.4(b)(12), 71.6(a)(13)(iii) ~~(July 2000)~~, or ~~LRAPA Title~~ title 42 (Stationary Source Plant Site Emission Limits);
 - (F) Emission limitations or standards for which ~~an LRAPA~~ a Title V Operating Permit specifies a continuous compliance determination method, as defined in ~~LRAPA T~~ title 12. The exemption does not apply if the applicable compliance method includes an assumed control device emission reduction factor that could be affected by the actual operation and maintenance of the control device. For example a certain surface coating line is controlled by an incinerator whose continuous compliance is determined by calculating emissions on the basis of coating records and an assumed control device efficiency factor based on an initial performance test. In this example, ~~Section~~ 35-0200 through 35-0280 apply to the control device and capture system, but not to the remaining elements of the coating line, such as raw material usage.
- (b) Exemption for backup utility power emissions units. The requirements of ~~Section~~ 35-0200 through 35-0280 do not apply to a utility unit, as defined in 40 CFR 72.2 ~~(July 2000)~~, that is municipally owned if the owner or operator provides documentation in ~~an LRAPA~~ Title V Operating Permit application that:
- (A) The utility unit is exempt from all monitoring requirements in 40 CFR part 75 ~~(July 2000)~~ (including the appendices thereto);
 - (B) The utility unit is operated solely for providing electricity during periods of peak electrical demand or emergency situations and will be operated consistent with that purpose throughout the LRAPA Title V Operating Permit term. The owner or operator must provide historical operating data and relevant contractual obligations to document that this criterion is satisfied; and
 - (C) The actual emissions from the utility unit, based on the average annual emissions over the last three calendar years of operation ~~(or such shorter time period that is available for units with fewer than three years of operation.)~~ are less than 50 percent of the amount in tons per year required for a source to be classified as a major source and are expected to remain so.

Section 35-0210

Monitoring Design Criteria

- (1) General criteria. To provide a reasonable assurance of compliance with emission limitations or standards for the anticipated range of operations at a pollutant-specific emissions unit, monitoring under ~~Section~~ 35-0200 through 35-0280 must meet the following general criteria:

- (a) The owner or operator must design the monitoring to obtain data for one or more indicators of emission control performance for the control device, any associated capture system and, if necessary to satisfy ~~subsection-paragraph (1)(b) of this section~~, processes at a regulated pollutant-specific emissions unit. Indicators of performance may include, but are not limited to, direct or predicted emissions, ~~(including visible emissions or opacity)~~, process and control device parameters that affect control device ~~(and capture system)~~ efficiency or emission rates, or recorded findings of inspection and maintenance activities conducted by the owner or operator;
- (b) The owner or operator must establish an appropriate range~~(s)~~ or designated condition~~(s)~~ for the selected indicator~~(s)~~ such that operation within the ranges provides a reasonable assurance of ongoing compliance with emission limitations or standards for the anticipated range of operating conditions. Such range~~(s)~~ or condition~~(s)~~ must reflect the proper operation and maintenance of the control device ~~(and associated capture system)~~, in accordance with applicable design properties, for minimizing emissions over the anticipated range of operating conditions at least to the level required to achieve compliance with the applicable requirements. The reasonable assurance of compliance will be assessed by maintaining performance within the indicator range~~(s)~~ or designated condition~~(s)~~. The ranges must be established in accordance with the design and performance requirements in this rule and documented in accordance with the requirements in ~~Section~~ 35-0220. If necessary to assure that the control device and associated capture system can satisfy this criterion, the owner or operator must monitor appropriate process operational parameters ~~(such as total throughput where necessary to stay within the rated capacity for a control device)~~. In addition, unless specifically stated otherwise by an applicable requirement, the owner or operator must monitor indicators to detect any bypass of the control device ~~(or capture system)~~ to the atmosphere, if such bypass can occur based on the design of the regulated pollutant-specific emissions unit;
- (c) The design of indicator ranges or designated conditions may be:
- (A) Based on a single maximum or minimum value if appropriate, ~~(e.g., maintaining condenser temperatures a certain number of degrees below the condensation temperature of the applicable compound(s) being processed)~~ or at multiple levels that are relevant to distinctly different operating conditions ~~(e.g., high versus low load levels)~~;
 - (B) Expressed as a function of process variables, ~~(e.g., an indicator range expressed as minimum to maximum pressure drop across a venturi throat in a particulate control scrubber)~~;
 - (C) Expressed as maintaining the applicable parameter in a particular operational status or designated condition, ~~(e.g., position of a damper controlling gas flow to the atmosphere through a by-pass duct)~~;
 - (D) Established as interdependent between more than one indicator.
- (2) Performance criteria. The owner or operator must design the monitoring to meet the following performance criteria:

- (a) Specifications that provide for obtaining data that are representative of the emissions or parameters being monitored (such as detector location and installation specifications, if applicable);
 - (b) For new or modified monitoring equipment, verification procedures to confirm the operational status of the monitoring prior to the date by which the owner or operator must conduct monitoring under ~~Section~~ 35-0200 through 35-0280 as specified in ~~Section~~ 35-0250(1). The owner or operator must consider the monitoring equipment manufacturer's requirements or recommendations for installation, calibration, and start-up operation;
 - (c) Quality assurance and control practices that are adequate to ensure the continuing validity of the data. The owner or operator must consider manufacturer recommendations or requirements applicable to the monitoring in developing appropriate quality assurance and control practices;
 - (d) Specifications for the frequency of the monitoring, the data collection procedures that will be used (e.g., computerized data acquisition and handling, alarm sensor, or manual log entries based on gauge readings), and, if applicable, the period over which discrete data points will be averaged for the purpose of determining whether an excursion or exceedance has occurred:
 - (A) At a minimum, the owner or operator must design the period over which data are obtained and, if applicable, averaged consistent with the characteristics and typical variability of the regulated pollutant-specific emissions unit (including the control device and associated capture system). Such intervals must be commensurate with the time period over which a change in control device performance that would require actions by owner or operator to return operations within normal ranges or designated conditions is likely to be observed;
 - (B) For all regulated pollutant-specific emissions units with the potential to emit, calculated including the effect of control devices, the applicable regulated air pollutant in an amount equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source, for each parameter monitored, the owner or operator must collect four or more data values equally spaced over each hour and average the values, as applicable, over the applicable averaging period as determined in accordance with subparagraph (2)(d)(A). LRAPA may approve a reduced data collection frequency based on information presented by the owner or operator concerning the data collection mechanisms available for a particular parameter for the particular regulated pollutant-specific emissions unit (e.g., integrated raw material or fuel analysis data, noninstrumental measurement of waste feed rate or visible emissions, use of a portable analyzer or an alarm sensor);
 - (C) For other regulated pollutant-specific emissions units, the frequency of data collection may be less than the frequency specified in subparagraph (2)(d)(B) ~~of this section~~, but the monitoring must include some data collection at least once per 24-hour period (e.g., a daily inspection of a carbon adsorber operation in conjunction with a weekly or monthly check of emissions with a portable analyzer).
- (3) Evaluation factors. In designing monitoring to meet the requirements in subsections (1) and (2) ~~of this section~~, the owner or operator must take into account site-specific factors including

the applicability of existing monitoring equipment and procedures, the ability of the monitoring to account for process and control device operational variability, the reliability and latitude built into the control technology, and the level of actual emissions relative to the compliance limitation.

(4) Special criteria for the use of continuous emission, opacity or predictive monitoring systems:

- (a) If a continuous emission monitoring system (CEMS), continuous opacity monitoring system (COMS), or predictive emission monitoring system (PEMS) is required by other authority under the ~~Act~~ [FCAA](#) or state or local law, the owner or operator must use such system to satisfy the requirements of ~~Section~~ 35-0200 through 35-0280;
- (b) The use of a CEMS, COMS, or PEMS that satisfies any of the following monitoring requirements satisfies the general design criteria in [subsections](#) (1) and (2) ~~of this section~~. However, a COMS may be subject to the criteria for establishing indicator ranges under [subsection](#) (1) ~~of this section~~:
 - (A) Section 51.214 and Appendix P of 40 CFR part 51 ~~(July 1, 2000)~~;
 - (B) Section 60.13 and Appendix B of 40 CFR part 60 ~~(July 1, 2001)~~;
 - (C) Section 63.8 and any applicable performance specifications required pursuant to the applicable subpart of 40 CFR part 63 ~~(July 1, 2000)~~;
 - (D) 40 CFR part 75 (July 1, 2000);
 - (E) Subpart H and Appendix IX of 40 CFR part 266 ~~July 1, 2000~~; or
 - (F) If an applicable requirement does not otherwise require compliance with the requirements listed in [subparagraphs](#) (4)(b)(A) through (E), comparable requirements and specifications established by LRAPA.
- (c) The owner or operator must design the monitoring system subject to [subsection](#) (4) to:
 - (A) Allow for reporting exceedances (or excursions if applicable to a COMS used to assure compliance with a particulate matter standard), consistent with any period for reporting of exceedances in an underlying requirement. If an underlying requirement does not contain a provision for establishing an averaging period for the reporting of exceedances or excursions, the criteria used to develop an averaging period in ~~section~~ [paragraph](#) (2)(d) applies; and
 - (B) Provide an indicator range consistent with [subsection](#) (1) for a COMS used to assure compliance with a particulate matter standard. If an opacity standard applies to the [regulated](#) pollutant-specific emissions unit, such limit may be used as the appropriate indicator range unless the opacity limit fails to meet the criteria in [subsection](#) (1) after considering the type of control device and other site-specific factors applicable to the [regulated](#) pollutant-specific emissions unit.

Submittal Requirements

- (1) The owner or operator must submit to LRAPA monitoring plans that satisfy the design requirements in ~~Section~~ 35-0210. The submission must include the following information:
 - (a) The indicators to be monitored to satisfy ~~Section~~ 35-0210(1)(a) and (b);
 - (b) The ranges or designated conditions for such indicators, or the process by which such indicator ranges or designated conditions will be established;
 - (c) The performance criteria for the monitoring to satisfy ~~Section~~ 35-0210(2); and
 - (d) If applicable, the indicator ranges and performance criteria for a CEMS, COMS or PEMS pursuant to ~~Section~~ 35-0210(4).
- (2) As part of the information submitted, the owner or operator must submit a justification for the proposed elements of the monitoring plans. If the performance specifications proposed to satisfy ~~Section~~ 35-0210(2)(b) or (c) include differences from manufacturer recommendations, the owner or operator must explain the reasons for the differences. The owner or operator also must submit any data supporting the justification and may refer to generally available sources of information used to support the justification (such as generally available air pollution engineering manuals, or EPA or LRAPA publications on appropriate monitoring for various types of control devices or capture systems). To justify the appropriateness of the monitoring elements proposed, the owner or operator may rely in part on existing applicable requirements that establish the monitoring for the applicable regulated pollutant-specific emissions unit or a similar unit. If an owner or operator relies on presumptively acceptable monitoring, no further justification for the appropriateness of that monitoring should be necessary other than an explanation of the applicability of such monitoring to the unit in question, unless data or information is brought forward to rebut the assumption. Presumptively acceptable monitoring includes:
 - (a) Presumptively acceptable or required monitoring approaches, established by LRAPA in a rule that constitutes part of the applicable implementation plan required pursuant to title I of the Act, that are designed to achieve compliance with ~~Section~~ 35-0200 through 35-0280 for particular regulated pollutant-specific emissions units;
 - (b) Continuous emission, opacity, or predictive emission monitoring systems that satisfy applicable monitoring requirements and performance specifications contained in ~~Section~~ 35-0210(d);
 - (c) Excepted or alternative monitoring methods allowed or approved pursuant to 40 CFR part 75-~~(July 1, 2000)~~;
 - (d) Monitoring included for standards exempt from ~~Section~~ 35-0200 through 35-0280 pursuant to ~~Section~~ 35-0200(2)(a)(A) through (F) to the extent such monitoring is applicable to the performance of the control device (and associated capture system) for the regulated pollutant-specific emissions unit; and
 - (e) Presumptively acceptable monitoring methods identified in guidance by EPA.

- (3)(a) Except as provided in [subsection \(4\)](#), the owner or operator must submit control device ~~(and process and capture system, if applicable)~~ operating parameter data obtained during the conduct of the applicable compliance or performance test conducted under conditions specified by the applicable rule. If the applicable rule does not specify testing conditions or only partially specifies test conditions, the performance test generally must be conducted under conditions representative of maximum emissions potential under anticipated operating conditions at the [regulated](#) pollutant-specific emissions unit. Such data may be supplemented by engineering assessments and manufacturer's recommendations to justify the indicator ranges (or, if applicable, the procedures for establishing such indicator ranges). Emission testing is not required to be conducted over the entire indicator range or range of potential emissions;
- (b) The owner or operator must document that no changes to the [regulated](#) pollutant-specific emissions unit, including the control device and capture system, have taken place that could result in a significant change in the control system performance or the selected ranges or designated conditions for the indicators to be monitored since the performance or compliance tests were conducted.
- (4) If existing data from unit-specific compliance or performance testing specified in [subsection \(3\)](#) are unavailable, the owner or operator:
- (a) Must submit a test plan and schedule for obtaining such data in accordance with [subsection \(5\)](#); or
- (b) May submit indicator ranges (or procedures for establishing indicator ranges) that rely on engineering assessments and other data, if the owner or operator demonstrates that factors specific to the type of monitoring, control device, or pollutant-specific emissions unit make compliance or performance testing unnecessary to establish indicator ranges at levels that satisfy the criteria in ~~Section~~ 35-0210(1).
- (5) If the monitoring plans submitted by the owner or operator requires installation, testing, or other necessary activities before conducting the monitoring for purposes of ~~Section~~ 35-0200 through 35-0280, the owner or operator must include an implementation plan and schedule for installing, testing and performing any other appropriate activities before conducting the monitoring. The implementation plan and schedule must provide for conducting the monitoring as expeditiously as practicable after LRAPA approves the monitoring plans in the LRAPA Title V Operating Permit pursuant to ~~Section~~ 35-0240. In no case may the schedule for completing installation and beginning operation of the monitoring exceed 180 days after approval of the permit.
- (6) If a control device is common to more than one [regulated](#) pollutant-specific emissions unit, the owner or operator may submit monitoring plans for the control device and identify the [regulated](#) pollutant-specific emissions units affected and any process or associated capture device conditions that must be maintained or monitored in accordance with ~~Section~~ 35-0210(1) rather than submit separate monitoring plans for each [regulated](#) pollutant-specific emissions unit.
- (7) If a single [regulated](#) pollutant-specific emissions unit is controlled by more than one control device that is similar in design and operation, the owner or operator may submit monitoring plans that apply to all the control devices and identify the control devices affected and any

process or associated capture device conditions that must be maintained or monitored in accordance with ~~Section 35-0210(1)~~ rather than submit a separate description for each control device.

Section 35-0230

Deadlines for Submittals

- (1) Large regulated pollutant-specific emissions units. For all regulated pollutant-specific emissions units with the potential to emit the applicable regulated air pollutant in an amount equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source, the owner or operator must submit the information required under ~~Section 35-0220~~ at the following times:
 - (a) The owner or operator must submit information as part of an application for an initial LRAPA Title V Operating Permit if, by that date, the application either:
 - (A) Has not been filed, or
 - (B) Has not yet been determined to be complete by LRAPA.
 - (b) The owner or operator must submit information as part of an application for a significant permit revision under OAR 340-218-00180, but only with respect to those regulated pollutant-specific emissions units for which the proposed permit revision applies;
 - (c) The owner or operator must submit any information not submitted under the deadlines set forth in ~~subsections-paragraphs (1)(a) and (b)-of this section~~ as part of the application for the renewal of an LRAPA Title V Operating Permit.
- (2) Other regulated pollutant-specific emissions units. For all other regulated pollutant-specific emissions units subject to ~~Section 35-0220~~ through 35-0280 and not subject to subsection (1) of this rule, the owner or operator must submit the information required under ~~Section 35-0220~~ as part of an application for a renewal of an LRAPA Title V Operating Permit.
- (3) A permit reopening to require the submittal of information under this rule is not required by OAR 340-218-0200(1)(a)(A). If, however, an LRAPA Title V Operating Permit is reopened for cause by EPA or LRAPA pursuant to OAR 340-218-0200(1)(a)(C), (D), or (E), the applicable agency may require the submittal of information under this rule for those pollutant-specific emissions units that are subject to ~~Section 35-0200~~ through 35-0280 and that are affected by the permit reopening.
- (4) Until LRAPA approves monitoring plans that satisfy the requirements of ~~Section 35-0200~~ through 35-0280, the owner or operator is subject to the requirements of OAR 340-218-0050(3)(a)(C).

Section 35-0240

Approval of Monitoring ~~p~~Plans

- (1) Based on an application that includes the information submitted in accordance with ~~Section~~ 35-0230, LRAPA will approve the monitoring plans submitted by the owner or operator by confirming that the plans satisfy the requirements in ~~Section~~ 35-0210.
- (2) LRAPA may condition its approval on the owner or operator collecting additional data on the indicators to be monitored for a regulated pollutant-specific emissions unit, including required compliance or performance testing, to confirm that the monitoring will provide data sufficient to satisfy the requirements of ~~Section~~ 35-0200 through 35-0280 and to confirm the appropriateness of an indicator range(s) or designated condition(s) proposed to satisfy ~~Section~~ 35-0210(1)(b) and (c) and consistent with the schedule in ~~Section~~ 35-0220(4).
- (3) If LRAPA approves the proposed monitoring, LRAPA will establish one or more permit terms or conditions that specify the required monitoring in accordance with OAR 340-218-0050(3)(a). At a minimum, the permit will specify:
 - (a) The approved monitoring approach that includes all of the following:
 - (A) The indicator(s) to be monitored (such as temperature, pressure drop, emissions, or similar parameter);
 - (B) The means or device to be used to measure the indicator(s) (such as temperature measurement device, visual observation, or CEMS); and
 - (C) The performance requirements established to satisfy ~~Section~~ 35-0210(2) or (4), as applicable.
 - (b) The means by which the owner or operator will define an exceedance or excursion for purposes of responding to and reporting exceedances or excursions under ~~Section~~ 35-0250 and 35-0260. The permit will specify the level at which an excursion or exceedance will be deemed to occur, including the appropriate averaging period associated with such exceedance or excursion. For defining an excursion from an indicator range or designated condition, the permit may either include the specific value(s) or condition(s) at which an excursion occurs, or the specific procedures that will be used to establish that value or condition. If the latter, the permit will specify appropriate notice procedures for the owner or operator to notify LRAPA upon any establishment or reestablishment of the value;
 - (c) The obligation to conduct the monitoring and fulfill the other obligations specified in ~~Section~~ 35-0250 through 35-0270;
 - (d) If appropriate, a minimum data availability requirement for valid data collection for each averaging period, and, if appropriate, a minimum data availability requirement for the averaging periods in a reporting period.
- (4) If the monitoring proposed by the owner or operator requires installation, testing or final verification of operational status, the LRAPA Title V Operating Permit will include an enforceable schedule with appropriate milestones for completing such installation, testing, or final verification consistent with the requirements in ~~Section~~ 35-0220(5).
- (5) If LRAPA disapproves the proposed monitoring, the following applies:

- (a) The draft or final permit will include, at a minimum, monitoring that satisfies the requirements of OAR 340-218-0050(3)(a)(C);
- (b) The draft or final permit will include a compliance schedule for the owner or operator to submit monitoring plans that satisfy ~~Section~~ 35-0210 and 35-0220. In no case may the owner or operator submit revised monitoring more than 180 days from the date of issuance of the draft or final permit; and
- (c) If the owner or operator does not submit the monitoring plans in accordance with the compliance schedule contained in the draft of final permit or if LRAPA disapproves the proposed monitoring plans, the owner or operator is not in compliance with ~~Section~~ 35-0200 through 35-0280, unless the source owner or operator successfully challenges the disapproval.

Section 35-0250

Operation of Approved Monitoring

- (1) Commencement of operation. The owner or operator must conduct the monitoring required under ~~Section~~ 35-0200 through 35-0280 upon issuance of an LRAPA Title V Operating Permit that includes such monitoring, or by any later date specified in the permit pursuant to ~~Section~~ 35-0240(4).
- (2) Proper maintenance. The owner or operator must at all times maintain the monitoring equipment, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.
- (3) Continued operation. Except for monitoring malfunctions, associated repairs, and required quality assurance or control activities ~~(including, as applicable, calibration checks and required zero and span adjustments)~~, the owner or operator must conduct all monitoring in continuous operation ~~(or must collect data at all required intervals)~~ at all times that the regulated pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities ~~can not~~ cannot be used for purposes of ~~Section~~ 35-0200 through 35-0280, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The owner or operator must use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.
- (4) Response to excursions or exceedances:
 - (a) Upon detecting an excursion or exceedance, the owner or operator must restore operation of the regulated pollutant-specific emissions unit ~~(including the control device and associated capture system)~~ to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response must include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance ~~(other than those caused by excused~~

startup or shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action, (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable;

- (b) Determination of whether the owner or operator has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process;
- (c) Documentation of need for improved monitoring. After LRAPA approves the monitoring plans under ~~Section~~ 35-0200 through 35-0280, if the owner or operator identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not indicate an excursion or exceedance while providing valid data, or if the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the owner or operator must promptly notify LRAPA and, if necessary, submit a proposed modification to the LRAPA Title V Operating Permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.

Section 35-0260

Quality Improvement Plan (QIP) Requirements

- (1) Based on the results of a determination made under ~~Section 23~~ 35-0250(4)(b), the Administrator or LRAPA may require the owner or operator to develop and implement a QIP. Consistent with ~~Section~~ 35-0240(3)(c), the LRAPA Title V Operating Permit may specify an appropriate threshold, such as an accumulation of exceedances or excursions exceeding 5 percent duration of a pollutant-specific emissions unit's operating time for a reporting period, for requiring the implementation of a QIP. The threshold may be set at a higher or lower percent or may rely on other criteria for purposes of indicating whether a regulated pollutant-specific emissions unit is being maintained and operated in a manner consistent with good air pollution control practices.
- (2) Elements of a QIP:
 - (a) The owner or operator must maintain a written QIP, if required, and have it available for inspection;
 - (b) The plan initially must include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the owner or operator must modify the plan to include procedures for conducting one or more of the following actions, as appropriate:

(A) Improved preventive maintenance practices;

- (B) Process operation changes;
 - (C) Appropriate improvements to control methods;
 - (D) Other steps appropriate to correct control performance;
 - (E) More frequent or improved monitoring ~~(only in conjunction with one or more steps under [sub](#)paragraphs (A) through (D) above).~~
- (3) If a QIP is required, the owner or operator must develop and implement a QIP as expeditiously as practicable and notify LRAPA if the period for completing the improvements contained in the QIP exceeds 180 days from the date on which the need to implement the QIP was determined.
- (4) Following implementation of a QIP, upon any subsequent determination pursuant to ~~Section 35-0250(4)(b)~~ the Administrator or LRAPA may require that an owner or operator make reasonable changes to the QIP if the QIP is found to have:
- (a) Failed to address the cause of the control device performance problems; or
 - (b) Failed to provide adequate procedures for correcting control device performance problems as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.
- (5) Implementation of a QIP does not excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the ~~Act~~[FCAA](#).

Section 35-0270

Reporting and Recordkeeping Requirements

- (1) General reporting requirements:
- (a) On and after the date specified in ~~Section 35-0250(1)~~ by which the owner or operator must conduct monitoring that meets the requirements of ~~Section 35-0200~~ through 35-0280, the owner or operator must submit monitoring reports to LRAPA in accordance with OAR 340-218-0050(3)(c);
 - (b) A report for monitoring under OAR 340-218-0200 through 340-218-0280 must include, at a minimum, the information required under OAR 340-218-0050(3)(c) and the following information, as applicable:
 - (A) Summary information on the number, duration and cause ~~(including unknown cause)~~ of excursions or exceedances, as applicable, and the corrective actions taken;
 - (B) Summary information on the number, duration and cause ~~(including unknown cause)~~ for monitor downtime incidents, ~~(other than downtime associated with zero and span or other daily calibration checks)~~; and

(C) A description of the actions taken to implement a QIP during the reporting period as specified in ~~Section~~ 35-0260. Upon completion of a QIP, the owner or operator must include in the next summary report documentation that the implementation of the plan has been completed and has reduced the likelihood of similar levels of excursions or exceedances occurring.

(2) General recordkeeping requirements:

- (a) The owner or operator must comply with the recordkeeping requirements specified in OAR 340-218-0050(3)(b). The owner or operator must maintain records of monitoring data, performance data, corrective actions taken, any written quality improvement plan required pursuant to ~~Section~~ 35-0260 and any activities undertaken to implement a quality improvement plan, and other supporting information required by ~~Section~~ 35-0200 through 35-0280 (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions);
- (b) Instead of paper records, the owner or operator may maintain records on alternative media, such as microfilm, computer files, magnetic tape disks, or microfiche, if the use of such alternative media allows for expeditious inspection and review and does not conflict with other applicable recordkeeping requirements.

Section 35-0280

Savings Provisions

Nothing in ~~Section~~ 35-0200 through 35-0280:

- (1) Excuses the owner or operator of a source from complying with any existing emission limitation or standard, or with any existing monitoring, testing, reporting, or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the ~~Act~~[FCAA](#). The requirements of ~~Section~~ 35-0200 through 35-0280 may not be used to justify the approval of monitoring less stringent than the monitoring required under separate legal authority. Nor are they intended to establish minimum requirements for the purpose of determining the monitoring to be imposed under separate authority under the ~~FCAA~~[Act](#), including monitoring in permits issued pursuant to title I of the ~~FCAA~~[Act](#);
- (2) Restricts or abrogates the authority of the Administrator or LRAPA to impose additional or more stringent monitoring, recordkeeping, testing, or reporting requirements on any owner or operator of a source under any provision of the ~~FCAA~~[Act](#), including but not limited to sections 114(a)(1) and 504(b), or state law, as applicable;
- (3) Restricts or abrogates the authority of the Administrator LRAPA to take any enforcement action under the ~~FCAA~~[Act](#) for any violation of an applicable requirement or of any person to take action under section 304 of the ~~FCAA~~[Act](#).

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 36

EXCESS EMISSIONS

Following the reporting and recordkeeping prescribed herein or approval of procedures for startup, shutdown or maintenance shall not absolve ~~permittees~~ sources from enforcement action for conditions resulting in excess emissions.

Section 36-001 General Policy and Discussion

~~1.~~(1) Emissions of air contaminants in excess of applicable standards or permit conditions are unauthorized and are subject to enforcement action, pursuant to ~~sections~~ 36-010 through 36-030. These rules apply to any source which emits air contaminants in violation of any applicable air quality rule or permit condition, including but not limited to excess emissions resulting from the breakdown of air pollution control ~~equipment~~ devices or operating equipment, process upset, startup, shutdown, or scheduled maintenance. Sources that do not emit air contaminants in excess of any applicable air quality rule or permit condition are not subject to the recordkeeping and reporting requirements in ~~LRAPA T~~ title 36. Emissions in excess of applicable standards are not excess emissions if the standard is in an NSPS or NESHAP and the NSPS or NESHAP exempts startups, shutdowns and malfunctions as defined in the applicable NSPS or NESHAP.

~~2.~~(2) The purpose of these rules is to:

- ~~A.~~(a) Require that, where applicable, the owner or operator immediately report all excess emissions ~~be reported by sources~~ to LRAPA ~~immediately~~;
- ~~B.~~(b) Require owner or operator to submit information and data regarding conditions which resulted or could result in excess emissions;
- ~~C.~~(c) Identify criteria ~~to be used by~~ for LRAPA to use for ~~in~~ determining whether penalty it will take enforcement action ~~will be taken~~ against an owner or operator for an excess emissions; and
- ~~D.~~(d) Provide owners and operators of sources with LRAPA Title V Operating Permits an affirmative defense to a penalty action when noncompliance with technology-based limits is due to an emergency pursuant to ~~LRAPA~~ 36-040.

Section 36-005 Definitions

The following definitions are relevant for the purposes of ~~T~~ title 36, only. Additional definitions can be found in ~~T~~ title 12, "Definitions."

- ~~1.~~ "Event" ~~means excess emissions that arise from the same condition and occur during a single calendar day or continue into subsequent calendar days.~~

~~2. "Excess Emissions" means emissions which are in excess of a permit limit or any applicable air quality rule~~

~~3. "Immediately" 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.~~

~~4.~~ (4) "Large Source", as used in this title, means any stationary source required to maintain a Title V Operating Permit or whose actual emissions or potential controlled emissions while operating full time at the design capacity are equal to or exceed 100 tons per year of any regulated air pollutant, ~~or which is subject to a National Emissions Standard for Hazardous Air Pollutants (NESHAP). Where PSELs have been incorporated into the ACDP, the PSEL will be used to determine actual emissions~~ other than GHG.

~~5. "Process Upset" means a failure or malfunction of a production process or system to operate in a normal and usual manner.~~

~~6. "Shutdown" means that time during which normal operation of an air contaminant source or emission control equipment is terminated.~~

~~7.~~ (7) "Small Source" means any stationary source with a Basic, General, sSimple or sStandard ACDP.

~~8. "Startup" means that time during which an air contaminant source or emission control equipment is brought into normal operation.~~

~~9. "Unavoidable" or "could not be avoided" 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.~~

~~10. "Upset" or "Breakdown" means any failure or malfunction of any pollution control equipment or process equipment or situation that may cause excess emissions.~~

Section 36-010 Planned Startup and Shutdown

~~1.~~ (1) This rule-section applies to any source where startup or shutdown of a production process or system may result in excess emissions and:

~~A.~~ (a) Which is a major source; or

~~B.(b)~~ Which is in a non-attainment or maintenance area for the regulated pollutant which may constitute excess emissions; or

~~C.(c)~~ From which LRAPA requires the application in subsection ~~(2)~~ of this rule.

~~2.(2)~~ The owner or operator must obtain prior LRAPA approval ~~shall be required of the procedures that will be used by the owner or operator to minimize excess emissions during startup/shutdown~~ authorization of startup and shutdown procedures. The owner or operator must submit to LRAPA a written application for approval of new procedures ~~Approval of procedures is required prior to a first-time occurrence of a startup or shutdown event to which the procedures apply and prior to~~ or modifying previously approved ~~modifications to existing~~ procedures. ~~Applications-~~ The application for approval shall ~~must~~ be submitted and received by in time for LRAPA in writing to receive it at least seventy-two (72) hours prior to the first occurrence of a startup or shutdown event, to which the procedures apply, ~~and shall include the following~~ The application must:

~~A.(a)~~ The reasons Explain why the excess emissions during startup and shutdown will not be avoidable;

~~B.(b)~~ Identification of Identify the specific production process or system causing the excess emissions;

~~C.(c)~~ Identify ~~t~~ The nature of the air contaminants likely to be emitted, and an estimate of the amount and duration of the excess emissions; and

~~D.(d)~~ Identification Identify of specific procedures to be followed ~~which that~~ will minimize excess emissions at all times during startup and shutdown.

~~3.(3)~~ Approval of the startup/shutdown procedures by LRAPA will be based upon determination that said approve the procedures if it determines that they are consistent with good pollution control practices ~~and,~~ will minimize emissions during such period; to the extent practicable, and that no adverse health impact on the public will occur. The owner or operator ~~shall~~ must record all excess emissions in the excess emissions log as required in ~~subsection 36-025-3~~ (3). Approval of the procedures does not shield the owner or operator from an enforcement action, but LRAPA in determining whether a penalty action is appropriate will consider whether the procedures were followed.

~~4.(4)~~ Once LRAPA approves startup/shutdown procedures ~~are approved~~, the owner or operator ~~is not required~~ does not have to notify LRAPA ~~prior to of~~ a planned startup or shutdown event unless it results in excess emissions.

~~5.(5)~~ When notice is required by subsection ~~(4)~~ of this rule, ~~notification shall~~ it must be made in accordance with ~~Section 36-020-1.A~~ (1)(a).

~~6.(6)~~ ~~An~~ The owner or operator ~~who either failed to obtain approval as required in subsection 2, above, shall immediately notify LRAPA by telephone of the startup/shutdown event, and shall be~~ is subject to the requirements under All Other Excess Emissions in ~~Section 36-020~~

if the owner or operator fails to obtain LRAPA approval of startup and shutdown procedures in accordance with subsection (2).

~~7.~~(7) LRAPA may revoke or require modifications to previously approved procedures at any time by written notification to the owner or operator.

~~(a)~~(8) No startup or shutdown that may result in excess emissions associated with the approved procedures in subsection (3-) of this rule are allowed ~~shall occur~~ during any period in which an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency has been declared, or during an announced ~~Yellow, Stage I Red, or Stage II Red~~ woodstove advisory period within areas designated by LRAPA as PM_{2.5} or PM₁₀ Nonattainment-nonattainment Areas.

Section 36-015 Scheduled Maintenance

~~1.~~(1) ~~Where it is anticipated~~If the owner or operator anticipates that ~~shutdown, by-pass, or operation at reduced efficiency of air pollution control equipment for necessary~~ scheduled maintenance of air contaminant sources or air pollution control devices may result in excess emissions, the owner or operator must obtain prior LRAPA ~~approval of new or revised~~authorization of procedures that will be used to minimize excess emissions. Application for approval of procedures associated with scheduled maintenance shall be submitted and received by LRAPA in writing at least seventy-two (72) hours prior to the event, and shall include the following:

~~A.~~(a) The reasons explaining the need for maintenance, including but not limited to: why the maintenance activity is necessary; why it would be impractical to shut down the source operation during the period maintenance activity; and if applicable, why air pollution control devices must be why the by-passed or operated at reduced efficiency during the maintenance activity; and why the excess emissions could not be avoided through better scheduling for maintenance or through better operation and maintenance practices;

~~B.~~(b) Identification of the specific production or emission control ~~equipment device~~ or system to be maintained;

~~C.~~(c) ~~The~~Identification of the nature of the air contaminants likely to be emitted during the maintenance period, and the estimated amount and duration of the excess emissions, including measures such as the use of overtime labor and contract services and equipment that will be taken to minimize the length of the maintenance period; and

~~D.~~(d) Identification of specific procedures to be followed which will minimize excess emissions at all times during the scheduled maintenance.

~~2.~~(2) ~~Approval of the above procedures by LRAPA shall be based upon determination that said procedures~~LRAPA will approve the procedures if it determines that they are consistent with good pollution control practices ~~and~~ will minimize emissions during such period to the extent practicable, and that no adverse health impact on the public will occur. The owner or

operator ~~shall~~must record all excess emissions in the excess emissions log as required in ~~Section 36-025-3(3)~~. Approval of the above procedures does not shield the owner or operator from an enforcement action, but LRAPA will consider whether the procedures were followed ~~will be considered by LRAPA~~ in determining whether a ~~penalty~~an enforcement action is appropriate.

~~3.(3) In cases where maintenance occurs on a periodic or regular schedule, o~~Once maintenance procedures are approved, owners or operators ~~shall~~are not be required to notify LRAPA of a scheduled maintenance event unless it results in excess emissions.

~~4.(4)~~ When required by subsection ~~3. of this rule(3)~~, notification ~~shall~~must be made in accordance with ~~Section 36-020-1.A(1)(a)~~.

~~5.(5)~~ LRAPA may revoke or require modifications to previously approved procedures at any time by written notification to the owner or operator.

~~6.(6)~~ No scheduled maintenance associated with the approved procedures in subsection ~~(2.) of this rule which~~ that is likely to result in excess emissions ~~shall~~may occur during any period in which an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency has been declared, or during an announced ~~Yyellow, Stage I Red, or Stage II R~~red woodstove advisory period, in areas determined by LRAPA as PM_{2.5} or PM₁₀ Nonattainment ~~nonattainment Areas~~areas.

~~7.(7)~~ The owner or operator is subject to the requirements under All Other Excess Emissions in ~~Section 36-020~~ if the owner or operator fails to obtain LRAPA approval of maintenance procedures in accordance with section ~~(1.) of this rule~~.

Section 36-020 All Other Excess Emissions

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

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

~~B.(b)~~ The owner or operator, of a small source, as defined by ~~Section 36-005-7(7)~~, need not immediately 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.(c)~~ Additional reporting and recordkeeping requirements are specified in ~~Section 36-025~~.

~~2.(2)~~ During any period of excess emissions, LRAPA may require that an owner or operator immediately reduce or cease operation of the equipment or facility until such time as the condition causing the excess emissions has been corrected or brought under control. ~~Such action by LRAPA would be taken upon consideration of~~will consider the following factors:

- ~~A.~~(a) Whether potential risk to the public or environment exists;
- ~~B.~~(b) Whether any Air Pollution Alert, Warning, Emergency, or yellow or red woodstove curtailment period exists;
- ~~C.~~(c) Whether shutdown could result in physical damage to the equipment or facility, or cause injury to employees; or
- ~~D.~~(d) Whether continued excess emissions ~~are determined by LRAPA to be~~ were avoidable.

~~3.~~(3) ~~In the event~~ If there is ~~of~~ an on-going period of excess emissions, the owner or operator ~~shall~~ must cease operation of the equipment or facility no later than forty-eight (48) hours after the beginning of the excess emission period, if the condition causing the emissions is not corrected within that time. The owner or operator ~~need~~ does not ~~have to~~ cease operation if ~~it can obtain~~ LRAPA ~~approval of~~ approves procedures ~~that will be used~~ to minimize excess emissions until ~~such time as~~ the condition causing the excess emissions is corrected or brought under control. Approval of these procedures ~~shall~~ will be based on the following information supplied to the LRAPA:

- ~~A.~~(a) The reasons why the condition(s) causing the excess emissions can-not be corrected or brought under control. ~~Such reasons shall include, but not be limited to,~~ including equipment availability and difficulty of repair or installation; and
- ~~B.~~(b) Information as required in ~~Section 36-010-2.B(2)(b), C(c) and D(d) or Section 36-015-1.B(1)(b), C(c), and D(d)~~ as appropriate.

~~4.~~(4) ~~Approval of the above procedures by LRAPA shall be based upon determination that said procedures~~ LRAPA will approve the procedures if it determines that they are consistent with good pollution control practices ~~and~~ will minimize emissions during such period to the extent practicable, and that no adverse health impact on the public will occur. The owner or operator must record all excess emissions in the excess emission log as required in ~~Section 36-025-3(3)~~. At any time during the period of excess emissions LRAPA may require the owner or operator to cease operation of the equipment or facility in accordance with ~~Section 36-020-2~~ subsection (2). Approval of these procedures does not shield the owner or operator from an enforcement action, but LRAPA will consider whether the procedures were followed ~~will be considered by LRAPA~~ in determining whether a ~~penalty~~ enforcement action is appropriate.

Section 36-025 Reporting and Recordkeeping Requirements

~~1.~~(1) For any excess emissions event at a source with an LRAPA Title V Operating permit Permit and for any other source as required by permit, the owner or operator shall, submit a written excess emission report for each calendar day of the event. If required, this report shall be submitted within fifteen (15) days of the date of the event and shall include the following:

~~A.~~(a) The date and time of the beginning of the excess emissions event and the duration or best estimate of the time until return to normal operation;

~~a.~~(b) The date and time the owner or operator notified LRAPA of the event;

~~b.~~(c) The equipment involved;

~~e.~~(d) Whether the event occurred during startup, shutdown, maintenance, or as a result of a breakdown, malfunction, or emergency;

~~d.~~(e) Steps taken to mitigate emissions and corrective actions taken;

~~e.~~(f) The magnitude and duration of each occurrence of excess emissions during the course of an event and the increase over normal rates or concentrations as determined by continuous monitoring or a best estimate ~~(~~ supported by operating data and calculations);

~~G.~~(g) The final resolution of the cause of the excess emissions; and

~~H.~~(h) Where applicable, evidence supporting any claim that emissions in excess of technology-based limits were due to an emergency pursuant to ~~Section~~ 36-040.

~~2.~~(2) Based on the severity of the event, LRAPA may specify a shorter time period for report submittal.

~~3.~~(3) All owners or operators ~~shall~~ must keep an excess emissions log of all planned and unplanned excess emissions. The log shall include all pertinent information as required in subsection ~~(1) of this rule~~ and shall be kept by the owner or operator for five (5) calendar years.

~~4.~~(4) At each annual reporting period specified in a permit, or sooner if LRAPA requires ~~ed~~ by LRAPA, the owner or operator ~~shall~~ must submit:

~~A.~~(a) A copy of the excess emission log entries for the reporting period, unless previously submitted in accordance with subsection (1); and

~~B.~~(b) Where applicable, current procedures to minimize emissions during startup, shutdown, or maintenance, as outlined in ~~Section~~ 36-010 and ~~Section~~ 36-015. The owner or operator ~~shall~~ must specify in writing whether these procedures are new, modified, or have already been approved by LRAPA.

Section 36-030 Enforcement Action Criteria

In determining whether to ~~assess a penalty~~take enforcement action for excess emissions, LRAPA considers, based upon information submitted by the owner or operator, the following ~~criteria~~:

- ~~1.~~(1) Whether the owner or operator met the notification, recordkeeping, and reporting requirements of ~~Sections~~ 36-020 and ~~2~~36-025;
- ~~2.~~(2) Whether, during the period of the excess emissions event, the owner or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other permit requirements ~~in the permit~~;
- ~~3.~~(3) Whether the owner or operator took appropriate remedial action ~~was taken~~;
- ~~4.~~(4) Whether the owner or operator followed procedures approved by LRAPA for startup, shut-down, or scheduled maintenance at the time of the excess emissions;
- (5) Whether any federal New Source Performance Standard (NSPS) or National Emission Standard for Hazardous Air Pollutants (NESHAP) applies and whether the excess emission event caused a violation of the federal standard;
- (6) Whether the excess emissions event was due to an emergency; and
- ~~5.~~(7) ~~The~~ ~~Whether the~~ event was ~~not~~ due to the owner's or operator's negligent or intentional operation ~~by the owner or operator~~. For ~~the~~ LRAPA to find that an incident of excess emissions is not due to the owner's or operator's negligent or intentional operation ~~by the owner or operator~~, LRAPA may ask the owner or operator shall to demonstrate, ~~upon LRAPA request~~, that all of the following conditions were met:
 - ~~A.~~(a) The process or handling equipment and the air pollution control ~~equipment~~ device were at all times maintained and operated in a manner consistent with good practice for minimizing emissions;
 - ~~B.~~(b) Repairs or corrections were made in an expeditious manner when the operator(s) knew or should have known that emission limits were being or were likely to be exceeded. Expeditious manner may include such activities as use of overtime labor or contract labor and equipment that would reduce the amount and duration of excess emissions; and
 - ~~C.~~(c) The event was not one in a recurring pattern of incidents that indicate inadequate design, operation, or maintenance.

Section 36-040 Emergency ~~Provision~~ as an Affirmative Defense for Title V Permitted Sources

(1) An emergency constitutes an affirmative defense to penalty actions due to non-compliance with technology-based emission limits [in an LRAPA Title V Operating Permit](#) if the owner or operator notifies LRAPA immediately of the emergency condition and [provides and demonstrates](#) through properly signed, contemporaneous operating logs, excess emission logs, or other relevant evidence [that](#):

~~a.~~(a) ~~That a~~An emergency occurred and caused the excess emissions;

(b) The cause(s) of the emergency;

~~b.~~—

(c) The facility was at the time being properly operated;

~~e.~~—

(d) During the occurrence of the emergency, the owner or operator took all reasonable steps to minimize levels of excess emissions; and

~~d.~~—

~~e.~~(e) The notification to LRAPA contained a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

~~2.~~(2) The owner or operator seeking to establish the occurrence of an emergency has the burden of proof by a preponderance of the evidence.

~~3.~~(3) This provision is in addition to any emergency or any other excess emissions provisions contained in any applicable requirement.

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) [pursuant to ORS 468A.040 through 468A.060 and related statutes for sources of air contaminants.](#)

Section 37-0020

Applicability and Jurisdiction

- (1) This title applies to all sources referred to in [37-8010](#) Table 1 ~~of this title~~. This title also applies to ~~LRAPA~~ [Oregon](#) Title V Operating Permit program sources when an ACDP is required by OAR 340-218-0020 or ~~Section~~ [38-0010](#). Sources referred to in [37-8010](#) Table 1 ~~of this title~~ are subject to fees set forth in [37-8020](#) Table 2 ~~of this title~~.
- (2) [Sources in any one of the categories in 37-8010 Table 1 \(Table 1\) must obtain a permit. If a source meets the requirements of more than one of the source categories and the source is not eligible for a Basic ACDP or a General ACDP that has been authorized by LRAPA, then the source must obtain a Simple or Standard ACDP. Source categories are not listed in alphabetical order.](#)
 - (a) [The commercial and industrial sources in Table 1, Part A must obtain a Basic ACDP under 37-0056 unless the source chooses to obtain a General, Simple or Standard ACDP. For purposes of 37-8010 Table 1, Part A, 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.](#)
 - (b) [Sources in any one of the categories in Table 1, Part B must obtain one of the following unless otherwise allowed in Table 1, Part B:](#)
 - (A) [A General ACDP, if one is available for the source classification and the source qualifies for a General ACDP under 37-0060;](#)

(B) A Simple ACDP under 37-0064; or

(C) A Standard ACDP under 37-0066 if the source fits one of the criteria of Table 1, Part C or does not qualify for a Simple ACDP.

(c) Sources in any one of the categories in Table 1, Part C must obtain a Standard ACDP under the procedures set forth in 37-0066.

~~1.~~ (3) No person may construct, install, establish, develop or operate any air contaminant source which is ~~referred to~~ listed in 37-8010 Table 1 without first obtaining an Air Contaminant Discharge Permit (ACDP) from ~~O~~DEQ or LRAPA and keeping a copy onsite at all times, unless otherwise deferred from the requirement to obtain an ACDP in paragraph Section (1.) ~~C~~ (b) or LRAPA has granted an exemption from the requirement to obtain an ACDP under paragraph (1)(e) 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.~~ (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~~ ~~O~~DEQ and LRAPA.

~~B.~~ The ~~O~~DEQ or LRAPA, depending where the portable source's ~~Corporate~~ 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~~ ~~O~~DEQ will be responsible for issuing the permit, unless the source applies initially to be permitted to operate only in Lane County, then LRAPA will be responsible for issuing the permit.

~~C.~~ (b) An air contaminant source required to obtain an ACDP or ACDP Attachment pursuant to a NESHAP under title 44 or NSPS under title 46 ~~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 ~~ACDP~~ 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~~ twelve months.

~~D.~~(c) Deferrals of LRAPA and/or ~~O~~DEQ permitting requirements do not relieve an air contaminant source from the responsibility of complying with the federal NESHAP or NSPS requirements.

(d) 37-0060(1)(b)(A), 37-0062(2)(b)(A), 37-0064(4)(a), and 37-0066(3)(a), do not relieve a permittee from the responsibility of complying with federal NESHAP or NSPS requirements that apply to the source even if LRAPA has not incorporated such requirements into the permit.

(e) LRAPA may exempt a source from the requirement to obtain an ACDP if it determines that the source is subject to only procedural requirements, such as notification that the source is affected by an NSPS or NESHAP.

~~2.~~(4) No person may construct, install, establish, or develop any source that will be subject to the ~~LRAPA-Oregon~~ Title V Operating Permit program without first obtaining an ACDP from ~~O~~DEQ ~~or~~ LRAPA.

~~3.~~(5) 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.~~(6) No person may modify any source required to have an ACDP such that the source becomes subject to the ~~LRAPA-Oregon~~ Title V Operating Permit program without complying with the requirements of ~~Section~~ 34-010 and ~~Section~~ 34-035 through ~~Section~~ 34-038.

~~5.~~(7) No person may increase emissions above the PSEL by more than the de minimis levels specified in LRAPA ~~Title~~-title 12 without first applying for and obtaining a modified ACDP.

Section 37-0025 Types of Permits

~~1.~~(1) Construction ACDP:

~~A.~~(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.~~(b) A Construction ACDP is required for Type 3 changes specified in ~~Section~~ 34-035 at sources subject to the ~~LRAPA-Oregon~~ Title V Operating Permit [program](#) requirements.

~~2.~~(2) General ACDP. A General ACDP is [a permit](#) for a category of sources for which individual permits are unnecessary in order to protect the environment, [as determined by LRAPA](#). 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 [and](#):

~~A.~~(a) The source meets the qualifications specified in the General ACDP;

~~B.~~(b) LRAPA determines that the source has not had ongoing, ~~re~~occurring, or serious compliance problems; and

~~C.~~(c) LRAPA determines that a General ACDP would appropriately regulate the source.

~~3.~~(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.~~(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.(a)~~ Owners and operators of sources and activities listed in Table 1, Part A of 37-8010 ~~of Section 37-0020~~ must, at a minimum, ~~to~~ obtain a Basic ACDP.

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

~~5.(5)~~ Simple ACDP ~~A Simple ACDP is a permit that contains:~~

(a) Owners and operators of sources and activities listed in Table 1, Part B of 37-8010 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. Any source required to obtain a Simple ACDP may obtain a Standard ACDP. 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:

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

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

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

(D) The location of the source; and

(E) The compliance history of the source.

(b) A Simple ACDP is a permit that contains:

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

~~B.(B)~~ Generic PSELs for all regulated pollutants emitted at more than the de_minimis emission level in accordance with ~~LRAPA Title~~ 42;

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

~~D.(D)~~ A permit duration not to exceed 5 years.

~~6.(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.~~

(a) Applicability

~~7.(A) All The owners and or operators of a sources and activities listed in Table 1, Part C of ~~Section 37-0020-8010~~ must obtain a Standard ACDP.~~

~~8. (B) Owners~~ The owner or operators of a sources and activities listed in Table 1, Part B of ~~Section 37-0020-8010~~ which do that does not qualify for a General ACDP or Simple ACDP must obtain a Standard ACDP.

~~9. (C) Any~~ The owner or operator of a source not required to obtain a Standard ACDP may obtain a Standard ACDP.

(b) 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 PSEL levels, whichever are applicable, as specified in 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.

Section 37-0030 Definitions

~~1.~~ The definitions in ~~LRAPA T~~title 12, 29-0010 and this ~~rule-section~~ apply to this title. If the same term is defined in this ~~rule-section~~ and ~~LRAPA T~~title 12, the definition in this ~~rule-section~~ applies to this title.

~~2. “Permit modification” or “modified permit” means any change to the content of a permit.~~

(1) “Basic technical modification” includes, but is not limited to changing source test dates if the equipment is not being operated, and similar changes.

(2) “Complex technical modification” includes, but is not limited to incorporating a complex new compliance method into a permit, adding a complex compliance method or monitoring for an emission point or control device not previously addressed in a permit, adding a complex new applicable requirement into a permit due to a change in process or change in rules, and similar changes.

(3) “Moderate technical modification” includes, but is not limited to adding a 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, incorporating NSPS and NESHAP requirements, and similar changes.

(4) “Non-technical modification” means name changes, change of ownership, correction of typographical errors and similar administrative changes.

(5) “Simple technical modification” includes, but is not limited to modifying a compliance method to use different emission factors or process parameters, changing reporting dates or frequency, and similar changes.

Section 37-0040 Application Requirements

~~(1.)~~ New Permits.

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

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

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

~~E.~~(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.~~(F) The type and quantity of fuels used;

~~G.~~(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.~~(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.~~(I) Estimated efficiency of air pollution control ~~equipment~~-devices under present or anticipated operating conditions;

~~J.~~(J) Where the operation or maintenance of air pollution control ~~equipment~~-devices 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.~~(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;

(L) Any information required by titles 38 and 40, including but not limited to control technology and analysis, air quality impact analysis; and information related to offsets and net air quality benefit, if applicable; and

~~L.~~(M) Any other information requested by LRAPA.

(b) Applications for new permits must be submitted at least 60 days prior to when a permit is needed. When preparing an application, the applicant should also consider the timelines provided in paragraph (2)(b), as well as 38-0030, permit applications subject to NSR, to allow LRAPA adequate time to process the application and issue a permit before it is needed.

~~(2-)~~Renewal Permits. Except for Short Term Activity ACDPs, any person required to renew an existing permit must submit the information identified in subsection (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 subsection (1-) only for those changes.

(a) 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.

(b) The owner or operator must submit an application for renewal of the existing permit by no later than:

(A) 30 days prior to the expiration date of a Basic ACDP;

(B) 120 days prior to the expiration date of a Simple ACDP; or

(C) 180 days prior to the expiration date of a Standard ACDP.

(c) LRAPA must receive an application for reassignment to General ACDPs and attachments within 30 days prior to expiration of the General ACDPs or attachment.

(3)-Permit Modifications. For Simple and Standard ACDP modifications, the applicant must provide the information in subsection (1-) relevant to the requested changes to the permit and a list of any new requirements applicable to those changes. When preparing an application, the applicant should also consider the timelines provided in paragraph (2)(b), as well as 38-0030, permit applications subject to NSR, to allow LRAPA adequate time to process the application and issue a permit before it is needed.

(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.

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

(65-) The application must be completed in full and signed by the applicant or the applicant's legally authorized representative.

(76-) 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.

(87-) A copy of ~~NSR~~-permit applications subject to Major NSR under title 38, including all and supplemental and supporting information, must also be submitted directly to the EPA.

(98-) 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.

~~(109.)~~ [Once an application is deemed complete by LRAPA](#), ~~A~~all applications must ~~include~~ submit the appropriate fees [invoiced by LRAPA](#) as specified in Table 2 of ~~Section 37-0020~~[8020](#).

~~(110.)~~ 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.

~~12.~~[\(11\)](#) Within 15 days after receiving the application, LRAPA will preliminarily review the application to determine the adequacy of the information submitted:

~~A.~~[\(a\)](#) 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.~~[\(b\)](#) 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.

~~13.~~[\(12\)](#) If at any time while processing the application, LRAPA determines that additional information is needed, LRAPA will promptly ask the applicant for the needed information. The application will not be considered complete for processing until the requested information is received. The application will be considered withdrawn if the applicant fails to submit the requested information within 90 days of the request.

~~14.~~[\(13\)](#) If, upon review of an application, LRAPA determines that a permit is not required, LRAPA will so notify the applicant in writing. Such notification is a final action by LRAPA on the application.

Section 37-0052 Construction ACDP

~~(1.)~~ Purpose. A Construction ACDP is a permit for approval of Type 3 construction or modification changes as specified in ~~Section 34-035~~ [and 34-037](#). The Construction

ACDP includes requirements for the construction or modification of stationary sources or air pollution control ~~equipment~~ devices 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:

~~(Aa-)~~ 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-(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:

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

~~B-(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~~ 8020.

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

~~A.~~(a) A requirement that construction must commence within 18 months after the permit is issued if required by 38-0030(4);

~~B.~~(b) A requirement to construct in accordance with approved plans;

~~C.~~(c) A requirement to comply with all applicable requirements;

~~D.~~(d) Emission limits for affected stationary sources;

~~E.~~(e) Performance standards for affected stationary sources and air pollution control ~~equipment~~devices;

~~F.~~(f) Performance test requirements;

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

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

~~I.~~(i) General ACDP conditions for incorporating generally applicable requirements;

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

~~K.~~(k) A permit expiration date of no more than 5 years; and

~~L.~~(l) ~~LRAPA-Oregon~~ Title V Permit Program 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.

~~S.~~(5) Permit issuance procedures:

~~A.~~(a) A Construction ACDP requires that LRAPA provide public notice in accordance with ~~LRAPA-T~~title 31 ~~for as a~~ Category III permit actions.

~~B.~~(b) For sources subject to the ~~LRAPA-Oregon~~ 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-T~~title 31 to allow the Construction ACDP to be incorporated into the LRAPA Title V Operating Permit at a later date by an administrative amendment provided the requirements of paragraph ~~1.B.~~(1)(b) are met.

~~C.~~(c) Issuance of a modified Construction ACDP requires ~~one of~~ the following public notice, as applicable:

~~H.~~(A) Public notice as a Category I permit action under title 31 for ~~Non~~non-technical modifications and ~~non-NSR-Basic~~-basic and ~~Simple~~-simple technical modifications

~~require public notice in accordance with LRAPA Title 31 for Category I permit actions;~~
~~or~~

~~2)(B) Public notice as a Category II permit action under title 31 for Non-NSR/PSD Moderate-moderate and Complex-complex technical modifications. require public notice in accordance with LRAPA Title 31 for Category II permit actions~~

~~(6) Construction ACDPs may not be renewed.~~

Section 37-0054 Short Term Activity ACDPs

~~1.(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 subsection 2.(2) of this rule.~~

~~2.(2) Fees. Applicants for a Short Term Activity ACDP must pay the fees set forth in Table 2 of Section-37-00208020.~~

~~3.(3) Permit content:~~

~~A.(a) This permit~~A Short Term Activity ACDP must includes conditions that ensure adequate protection of property and preservation of public health, welfare, and resources.

~~B.(b) A Short Term Activity ACDP does-may~~ not include a PSEL for any air contaminants discharged as a result of the permitted activity.

~~C.(c) A Short Term Activity ACDP will~~ 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.(4) Permit issuance public notice procedures. A Short Term Activity ACDP requires public notice ~~in accordance with a Category I permit action under LRAPA Title 31 for Category I permit actions.~~~~

Section 37-0056 Basic ACDPs

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

~~2.(2) Fees. Applicants for a new Basic ACDP must pay the fees ~~set forth~~ in Table 2 of ~~37-0020~~ 8020.~~

~~3.(3) Permit content:~~

~~A.(a) A Basic ACDP will contains only the most significant and relevant rules applicable to the source.~~

~~B.(b) A Basic ACDP ~~does~~ may not contain a PSEL;~~

~~C.(c) A Basic ACDP will requires that a simplified annual report be submitted to LRAPA; and~~

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

~~4.(4) Permit issuance public notice procedures. A Basic ACDP requires public notice ~~in accordance with a Category I permit action according to LRAPA Title 31 for Category I permit actions.~~~~

Section 37-0060 General Air Contaminant Discharge Permits

~~1~~(1) Applicability.

~~A~~(a) LRAPA may issue a General ACDP under the following circumstances:

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

~~2~~(B) All requirements applicable to the covered operations can be contained in a General ACDP;

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

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

~~B~~(b) Permit content. Each General ACDP must include the following:

~~1~~(A) All relevant requirements for the operations covered by the General ACDP, excluding any federal requirements not adopted by the Board;

~~2~~(B) Generic PSELs for all regulated pollutants emitted at more than the de_minimis emission level in accordance with ~~LRAPA T~~title 42;

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

~~4)(D)~~ A permit expiration date not to exceed 10 years from the date of issuance.

~~C.(c)~~ Permit issuance public notice procedures: A new General ACDP requires public notice ~~and opportunity for comment as a Category III permit action in accordance with~~ according to 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 as a Category II permit action in accordance with LRAPA Title 31 for Category II permit actions~~ according to title 31 for Category II permit actions.

~~(d) All LRAPA will retain all~~ General ACDPs ~~are~~ on file and make them available for public review at LRAPA. ~~The Director signs a General ACDP.~~

~~2.(2)~~ Source assignment:

~~A.(a)~~ Application requirements. Any person requesting that a source be assigned to a General ACDP must submit a written application ~~in accordance with~~ according to Section 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.(b)~~ Fees. Applicants must pay the fees set forth in Table 2 of ~~Section 37-00208020.~~ The fee class for each General ACDP is Fee Class One unless otherwise specified as follows:

(A) ~~1)~~ Hard chrome platers – Fee Class Three;

(B) Decorative chrome platers– Fee Class Four;

- 2)(C) Halogenated solvent degreasers -- batch cold – Fee Class Two;
- 3)(D) Perchloroethylene dry cleaners – Fee Class Six;
- 4)(E) Asphalt plants – Fee Class Three;
- 5)(F) Rock crushers – Fee Class Two;
- 6)(G) Ready-mix concrete – Fee Class One;
- 7)(H) Sawmills, planing mills, millwork, plywood manufacturing and veneer drying – Fee Class Three;
- 8)(I) Boilers – Fee Class Two;
- 9)(J) Crematories – Fee Class ~~Two~~One;
- 10)(K) Coffee roasters – Fee Class One;
- 11)(L) Bulk gasoline plants – Fee Class One;
- 12)(M) Electric power generators – Fee Class Two;
- 13)(N) Clay ceramics – Fee Class One;
- 14)(O) Secondary nonferrous metals – Fee Class One;
- 15)(P) Gasoline dispensing facilities -- stage I – Fee Class Five;
- 16)(Q) Wood preserving – Fee Class Four;
- 17)(R) Metal fabrication and finishing – Fee Class Two;
- 18)(S) Plating and polishing – Fee Class One;
- ~~19) Surface coating operations (Miscellaneous, motor vehicle and mobile equipment) – Fee Class One;~~
- 20)(T) Paint stripping – Fee Class One;
- ~~21) Spray coating – Fee Class One;~~

~~22)~~(U) Motor vehicle and mobile equipment surface coating operations – Fee Class One;

~~23)~~(V) Aluminum, copper, and nonferrous foundries – Fee Class Two;

~~24)~~(W) Paints and allied products manufacturing – Fee Class Two; and

(X) Emergency generators and firewater pumps, if a permit is required – Fee Class Two.

~~25) Any General ACDP not listed above – Fee Class One.~~

~~6)~~(c) Source assignment procedures:

~~1)~~(A) Assignment of a source to a General ACDP is subject to public notice in accordance with ~~LRAPA-T~~title 31 for Category I permit actions.

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

~~3)~~(C) Assignments to General ACDPs and ~~ACDP-A~~attachment(s) terminate when the General ACDP or the ACDP-A~~attachment(s)~~ expires or is modified, terminated or revoked.

~~4)~~(D) 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~~according to Section 37-0062, otherwise the source must obtain a Simple or Standard ACDP.

~~5)~~(E) 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 to which the source is currently assigned ~~to~~, must be reassigned to the General ACDP for the source category in the higher annual fee class.

~~3.~~(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 assign all existing General ACDP permit holders to the new General ACDP.

~~4.~~(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 a source having an ongoing, reoccurring or serious compliance problem.~~ In such case, the source must submit an application within 60 days for a Simple or Standard ACDP upon notification by LRAPA of LRAPA's intent to rescind the General ACDP. Upon issuance of the Simple or Standard ACDP, or if the source fails to submit an application for a Simple or Standard ACDP, LRAPA will rescind ~~ing a~~ the source's assignment to ~~a~~ the 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.~~

Section 37-0062 General ACDP Attachments

~~1.~~(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.~~(2) Applicability.

~~A.~~(a) LRAPA may issue a General ACDP Attachment under the following circumstances:

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

~~2)(B)~~ All requirements applicable to the covered operations can be contained in a General ACDP Attachment;

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

~~4)(D)~~ The regulated 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~~ title.

~~B.(b)~~ Attachment content. Each General ACDP Attachment must include the following:

~~1)(A)~~ All relevant requirements for the operations covered by the General ACDP Attachment, excluding any federal requirements not adopted by the Board;

~~2)(B)~~ Testing, monitoring, recordkeeping, and reporting requirements necessary to ensure compliance with the applicable emissions limits and standards; and

~~3)(C)~~ An attachment expiration date not to exceed 10 years from the date of issuance.

~~C.(c)~~ Attachment issuance public notice procedures: A General ACDP Attachment requires public notice ~~and opportunity for comment in accordance with LRAPA. T~~ as a Category II permit action according to title 31 ~~for Category II permit actions.~~

~~(d)~~ All LRAPA will retain all General ACDP Attachments ~~will be~~ on file and make them available for public review ~~at LRAPA~~.

~~3.(3)~~ Source assignment:

~~A.(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.(b)~~ Fees. ~~Permittees~~ Applicants must pay ~~the fees set forth~~ in Table 2 of ~~Section 37-0020-8020~~ for each assigned General ACDP Attachment. ~~The fee class for each General ACDP Attachment is Fee Class Five.~~

~~C.(c)~~ Assignment procedures:

~~1)(A)~~ 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~~ according to LRAPA Title 31.

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

~~3)(C)~~ Assignments to a General ACDP Attachment ~~s~~ terminates s when the General ACDP Attachment expires or is modified, terminated or revoked.

~~4)(D)~~ 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 to which 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)(2)(c)(E)~~ and may be assigned to one or more General ACDP Attachments associated with source categories in an equal or lower annual fee class.

~~D.(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~~ title.

Section 37-0064 Simple ACDPs

~~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.~~(1) Application Requirements. Any person requesting a new, modified, or renewed Simple ACDP must submit an application ~~in accordance with~~according to ~~Section 37-0040.~~

~~3.~~(2) Fees. Applicants for a new or modified Simple ACDP must pay the fees set forth in Table 2 ~~of Section 37-00208020.~~ Applicants for a new Simple ACDP must initially pay the High Annual Fee. Once the initial permit is issued, a Annual fees for Simple ACDPs will be assessed based on the following:

~~A.~~(a) Low Fee -- A ~~Source~~source may qualify for the ~~Low~~low ~~Fee~~fee if:

~~1.)~~(A) The source is, or will be, permitted under only one of the following categories ~~from in Section 37-00208010 Table 1, Part B (category 25. Electric Power Generation, may be included with any category listed below):~~

~~(a)~~(i) Category 6. Asphalt felt and coatings;

~~(b)~~(ii) Category 12. Boilers and other fuel burning equipment (can be combined with category 25. Electric power generation);

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

(iii) Category 25. Electric power generation;

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

~~(e)~~(v) 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)~~(vi) Category 37. Gypsum products;

~~(g)~~(vii) Category 50. Non-~~Ferrous~~ferrous ~~Metal~~metal ~~Foundries~~foundries 100 or more tons/year; of metal charged;

~~(h)(viii)~~ Category 51. Organic or ~~Inorganic-inorganic Industrial-industrial Chemical chemical Manufacturingmanufacturing~~;

~~(i)(ix)~~ Category 63. Secondary ~~Smelting-smelting~~ and/or ~~Refining-refining~~ of ~~Ferrous ferrous~~ and ~~Nonnon-Ferrous-ferrous Metalsmetals~~;

~~(j)(x)~~ Category 74. All ~~Other-other Sources-sources~~ not listed in Table 1, ~~37-8010~~ that LRAPA determines an air quality concern exists including minor sources of HAPs not elsewhere classified or one which would emit significant malodorous emissions; ~~or~~

~~(k)(xi)~~ Category 75. All ~~Other-other Sources-sources~~ not listed in Table 1,

~~37-8010 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 PM₁₀ if located in a direct PM_{2.5} or PM₁₀ non-attainment or maintenance area, or 10 or more tons of any single criteria pollutant in any part of Lane County. (can be combined with category 25. Electrical power generation); or~~

~~2)(B)~~ The actual emissions from the ~~12-months~~calendar year immediately preceding the invoice date, ~~and future projected emissions~~ are less than ~~5-five~~ tons/year. ~~of~~ PM₁₀ in a PM₁₀ nonattainment or maintenance area ~~or PM_{2.5} in a PM_{2.5} nonattainment or maintenance area~~, and less than 10 tons/year. for each criteria pollutant; and

~~3)(C)~~ The source is not ~~considered-creating an air quality problem or a~~ nuisance ~~under title 49-source by LRAPA.~~

~~B.(b)~~ High Fee -- Any source required to have a Simple ACDP (~~Section-37-0020-8010~~ Table 1 Part B) that does not qualify for the ~~Low-low Fee-fee under paragraph (2)(a)~~ will be assessed the ~~High-high Fee-fee.~~

~~C.(c)~~ If LRAPA determines that a source was invoiced for the ~~Low-low Annual-annual Fee-fee~~ but does not meet the ~~Low-low Fee-fee~~ criteria outlined above, the source will be required to pay the difference between the ~~Low-low~~ and ~~High-high Fees-fees~~, plus applicable late fees in ~~accordance with Section-37-0020-8020~~ Table 2. Late fees start upon issuance of the initial invoice. In this case, LRAPA will issue a new invoice specifying applicable fees.

~~4.(3)~~ Permit Content. Each Simple ACDP must include the following:

~~A.(a)~~ All relevant applicable requirements for source operation, including general ACDP conditions for incorporating generally applicable requirements, but excluding any federal requirements not adopted by the Board;

~~B.(b)~~ Generic PSELs for all regulated pollutants emitted at more than the de_minimis emission level in accordance with ~~LRAPA Title~~ 42;

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

~~D.(d)~~ A permit duration not to exceed 5 years.

~~5.(4)~~ Permit issuance public notice procedures:

~~A.(a)~~ Issuance of a new or renewed Simple ACDP requires public notice as a Category II permit ~~in accordance with LRAPA Title according to title 31 for Category II permit actions.~~

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

~~1)(A)~~ Public notice as a Category I permit action for Nonnon-technical and non-NSR/PSD Basic basic and Simple simple technical modifications require according to public notice in accordance with LRAPA Title title 31 for Category I permit actions; or

~~2)(B)~~ Public notice as a Category II permit action for Issuance of non-NSR/PSD Moderate and Complex complex technical modifications according to require public notice in accordance with LRAPA Title title 31 for Category II permit actions.

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

Section 37-0066 Standard ACDPs

~~1.(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.(a)~~ ~~For a~~ New or modified Standard ACDPs that are not subject to Major NSR, ~~(LRAPA Title 38)~~ but have emissions increases above the significant emissions rate are subject to the requirements of State NSR; ~~the~~ The application must include an analysis of the air quality and, for federal major sources only, the visibility ~~(visibility analysis for federal major sources only)~~ impacts 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.(b)~~ For new or modified Standard ACDPs that are subject to Major NSR ~~(LRAPA
Title 38)~~, the application must include the following ~~additional~~ information as applicable:

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

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

~~3)(C)~~ An analysis of the air quality and, for federal major sources only, the 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,~~ the baseline concentration year in the area the major source or major
modification would affect.

~~2.(2)~~ Fees. Applicants for a Standard ACDP must pay the fees set forth in Table 2, ~~of~~
~~Section 37-0020~~ 8020.

~~3.(3)~~ Permit content. ~~A~~ Each Standard ACDP ~~is a permit that contains~~ must include the
following:

~~A.(a)~~ All applicable requirements, including general ACDP conditions for incorporating generally applicable requirements but excluding any federal requirements not adopted by the Board;

~~B.(b)~~ Source specific PSELs or Generic PSEL levels, whichever are applicable, ~~as specified in~~under LRAPA Ttitle 42;

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

~~D.(d)~~ A permit duration not to exceed 5 years.

~~4.(4)~~ Permit issuance procedures.

~~A.(a)~~ Issuance of a new or renewed Standard ACDP requires public notice under title 31 as follows:

~~1)(A) For non-NSR permit actions, issuance of a new or renewed Standard ACDP requires public notice in accordance with LRAPA Title 31 for~~ Public notice as a Category III permit actions ~~for~~ permit actions that will any increase ~~in~~ allowed emissions but that are not a Major NSR or Type A State NSR permit actions under title 38, or as a Category II permit actions if ~~no~~ the permit will not increase allowed emissions ~~increase is allowed.~~

~~2)(B) For NSR permit actions, issuance of a new Standard ACDP requires public notice in accordance with LRAPA Title 31 for~~ Public notice as a Category IV permit actions for permit actions that are Major NSR or Type A NSR permit actions under title 38.

~~B.(b)~~ Issuance of a modified Standard ACDP requires public notice under title 31 as follows ~~one of the following, as applicable:~~

~~1)(A)~~ Public notice as a Category I permit action for ~~Non-~~non-technical modifications and ~~non-NSR-B~~basic and ~~Simple-simple~~ technical modifications ~~require public notice in accordance with LRAPA Title 31 for Category I permit actions.~~

~~2)(B)~~ Public notice as a Category II permit action for ~~Non-NSR/PSD-M~~moderate and ~~Complex-complex~~ technical modifications ~~require public notice in accordance with if there will be no increase in allowed emissions, or as a Category III permit action if there will be an increase in emissions;~~ ~~LRAPA Title 31 for Category II permit actions.~~

~~3)(C)~~ Public notice as a Category IV permit action for ~~NSR/PSD-~~major modifications subject to NSR under ~~require public notice in accordance with LRAPA T~~title 38~~1 for~~ ~~Category IV permit actions.~~

Section 37-0068 Simple and Standard ACDP Attachments

(1) Purpose. This section allows LRAPA to add new requirements to existing Simple or Standard ACDPs by assigning the source to an ACDP Attachment issued under subsection (2). An ACDP Attachment would apply to an affected source until the new requirements are incorporated into the source's Simple or Standard ACDP at the next permit renewal or at the time of permit modification.

(2) ACDP Attachment issuance procedures:

(a) An ACDP Attachment requires public notice as a Category II permit action under title 31, except that ACDP Attachments to Simple or Standard ACDPs require notice as Category I permit actions.

(b) LRAPA may issue an ACDP Attachment when there are multiple sources that are subject to the new requirements.

(c) Attachment content. Each ACDP Attachment must include the following:

(A) Testing, monitoring, recordkeeping, and reporting requirements necessary to ensure compliance with the applicable emissions limits and standards; and

(B) An attachment expiration date not to exceed 5 years from the date of issuance.

(3) Assignment to ACDP Attachment:

(a) A source is not a permittee under the ACDP Attachment until LRAPA assigns the ACDP Attachment to the source.

(b) The ACDP Attachment is removed from the Simple or Standard ACDP when the requirements of the ACDP Attachment are incorporated into the source's Simple or Standard ACDP at the time of renewal or modification.

(c) If an EPA, DEQ, or LRAPA action causes a source to be subject to the requirements in an ACDP Attachment, assignment to the ACDP Attachment is a LRAPA initiated modification to the Simple or Standard ACDP and the permittee is not required to submit an application or pay fees for the permit action. In such case, LRAPA would notify the permittee of the proposed permitting action and the permittee may object to the permit action if the permittee demonstrates that the source is not subject to the requirements of the ACDP Attachment.

Section 37-0070 Permitting a Source with Multiple Activities or Processes 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~~ part of Table 1, Part A to Part C, ~~Section 37-0020-8010~~ may obtain a Standard ACDP, even if not otherwise required to obtain a Standard ACDP under this title.

Section 37-0082 Termination or Revocation of an ACDP

~~1.~~(1) Expiration

~~A.~~(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) A timely and complete application for renewal has been submitted; or

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

(b) If a timely and complete renewal application has been submitted, the existing permit will remain in effect until final action has been taken on the renewal application to issue or deny a permit.

~~B.~~(c) For a source operating under an ACDP or LRAPA Title V Operating 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.~~(2) Automatic Termination. A permit is automatically terminated upon:

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

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

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

~~D.~~(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.~~(3) Reinstatement of Terminated Permit: A permit automatically terminated under ~~37-0082- any of the paragraphs (2-)(Bb); through (2)(-Dd);~~ may only be reinstated by the permittee by applying for a new permit, ~~including The permittee must also pay the applicable new source permit application fees as set forth in this Title~~ including the applicable new source permit application fees as set forth in this title unless the owner or operator submits the renewal application within three months of the permit expiration date.

~~4.~~(4) Revocation:

~~A.~~(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. LRAPA will provide Nnotice of the intent to revoke the permit ~~will be provided~~ to the permittee ~~in accordance with LRAPA under T~~title 31. The notice will include the reasons why the permit will be revoked, and include an opportunity for the permittee to request a contested case hearing prior to the revocation. A permittee's written request for hearing must be received by LRAPA within 60 days from service of the notice on the permittee, and must state the grounds of the request. The hearing will be conducted as a contested case hearing ~~under in accordance with LRAPA Title ORS 183.413 through 183.470 and title 1431.~~ The permit will continue in effect until the 60th days expires after service of the notice on the permittee, if the permittee does not timely request a hearing, or until a final order is issued if ~~an appeal is filed, whichever is later~~ the permittee timely requests a hearing.

~~B.~~(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 under Title~~ title 31. The notification will set forth the specific reasons for the revocation or refusal to renew and will provide an opportunity for the permittee to request a contested case hearing for review of the revocation or refusal to renew. A permittee's written request for hearing must be received by LRAPA. ~~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 on the permittee and ~~the request~~ must state the grounds for the request. The hearing will be conducted as a contested case hearing ~~in accordance with LRAPA~~ under Title ORS 183.413 through 183.470 and title 1431. 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. If a request for a hearing is timely received, the revocation or refusal to renew will remain in place until issuance of a final order.

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 contested case 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 under in accordance with LRAPA Title ORS 183.413 through 183.470 and title 1431. If a hearing is requested, the existing permit will remain in effect until after a final order is issued ~~in~~ following the hearing. The permit issuance procedures will be conducted in accordance with 37-0056(4) for Basic ACDPs, 37-0064(5) for Simple ACDPs, and 37-0066(4) for Standard ACDPs.

Section 37-0090 Sources Subject to ACDPs and Fees

All air contaminant discharge sources listed in Table 1 ~~Section 37-0020-8010~~ must obtain a permit from LRAPA and are subject to fees as set forth in Table 2 ~~Section 37-00208020~~.

(1.) The fees in ~~LRAPA Title 37, Table 2 37-8020~~ will increase by ~~the Consumer Price Index (CPI)~~ four (4) percent on July 1 of each year.

Section 37-0094 Temporary Closure

~~1.~~(1) ~~A P~~permittees ~~who are~~that temporarily ~~suspending~~suspends 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.~~(2) LRAPA will prorate ~~A~~annual fees for temporary closure based on the length of the closure in a calendar year, but will not be less than ~~are~~ one half of the regular annual fee for the source.

~~3.~~(3) ~~A Sources~~sources who ~~have~~has received LRAPA approval for payment of the temporary closure fee must obtain authorization from LRAPA prior to resuming permitted activities. An Owners~~owner~~ or operators of the source must submit written notification, together with the prorated annual fee for the remaining months of the year, to LRAPA at least thirty (30) days before startup and specify in the notification the earliest anticipated startup date.

LANE REGIONAL AIR PROTECTION AGENCY

~~TITLE 37~~ TABLE 1 ~~-(SECTION 37-080210)~~

ACTIVITIES AND SOURCES

The following source categories must obtain a permit as required by Section 37-0020 Applicability

Part A: ~~Activities and Sources~~ Basic ACDP

~~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.)~~

~~A.1. Decorative chrome plating~~ Reserved.

~~B.1. Boilers and other fuel-burning equipment (with or without #2 diesel oil back-up***) of 2.5-0 or more MMBTU but less than 10 MMBTU/hour heat input.~~

~~C.2. Concrete Mmanufacturing including Rredimix and CTB, both stationary and portable, more than 5,000 but less than 25,000 cubic yards per year output.~~

~~D.3. Crematory and Pathological Waste Iincinerators with less than 20 tons/year material input.~~

~~E.4. Prepared feeds for animals and fowl and associated grain elevators more than 1,000 tons/year but less than 10,000 tons per year throughput.~~

~~F.5. Rock, Concrete or Asphalt Ccrushing both portable and stationary more than 5,000 tons/year but less than 25,000 tons/year crushed.~~

~~G.6. Surface coating operations whose actual or expected usage of coating materials is greater than 250 gallons/year, but less than 250 gallons per month, excluding sources that exclusively use non-VOC and non-HAP containing coatings.~~

~~H.1. Sources not elsewhere classified with actual emissions of more than 1 ton/year VOC and/or HAP.~~

~~I.1. Sawmills and/or Pplaning Mmills and/or Mmillwork and/or wood furniture and fixtures manufacturing and/or plywood manufacturing and/or veneer drying of more than 5,000 but less than 25,000 board feet maximum 8 hour finished product.~~

~~J.1. Coffee Rroasting (roasting less than 30 green tons per year.)~~

~~K.1. Motor Vvehicle and Mmobile Eequipment and miscellaneous Ssurface Ccoating Ooperations subject to an Aarea Ssource NESHAP under title 44 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~~ General, Simple or Standard ACDP

~~The following commercial and industrial sources must obtain either:~~

- ~~A. 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;~~
- ~~B. a Simple ACDP under the procedures set forth in Section 37-0064; or~~
- ~~C. 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)~~ 1. Aerospace or ~~A~~aerospace ~~P~~parts ~~M~~manufacturing.
- ~~(2)~~ 2. Aluminum ~~P~~roduction -- ~~P~~primary.
- ~~(3)~~ 3. Ammonia ~~M~~manufacturing.
- ~~(4)~~ 4. Animal ~~R~~endering and ~~A~~animal ~~R~~eduction ~~F~~acilities.
- ~~(5)~~ 5. Asphalt ~~B~~lowing ~~P~~plants.
- ~~(6)~~ 6. Asphalt ~~F~~elts or ~~C~~coating manufacturing.
- ~~(7)~~ 7. Asphaltic ~~C~~oncrete ~~P~~paving ~~P~~plants, both stationary and portable.
- ~~(8)~~ 8. Bakeries, ~~C~~ommercial over 10 tons of VOC emissions per year.
- ~~(9)~~ 9. Battery ~~S~~eparator ~~M~~manufacturing.
- ~~(10)~~ 10. Lead-acid ~~B~~battery ~~M~~manufacturing and ~~R~~re-manufacturing.
- ~~(11)~~ 11. Beet ~~S~~sugar ~~M~~manufacturing.
- ~~(12)~~ 12. Boilers and other ~~F~~uel ~~B~~urning ~~E~~quipment over 10 MMBTU/hour- heat input.
- ~~(13)~~ 13. Building paper and ~~B~~uildingboard ~~M~~mills.
- ~~(14)~~ 14. Calcium ~~C~~arbide ~~M~~manufacturing.
- ~~(15)~~ 15. Can or ~~D~~rum ~~C~~coating.
- ~~(16)~~ 16. Cement ~~M~~manufacturing ~~and/or Distribution.~~
- ~~(17)~~ 17. Cereal ~~P~~reparations and ~~A~~ssociated ~~G~~rain ~~E~~levators 10,000 or more tons/year throughput.
- ~~(18)~~ 18. Charcoal ~~M~~manufacturing.
- ~~(19)~~ 19. Chlorine and ~~A~~alkalies ~~M~~manufacturing.
- ~~(20)~~ 20. Chrome ~~P~~lating (Decorative and Hard) and anodizing subject to a NESHAP under title 44.
- ~~(21)~~ 21. Coffee ~~R~~oasting, (roasting 30 or more tons per year).
- ~~(22)~~ 22. Concrete ~~M~~manufacturing including ~~R~~edimix and CTB, both stationary and portable. 25,000 or more cubic yards per year output.
- ~~(23)~~ 23. Crematory ~~and Pathological Waste~~ ~~I~~ncinerators 20 or more tons/year- material input.
- ~~(24)~~ 24. Degreasers ing operations, (halogenated solvent cleanings subject to a NESHAP under title 44.)
- ~~(25)~~ 25. Electrical ~~P~~ower ~~G~~eneration from combustion, excluding units used exclusively as emergency generators and units less than 500 kW.
- ~~(26)~~ 26. ~~E~~Ethylene ~~O~~xide ~~S~~terilization.
- ~~(27)~~ 27. Flatwood ~~C~~coating.
- ~~(28)~~ 28. Flexographic or ~~R~~otogravure ~~P~~printing.
- ~~(29)~~ 29. Flour, ~~B~~blended and/or ~~P~~repared and ~~A~~ssociated ~~G~~rain ~~E~~levators 10,000 or more tons/year throughput.

- ~~(30)~~30. Galvanizing and ~~P~~pipe ~~C~~coating.
- ~~(31)~~31. Gasoline ~~B~~bulk ~~P~~plants, ~~B~~bulk ~~T~~erminals, and ~~P~~ipeline ~~F~~acilities.
- ~~(32)~~32. ~~**Gasoline D~~dispensing ~~F~~acilities (GDFs).
- ~~(33)~~33. Glass and ~~G~~lass ~~C~~ontainer ~~M~~anufacturing.
- ~~(34)~~34. Grain ~~E~~levators used for intermediate storage 10,000 or more tons/~~year~~- throughput.
- ~~(35)~~35. ~~Grain terminal elevators~~Reserved.
- ~~(36)~~36. Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries 100 or more tons/~~year~~- metal charged, (~~not elsewhere identified~~).
- ~~(37)~~37. Gypsum ~~P~~roducts ~~m~~anufacturing.
- ~~(38)~~38. Hardboard ~~M~~anufacturing, (~~including fiberboard~~).
- ~~(39)~~39. Incinerators with two or more tons per day capacity.
- ~~(40)~~40. Lime ~~M~~anufacturing.
- ~~(41)~~41. ~~Liquid Storage Tanks~~Reserved
- ~~(42)~~42. Magnetic ~~T~~ape ~~M~~anufacturing.
- ~~(43)~~43. Manufactured ~~home, and M~~obile ~~H~~ome, ~~and recreational vehicle M~~anufacturing.
- ~~(44)~~44. Marine ~~V~~essel ~~P~~etroleum ~~L~~oading and ~~U~~nloading.
- ~~(45)~~45. Millwork ~~manufacturing~~, (~~including kitchen cabinets and structural wood members~~), 25,000 or more ~~board~~-feet-/maximum 8 ~~hour~~- input.
- ~~(46)~~46. Molded ~~C~~ontainer ~~manufacturing~~.
- ~~(47)~~47. Motor ~~C~~oach ~~M~~anufacturing.
- ~~(48)~~48. Natural ~~G~~as and ~~O~~il ~~P~~roduction and ~~P~~rocessing and associated fuel burning equipment.
- ~~(49)~~49. Nitric ~~A~~cid ~~M~~anufacturing.
- ~~(50)~~50. Non-~~F~~errous ~~M~~etal ~~F~~oundries 100 or more tons/~~year~~- of metal charged.
- ~~(51)~~51. Organic or ~~i~~norganic ~~C~~hemical ~~M~~anufacturing and ~~D~~istribution with ½ or more tons per year emissions of any one criteria pollutant, (~~sources in this category with less than ½ ton/year~~- of each criteria pollutant are not required to have an ACDP).
- ~~(52)~~52. ~~Paper or other Substrate Coating~~Reserved.
- ~~(53)~~53. Particleboard ~~M~~anufacturing, (~~including strandboard, flakeboard, and waferboard~~).
- ~~(54)~~54. Perchloroethylene ~~D~~ry ~~C~~leaning ~~O~~perations subject to an ~~A~~rea ~~S~~ource NESHAP ~~under title 44~~, excluding perchoroethylene dry cleaning operations registered pursuant to ~~LRAPA 34-025-(2)~~.
- ~~(55)~~55. Pesticide ~~M~~anufacturing 5,000 or more tons/~~year~~- annual production.
- ~~(56)~~56. Petroleum ~~R~~efining and ~~R~~e-refining of ~~L~~ubricating ~~O~~ils and ~~G~~reases including ~~A~~sphalt ~~P~~roduction by ~~D~~istillation and the reprocessing of oils and/or solvents for fuels.
- ~~(57)~~57. Plywood ~~M~~anufacturing and/or ~~V~~eneer ~~D~~drying.
- ~~(58)~~58. Prepared feeds manufacturing for animals and fowl and associated grain elevators 10,000 or more tons per year throughput.
- ~~(59)~~59. Primary ~~S~~melting and/or ~~R~~efining of ~~F~~errous and ~~N~~on-~~F~~errous ~~M~~etals.
- ~~(60)~~60. Pulp, ~~P~~aper and ~~P~~aperboard ~~M~~mills.
- ~~(61)~~61. Rock, ~~C~~oncrete or ~~A~~sphalt ~~C~~rushing both portable and stationary, 25,000 or more tons/~~year~~- crushed.
- ~~(62)~~62. Sawmills and/or ~~P~~laning ~~M~~mills 25,000 or more ~~board~~-feet-/maximum 8 ~~hour~~- finished product.
- ~~(63)~~63. Secondary ~~S~~melting and/or ~~R~~efining of ~~F~~errous and ~~N~~on-~~F~~errous ~~M~~etals.
- ~~(64)~~64. Seed ~~C~~leaning and ~~A~~ssociated ~~G~~rain ~~E~~levators 5,000 or more tons/~~year~~- throughput.
- ~~(65)~~65. Sewage ~~T~~reatment ~~F~~acilities employing internal combustion ~~engines~~ for digester gasses.
- ~~(66)~~66. Soil ~~R~~emediation ~~F~~acilities, ~~both~~ stationary ~~or~~and portable.
- ~~(67)~~67. Steel ~~W~~orks, ~~R~~olling and ~~F~~inishing ~~M~~mills.

- ~~(68)~~68. Surface Coating Manufacturing~~Reserved.~~
- ~~(69)~~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)~~70. Synthetic Resin Manufacturing.
- ~~(71)~~71. Tire Manufacturing.
- ~~(72)~~72. Wood Furniture and Fixtures 25,000 or more board feet /maximum 8 hour input.
- ~~(73)~~73. Wood Preserving (~~excluding~~including waterborne with actual or projected emissions of greater than 1 ton/year VOC and/or HAP).
- ~~(74)~~74. All Other Sources, both stationary and portable, 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)~~75. All Other Sources, both stationary and portable, not listed herein which would have actual emissions, if the source were to operate uncontrolled, of 5 or more tons a-per year of direct PM_{2.5} or PM₁₀ if located in a PM_{2.5} or PM₁₀ non-attainment or maintenance area, or 10 or more tons per year of any single criteria pollutant if located in any part of Lane County.
- ~~(76)~~76. Aluminum, Copper, and Other Nonferrous Foundries subject to an Area Source NESHAP under title 44.
- ~~(77)~~77. Ferroalloy Production Facilities subject to an Area Source NESHAP under title 44.
- ~~(78)~~78. Metal Fabrication and Finishing Operations subject to an Area Source NESHAP under title 44.
- ~~(79)~~79. Motor Vehicle and Mobile Equipment Surface Coating Operations subject to an Area Source NESHAP under title 44, using more than 20 gallons of coating per year excluding motor vehicle surface coating operations registered pursuant to LRAPA 34-025-(2).
- ~~(80)~~80. Paint Stripping and Miscellaneous Surface Coating Operations subject to an Area Source NESHAP under title 44.
- ~~(81)~~81. Paint and Allied Products Manufacturing subject to an Area Source NESHAP under title 44.
- ~~(82)~~82. Plating and Polishing Operations subject to an Area Source NESHAP under title 44.
83. Fiberglass lay-up and/or reinforced plastic composites production.
84. Chemical manufacturing facilities that do not transfer liquids containing organic HAP listed in Table 1 of 40 CFR part 63 subpart VVVVVV to tank trucks or railcars and are not subject to emission limits in Table 2, 3, 4, 5, 6, or 8 of 40 CFR part 63 subpart VVVVVV.
85. Stationary internal combustion engines if:
- a. For emergency generators and firewater pumps, the aggregate engine horsepower rating is greater than 30,000 horsepower; or
 - b. For any individual non-emergency or non-fire pump engine, the engine is subject to 40 CFR part 63, subpart ZZZZ and is rated at 500 horsepower or more, excluding two stroke lean burn engines, engines burning exclusively landfill or digester gas, and four stroke engines located in remote areas; or
 - c. For any individual non-emergency engine, the engine is subject to 40 CFR part 60, subpart IIII and:
 - A. The engine has a displacement of 30 liters or more per cylinder; or
 - B. The engine has a displacement of less than 30 liters per cylinder and is rated at 500 horsepower or more and the engine and control device are either not certified by the manufacturer to meet the NSPS or not operated and maintained according to the manufacturer's emission-related instructions; or

- d. For any individual non-emergency engine, the engine is subject to 40 CFR part 60, subpart JJJJ and is rated at 500 horsepower or more and the engine and control device are either not certified by the manufacturer to meet the NSPS or not operated and maintained according to the manufacturer's emission-related instructions.

86. Pathological waste incinerators.

87. Clay ceramics manufacturing subject to an area source NESHAP under title 44.

88. Secondary nonferrous metals processing subject to an Area Source NESHAP under title 44.

(83)

Part C: ~~Activities and Sources~~ Standard ACDP

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

~~F.1. Incinerators for PCBs and/or, other hazardous wastes, or both.~~

~~G.1. All S sources that LRAPA determines have emissions that constitute a nuisance.~~

~~1. All S sources electing to maintain the source's baseline emission rate, or netting basis.~~

~~H.2. All sources that request a PSEL equal to or greater than the SER for a regulated pollutant.~~

~~I. 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.~~

~~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.~~

~~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.~~

~~J. All sources having the potential to emit more than 100,000 short tons of GHG emissions in a year.~~

~~K.1. All S sources having the P potential to E emit more than 100 tons or more of any regulated air contaminant/pollutant, except GHG, in a year, other than GHGs and HAPs.~~

~~L.1. All S sources having the P potential to E emit more than 10 tons or more of a single hazardous air pollutant in a year.~~

~~M.1. All S sources having the P potential to E emit more than 25 tons or more of all hazardous air pollutants combined in a year.~~

Notes:

~~* Applies only to Special Control Areas~~

** 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.

*** "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
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LANE REGIONAL AIR PROTECTION AGENCY

~~TITLE 37~~ TABLE 2 - ~~(SECTION 37-08020)~~

AIR CONTAMINANT DISCHARGE PERMIT

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

a. Short Term Activity ACDP	\$ 3,463 3,826
b. Basic ACDP	\$ 139 153
c. Assignment to General ACDP*	\$ 1,384 1,530*
d. Simple ACDP	\$ 6,925 7,652
e. Construction ACDP	\$ 11,080 12,243
f. Standard ACDP	\$ 13,849 15,303
g. Standard ACDP (PSD/Major NSR <u>or</u> <u>Type A State NSR</u>)	\$ 48,472 53,560

*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 date 12/1* for 1/1 to 12/31 of the following year)

a. Short Term Activity ACDP	\$ NA
b. Basic ACDP	\$ 416 460
c. General ACDP	
(A) Fee Class One	\$ 830 918
(B) Fee Class Two	\$ 1,497 1,654
(C) Fee Class Three	\$ 2,161 2,388
(D) Fee Class Four	\$ 416 460
(E) Fee Class Five	\$ 139 153
(F) Fee Class Six	\$ 282 312
(G) Attachment	\$ 139 153
d. Simple ACDP	
(A) Low Fee	\$ 2,216 2,448
(B) High Fee	\$ 4,432 4,897
e. Standard ACDP	\$ 8,863 9,794
f. <u>Greenhouse Gas reporting, as required by OAR 340, Division 215</u>	<u>12.5% of the applicable</u>

	annual fee in Part 2
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[* LRAPA may extend the payment due date for dry cleaners or gasoline dispensing facilities until March 1st.](#)

Part 3. Specific Activity Fees:

a. Non-Technical Permit Modification (1)	\$ 139 153
b. Non-PSD/NSR Basic Technical Permit Modification (2)	\$ 416 460
c. Non-PSD/NSR Simple Technical Permit Modification (3)	\$ 1,384 1,530
d. Non-PSD/NSR Moderate Technical Permit Modification (4)	\$ 6,925 7,652
e. Non-PSD/NSR Complex Technical Permit Modification (5)	\$ 13,849 15,303
f. PSD/Major NSR or Type A State NSR Permit Modification	\$ 48,472 53,560
g. Modeling Review (outside PSD/Major NSR or Type A State NSR)	\$ 6,925 7,652
h. Public Hearing at Source's Request	\$ 2,770 3,061
i. LRAPA MACT Determination	\$ 6,925 7,652
j. Compliance Order Monitoring ¹ (6)	\$ 139 153 /month
1. This is a 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. k. Greenhouse Gas reporting, as required by OAR 340-215—0060	15% of the applicable annual fee in Part 2 of this Table

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

- a. 8-30 days late 5%
- b. 31-60 days late 10%
- c. 61 or more days late 20%

~~(4) Non-Technical modifications include, but are not limited to name changes, change of ownership and similar administrative changes.~~

~~(5) 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.~~

~~(6) 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.~~

~~(7) 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.~~

~~(8) 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 device 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.~~

- ~~1. This is a 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.~~

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 ~~\$3539~~.
2. Motor vehicle surface coating operations registered pursuant to ~~Section~~ 34-025 must pay ~~\$240~~ 264 per year.
3. Dry cleaners using perchloroethylene registered pursuant to ~~LRAPA Section~~ 34-025 must pay ~~\$180~~ 198 per year.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 38

~~MAJOR~~ NEW SOURCE REVIEW

Section 38-0010 Applicability, ~~and~~ General Prohibitions, General Requirements, and Jurisdiction

- (1) Except as provided in paragraph (c), the owner or operator of a source undertaking one of the following actions must comply with the applicable Major New Source Review requirements of 38-0010 through 38-0070 and 38-0500 through 38-0540 for such actions prior to construction or operation:
- (a) In an attainment, unclassified or sustainment area:
 - (A) Construction of a new federal major source;
 - (B) Major modification at an existing federal major source; or
 - ~~(C) Major modification at an existing source that will become a federal major source because emissions of a regulated pollutant are increased to the federal major source level or more. Within designated nonattainment and maintenance areas, this title applies to owners and operators of proposed major sources and major modifications for the regulated pollutants for which the area is designated nonattainment or maintenance.~~
 - (b) In a nonattainment, reattainment or maintenance area:
 - (A) Construction of a new source that will emit 100 tons per year or more of the nonattainment, reattainment or maintenance pollutant;
 - (B) A major modification for the nonattainment, reattainment or maintenance pollutant, at an existing source that emits 100 tons per year or more of the nonattainment, reattainment or maintenance pollutant; or
 - (C) A major modification for the nonattainment, reattainment or maintenance pollutant, at an existing source that will increase emissions of the nonattainment, reattainment or maintenance pollutant to 100 tons per year or more.
 - (c) The owner or operator of a source is subject to Prevention of Significant Deterioration for GHGs under 38-0070 if the owner or operator is first subject to 38-0070 for a pollutant other than GHGs, and the source meets the criteria in subparagraph (A) or (B);
 - (A) The source is a new source which will emit GHGs at a rate equal to or greater than the SER; or

(B) The source is an existing source which is undertaking a major modification for GHGs.

(2) Except as provided in paragraph (c), the owner or operator of a source that is undertaking an action that is not subject to Major NSR under subsection (1) and is one of the actions identified in paragraphs (a) or (b) must comply with the applicable State New Source Review requirements of 38-0010 through 38-0038, 38-0245 through 38-0270 and 38-0500 through 38-0540 for such action prior to construction or operation.

~~(a) Within attainment and unclassifiable areas, this title applies to owners and operators of proposed federal major and major modifications at federal major sources for the regulated pollutants for which the area is designated attainment or unclassified. In a nonattainment, reattainment or maintenance area:~~

(A) Construction of a new source that will have emissions of the nonattainment, reattainment or maintenance pollutant equal to or greater than the SER; or

~~(2)(B) Major modification for the nonattainment, reattainment or maintenance pollutant, at an existing source that will have emissions of the nonattainment, reattainment or maintenance pollutant equal to or greater than the SER over the netting basis.~~

(b) In any designated area, for actions other than those identified in paragraph (a):

(A) Construction of a new source that will have emissions of a regulated pollutant equal to or greater than the SER; or

(B) Increasing emissions of a regulated pollutant to an amount that is equal to or greater than the SER over the netting basis.

(c) GHGs are not subject to State NSR.

(d) Type A and Type B State NSR: State NSR actions are categorized as follows:

(A) Actions under paragraph (a), and actions for which the source must comply with 38-0245(2), are categorized as Type A State NSR actions; and

(B) Actions under paragraph (b) are categorized as Type B State NSR unless the source must comply with 38-0245(2).

(3) The owner or operator of a source subject to subsection (1) or (2) must apply this division based on the type of designated area where the source is located for each regulated pollutant, taking the following into consideration:

(a) The source may be subject to this title for multiple pollutants;

(b) Some pollutants, including but not limited to NOx, may be subject to multiple requirements in this title both as pollutants and as precursors to other pollutants;

(c) Every location in the state carries an area designation for each criteria pollutant and the entire state is treated as an unclassified area for regulated pollutants that are not criteria pollutants; and

(d) Designated areas may overlap.

(4) Where this title requires the owner or operator of a source to conduct analysis under or comply with a section in title 40, the owner or operator must complete such work in compliance with 40-0030 and 40-0040.

~~(1)~~(5) Owners and operators of all sources ~~that do not meet the applicability criteria of sections 1. or 2. of this rule are~~ may be subject to other LRAPA rules, including, but not limited to, Notice of Construction and Approval Plans (34-034 through 34-038), ACDPs (LRAPA title 37), Title V permits (OAR 340 division 218), 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 34-034 through 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), as applicable.

~~(2)~~(6) ~~No~~ An owner or operator of a source that meets the applicability criteria of subsections (1-) or (2-) of this rule may not begin actual construction, continue construction or operate the source without having received complying with the requirements of this title and obtaining an air contaminant discharge permit (ACDP) ~~from issued by LRAPA and having satisfied the requirements of this title~~ authorizing such construction or operation.

~~(3)~~ 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 CO₂e 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 CO₂e or more over the netting basis,~~

~~(3)~~ 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-title~~ 12 and this ~~rule-section~~ apply to this title. If the same term is defined in this ~~rule-section~~ and ~~LRAPA Title-title~~ 12, the definition in this ~~rule-section~~ applies to this title.

Section 38-0025 Major Modification

- (1) Except as provided in subsections (3) and (4), "major modification" means a change at a source described in subsection (2) for any regulated pollutant subject to NSR since the later of:

 - (a) The baseline period for all regulated pollutants except PM_{2.5};
 - (b) May 1, 2011 for PM_{2.5}; or
 - (c) The most recent Major or Type A State NSR action for that regulated pollutant.
- (2) Description of a major modification:

 - (a) Any physical change or change in the method of operation of a source that results in emissions described in subparagraphs (A) and (B):

 - (A) A PSEL or actual emissions that exceed the netting basis by an amount that is equal to or greater than the SER; and
 - (B) The accumulation of emission increases due to all physical changes and changes in the method of operation that is equal to or greater than the SER. For purposes of this paragraph, emission increases shall be calculated as follows: For each unit with a physical change or change in the method of operation occurring at the source since the later of the dates in paragraphs (1)(a) through (1)(c) as applicable for each pollutant, subtract the unit's portion of the netting basis from its post-change potential to emit taking into consideration any federally enforceable limits on potential to emit. Emissions from categorically insignificant activities, aggregate insignificant emissions, and fugitive emissions must be included in the calculations.
 - (b) For purposes of this section:

 - (A) "The unit's portion of the netting basis" means the portion of the netting basis assigned to or associated with the unit in question, taking into consideration the following, as applicable:

 - (i) The unit's portion of the netting basis when the netting basis is established under 42-0046(2); and
 - (ii) Any adjustments under 42-0046(3) that affect the unit's portion of the netting basis.

(B) Emission increases due solely to increased use of equipment or facilities that existed or were permitted or approved to construct in accordance with LRAPA title 34 during the applicable baseline period are not included, except if the increased use is to support a physical change or change in the method of operation.

(C) If a portion of the netting basis or PSEL or both was set based on PTE because the source had not begun normal operations but was permitted or approved to construct and operate, that portion of the netting basis or PSEL or both must be excluded until the netting basis is reset as specified in 42-0046(3)(d) and 42-0051(3).

(3) “Major modification” means any change including production increases, at a source that obtained a permit to construct and operate after the applicable baseline period but has not undergone Major NSR or Type A State NSR, that meets the criteria in paragraphs (a) or (b):

(a) The change would result in a PSEL increase of the de minimis level or more for any regulated pollutant at a federal major source in attainment, unclassified or sustainment areas; or

(b) The change would result in a PSEL increase of the de minimis level or more for the sustainment, nonattainment, reattainment or maintenance pollutant if the source emits such pollutant at the SER or more in a sustainment, nonattainment, reattainment, or maintenance area.

(c) This subsection does not apply to PM_{2.5} and greenhouse gases.

(d) Changes to the PSEL solely due to the availability of more accurate and reliable emissions information are exempt from being considered an increase under this section.

(4) Major modifications for ozone precursors or PM_{2.5} precursors also constitute major modifications for ozone and PM_{2.5}, respectively.

(5) Except as provided in subsections (1), (3), and (4), the following are not major modifications:

(a) Increases in hours of operation or production rates that would cause emission increases above the levels allowed in a permit but would not involve a physical change or change in method of operation of the source.

(b) Routine maintenance, repair, and replacement of components.

(c) 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.

(d) Use of alternate fuel or raw materials, that were available during, and that the source would have been capable of accommodating in the baseline period.

- (6) When more accurate or reliable emissions information becomes available, a recalculation of the PSEL, netting basis, and increases/decreases in emissions must be performed to determine whether a major modification has occurred.

NOTE: This rule was moved verbatim from title 12 and amended.

Section 38-0030 New Source Review Procedural Requirements

- (1) -Information Required. The owner or operator of a source subject to Major NSR or State NSR ~~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 or approved by LRAPA and include the information required to apply for a ~~standard ACDP as detailed in LRAPA Title 37~~ permit or permit modification under:
- (a) Title 37 for Major NSR or Type A State NSR action; or
- (b) Title 37 or OAR 340 division 218, whichever is applicable, for Type B State NSR actions.
- ~~(a)~~
- (2) Application Processing:
- (a) For Type B State NSR, LRAPA will review applications and issue permits using the procedures in title 37 or OAR 340 division 218, whichever is applicable.
- (b) For Major NSR and Type A State NSR:
- (A) Notwithstanding the requirements of 37-0040(11), within 30 days after receiving an ACDP permit application to construct, or any additional information or amendment to such application, LRAPA will advise the applicant whether the application is complete or if there is any deficiency in the application or in the information submitted. For purposes of this section, an application is complete as of the date on which LRAPA received all required information;
- (B) Upon determining that an application is complete, LRAPA will undertake the public participation procedures in title 31 for a Category IV permit action; and
- (C) LRAPA will make a final determination on the application within twelve months after receiving a complete application.
- (3) An owner or operator that obtained approval of a project under this division must obtain approval for a revision to the project according to the permit application requirements in this title and title 37 or OAR 340 division 218, whichever is applicable, prior to initiating the revision. If construction has commenced, the owner or operator must temporarily halt construction until a revised permit is issued. The following are considered revisions to the project that would require approval:
- (a) A change that would increase permitted emissions;

- (b) A change that would require a re-evaluation of the approved control technology; or
- (c) A change that would increase air quality impacts.

~~(1) Other Obligations:~~

- (4) For Major NSR and Type A State NSR permit actions, an ACDP that approves construction must require construction to commence within 18 months of issuance. ~~Construction a~~ Approval ~~to construct becomes~~ terminates and is invalid if construction is not commenced within 18 months after LRAPA issues such approval, or by the deadline approved by LRAPA in an extension under subsection (5). Construction approval also terminates and is invalid 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. An ACDP may approve a phased construction project with separate construction approval dates for each subsequent phase and, for purposes of applying this section, the construction approval date for the second and subsequent phases will be treated as the construction approval issuance date.

- (5) For Major NSR and Type A State NSR permit actions, LRAPA may grant for good cause two 18-month construction approval extensions as follows:
 - (a) Except as provided in paragraph (i), for the first extension, the owner or operator must submit an application to modify the permit that includes the following:
 - (A) A detailed explanation of why the source could not commence construction within the initial 18-month period; and
 - (B) Payment of the simple technical permit modification fee in 37-8020 Part 3.
 - (b) Except as provided in paragraph (i), for the second extension, the owner or operator must submit an application to modify the permit that includes the following for the original regulated pollutants subject to Major NSR or Type A State NSR:
 - (A) A detailed explanation of why the source could not commence construction within the second 18-month period;
 - (B) A review of the original LAER or BACT analysis for potentially lower limits and a review of any new control technologies that may have become commercially available since the original LAER or BACT analysis;
 - (C) A review of the air quality analysis to address any of the following:
 - (i) All ambient air quality standards and PSD increments that were subject to review under the original application;
 - (ii) Any new competing sources or changes in ambient air quality since the original application was submitted;

- (iii) Any new ambient air quality standards or PSD increments for the regulated pollutants that were subject to review under the original application; and
 - (iv) Any changes to EPA approved models that would affect modeling results since the original application was submitted, and
- (D) Payment of the moderate technical permit modification fee plus the modeling review fee in 37-8020 Part 3.
- (c) Except as provided in paragraph (i), the permit will be terminated 54 months after it was initially issued if construction does not commence during that 54-month period. If the owner or operator wants approval to construct beyond the termination of the permit, the owner or operator must submit an application for a new Major NSR or Type A State NSR permit.
 - (d) If construction is commenced prior to the date that construction approval terminates, the permit can be renewed or the owner or operator may apply for a Title V permit as required in OAR 340-218-0190;
 - (e) To request a construction approval extension under paragraph (a) or (b), the owner or operator must submit an application to modify the permit at least 30 days but not more than 90 days prior to the end of the current construction approval period.
 - (f) Construction may not commence during the period from the end of the preceding construction approval to the time LRAPA approves the next extension.
 - (g) LRAPA will make a proposed permit modification available using the following public participation procedures in title 31:
 - (A) Category II for an extension that does not require an air quality analysis; or
 - (B) Category III for an extension that requires an air quality analysis.
 - (h) LRAPA will grant a permit modification extending the construction approval for 18 months from the end of the first or second 18-month construction approval period, whichever is applicable, if:
 - (A) Based on the information required to be submitted under paragraph (a) or (b), LRAPA determines that the proposed source will continue to meet NSR requirements; and
 - (B) For any extension, the area impacted by the source has not been redesignated to sustainment or nonattainment prior to the granting of the extension.
 - (a)(i) If the area where the source is located is redesignated to sustainment or nonattainment before any extension is approved, the owner or operator must demonstrate compliance with the redesignated area requirements if the source is subject to Major NSR or Type A State NSR for the redesignated pollutant, and must obtain the appropriate permit or permit revision before construction may

commence. The new permit or permit revision under this subsection will be considered to start a new initial 18-month construction approval period.

(6) Approval to construct does not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the ~~State Implementation Plan~~SIP and any other requirements under local, state or federal law;

~~(b) 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;~~

~~(e)~~

(7) Sources that are subject to OAR 340 division 218, LRAPA Title V Permits, are subject to the following:

(a) Except as provided in paragraph (b), approval to construct a source under an ACDP issued under title 37 authorizes construction and operation of the source, until the later of:

~~(d) 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:~~

(A) One year from the date of initial startup of operation of the major source or major modification; or

~~i.~~

~~ii.~~ (B) 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.

(b) Where an existing LRAPA Title V Operating Permit would prohibit construction or change in operation, the owner or operator must obtain a Title V permit revision before commencing the construction, continuing the construction or making the change in operation.

Section 38-0034 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 subject to Major NSR or modification Type A State NSR must comply with ~~Section 38-0050-1, 38-0060-1 or 38-0070-1, whichever is applicable~~the control technology requirements in the applicable subsection, but are exempt from the remaining requirements of ~~Section 38-0050, 38-0060 and 38-0070~~the applicable sections

provided that the source subject to Major NSR or Type A State NSR ~~or modification~~ would not impact a Class I area or an area with a known violation of an National Ambient Air Quality Standard ~~standard~~ (NAAQS) or an applicable PSD increment ~~as defined in LRAPA Title 50~~.

NOTE: This rule was moved verbatim from section 38-0080 and amended.

Section 38-0038 Fugitive and Secondary Emissions

For sources subject to Major NSR or Type A State NSR, ~~F~~ugitive 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 subject to Major NSR or Type A State NSR ~~major~~. Once a source is subject to Major NSR or Type A State NSR ~~or modification is identified as being major~~, secondary emissions ~~are added to the primary emissions and also~~ become subject to the air quality impact analysis requirements in this title and LRAPA ~~Title~~ title 40.

NOTE: This rule was moved verbatim from section 38-0100 and amended.

~~(e) 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.~~

~~(b) Application Processing:~~

~~(b) 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;~~

~~(c) 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:~~

~~i. Making a preliminary determination whether construction and/or modification should be approved, approved with conditions, or disapproved;~~

~~ii. 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 Sources Subject to Major NSR or Type A State NSR ~~New Sources and Modifications~~ for Compliance With Regulations

The owner or operator of a source subject to Major NSR or Type A State NSR ~~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.

Major New Source Review

Section 38-0045 Requirements for Sources in Sustainment Areas

Within a designated sustainment area, a source subject to Major NSR must meet the requirements listed below for each sustainment pollutant:

- (1) 38-0070; and
- (2) Net Air Quality Benefit: Satisfy 38-0510 and 38-0520 for ozone sustainment areas or 38-0510 and 38-0530(2) and (4) for non-ozone sustainment areas, whichever is applicable, unless the source can demonstrate that the impacts are less than the significant impact levels at all receptors within the sustainment area.

Section 38-0050 Requirements for Sources in Nonattainment Areas

Within a designated nonattainment area, and when referred to this rule by other rules in this title, a source subject to Major NSR ~~proposed major sources and major modifications of a nonattainment pollutant, including VOC or NO_x in a designated ozone nonattainment area or SO₂ or NO_x in a designated PM_{2.5} nonattainment area~~ must meet the requirements listed below for each nonattainment pollutant:

- (1) Lowest Achievable Emission Rate (LAER). The owner or operator of the source must apply 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 to the following:

~~(a) For a major modification, the requirement for LAER applies to the following:~~

- (A) Each emissions unit that emits the nonattainment pollutant or precursor(s) and is not included in the most recent netting basis established for that pollutant; and
- (B) Each emission unit that emits the non-attainment pollutant or precursor(s) and is included in the most recent netting basis and contributed to the emissions increase calculated in 38-0025(2)(a)(B) ~~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 or precursor(s).

(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 Major NSR application, LRAPA will consider technical feasibility of retrofitting required controls provided:

(A) The physical change or change in the method of operation at a unit that contributed to the emissions increase calculated in 38-0025(2)(a)(B) was made in compliance with Major NSR requirements in effect when the change was made, and

(B) No limit will be relaxed that was previously relied on to avoid Major NSR.

(d) Physical changes or changes in the method of operation~~Modifications~~ to individual emission units that contributed to the emissions increase calculated in 38-0025(2)(a)(B) but that increased the potential to emit less than 10 percent of the SER are exempt from this section unless:

~~(a)~~(A) They are not constructed yet;

~~(b)~~(B) They are part of a discrete, identifiable, larger project that was constructed within the previous 5 years and that resulted in emission increases~~is~~ equal to or greater than 10 percent of the SER; or

~~(c)~~(C) They were constructed without, or in violation of, ~~the~~ LRAPA's approval.

(2) Air Quality Protection:

(a) Air Quality Analysis: The owner or operator of a federal major source must comply with 40-0050(4) and 40-0070.

(b) Net Air Quality Benefit: The owner or operator of the source must satisfy 38-0510 and 38-0520 for ozone nonattainment areas or 38-0510 and 38-0530(2) and (4) for non-ozone nonattainment areas, whichever is applicable.

~~(a) 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.~~

~~(2)~~(3) Sources Impacting Other Designated Areas: The owner or operator of any source that will have a significant impact on air quality in a designated area other than the one the source is locating in must also meet the following requirements, as applicable:~~Additional Requirements:~~

(a) The owner or operator of any source that emits an ozone precursor (VOC or NO_x) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0520 for ozone designated areas.

(b) The owner or operator of any source that emits any criteria pollutant, other than NO_x as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0540 for designated areas other than ozone designated areas.

~~The owner or operator of a source that emits or has the potential to emit 100 tons per year or more of any regulated 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.~~

(4) The owner or operator of the source must:

(a) Evaluate alternative sites, sizes, production processes, and environmental control techniques for the proposed source or major modification and demonstrate that benefits of the proposed source or major modification will significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification.

~~(a) Demonstrate that all federal 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 FCAA. The owner or operator of a source that emits or has the potential to emit 100 tons per year or more of any regulated 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.~~

(b)

Section 38-0055 Requirements for Sources in Reattainment Areas

Within a designated reattainment area, a source subject to Major NSR must meet the requirements listed below for each reattainment pollutant:

(1) 38-0050, treating the reattainment pollutant as a nonattainment pollutant for that rule; and

(2) The owner or operator must demonstrate that it will not cause or contribute to a new violation of an ambient air quality standard or PSD increment in title 50 by conducting the analysis under 40-0050.

~~(a) — 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, a source subject to Major NSR~~proposed major sources and major modifications of a maintenance pollutant, including VOC or NO_x in a designated ozone maintenance area, or SO₂ or NO_x in a designated PM_{2.5} maintenance area;~~ must meet the requirements listed below for each maintenance pollutant:

~~(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.~~38-0070; and

~~(1)~~(2) Net Air Quality Benefit: Except for sources described in subsection (7), the owner or operator of the source must satisfy one of the requirements listed below:

(a) 38-0510 and 38-0520 for ozone maintenance areas or 38-0510 and 38-0530(3) and (4) for non-ozone maintenance areas, whichever is applicable;

(b) Demonstrate that the source or modification will not cause or contribute to an air quality impact in excess of the impact levels in 50-055 or OAR 340-202-0225 by performing the analysis specified in 40-0045; or

(c) Obtain an allocation from a growth allowance. The requirements of this subsection may be met in whole or in part in an ozone or carbon monoxide maintenance area with an allocation by LRAPA from a growth allowance, if available, under the applicable maintenance plan in the SIP adopted by the Board and EQC and approved by EPA.

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

~~1) — Each emissions unit that emits the maintenance pollutant or precursor(s) and is not included in the most recent netting basis established for that pollutant; and~~

~~2) — Each 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).~~

- ~~a. For phased construction projects, the BACT determination must be reviewed at the latest reasonable time before commencement of construction of each independent phase.~~
- ~~b. 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.~~~~
- ~~c. Modifications 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.~~~~

(3) Sources Impacting Other Designated Areas: The owner or operator of any source that will have a significant impact on air quality in a designated area other than the one the source is locating in must also meet the following requirements, as applicable:

- (a) Air Quality Protection: The owner or operator of any source that emits an ozone precursor (VOC or NO_x) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0520 for ozone designated areas.
- (a)(b) The owner or operator of any source that emits any criteria pollutant, other than NO_x as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0540 for designated areas other than ozone designated areas.
- ~~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.~~

~~(2) 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.~~

~~(3) 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.~~

(4) 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 source must comply with the LAER requirement in 38-0050(1) in lieu of the BACT requirement in subsection (1); and

(b) The source must comply with the net air quality benefit requirement in paragraph (2)(a) and may not apply the alternatives provided in paragraphs (2)(b) and (2)(c). The requirement for BACT in section 1. of this rule is replaced by the requirement for LAER contained in Section 38-0050-1.

~~(a) 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.~~

(5) Pending Redesignation Requests. This ~~rule-section~~ 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~~ or 38-0055, whichever is applicable.

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

Within a designated attainment or unclassified area, and when referred to this section by other sections in this title, a source that is subject to Major NSR for any regulated pollutant, other than nonattainment pollutants and reattainment pollutants,~~proposed federal major sources and major modifications at federal major sources for the pollutant(s) for which the area is designated attainment or unclassified,~~ must meet the requirements listed below for each such pollutant, except that GHGs are only subject to subsection (2):

(a)(1) Air Quality Monitoring:

(a) Preconstruction Air Quality Monitoring:

(A) ~~When referred to this rule by Titles 42 or 38, t~~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 regulated pollutant subject to this rule except as allowed by subparagraph

~~(B) potentially emitted at a significant emission rate by the proposed source or modification.~~

(i) The analysis must include continuous air quality monitoring data for any regulated pollutant subject to this rule that may be emitted by the source or modification, except for volatile organic compounds.

(ii) The data must relate to the year preceding receipt of the complete application and must have been gathered over the same time period.

(iii) 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~~ PSD increment.

(iv) When PM₁₀/PM_{2.5} preconstruction monitoring is required by this section, at least four months of data must be collected, including the season LRAPA judges to have the highest PM₁₀/PM_{2.5} levels. PM₁₀/PM_{2.5} must be measured using 40 CFR part 50, Appendices J and L. In some cases, a full year of data will be required.

(v) ~~Pursuant to the requirements of these rules, t~~The owner or operator must submit ~~for LRAPA's approval, a written~~ preconstruction air quality monitoring plan. ~~This plan must be submitted in writing~~ at least 60 days prior to the planned beginning of monitoring. The applicant may not commence monitoring under the plan until LRAPA and approved approves the plan in writing by LRAPA before monitoring begins.

(vi) Required air quality monitoring must ~~be conducted in accordance~~ comply with 40 CFR part 58 Appendix BA, "Quality Assurance Requirements for SLAMS, SPMs and Prevention of Significant Deterioration (PSD) Air Monitoring" (July 1, 2000) and with other methods on file with LRAPA.

(vii) With LRAPA's approval, the owner or operator may use representative or conservative background concentration data in lieu of conducting preconstruction air quality monitoring if the source demonstrates that such data is adequate to determine that the source would not cause or contribute to a violation of an ambient air quality standard or any applicable PSD increment.

(B) LRAPA may exempt the owner or operator of a proposed source or modification from preconstruction monitoring for a specific regulated 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~~ the general Background-background Concentrationconcentration) of the regulated pollutant within the ~~Source-source Impact-impact Area-area~~, as defined in title 40, are less than the following significant monitoring concentrations:

~~(1)~~(i) Carbon monoxide; 575 ug/m3, 8 hour average;

~~(a)~~(ii) Nitrogen dioxide; 14 ug/m3, annual average;

~~(b)~~(iii) PM₁₀; 10 ug/m3, 24 hour average;

~~(c)~~(iv) PM_{2.5}; 40 ug/m³, 24-hour average;

~~(e)~~(v) Sulfur dioxide; 13 ug/m3, 24 hour average;

~~(d)~~(vi) Ozone; Any net increase of 100 tons/year or more of VOCs from a source requires an ambient impact analysis, including the gathering of ambient air quality data unless the existing representative monitoring data shows maximum ozone concentrations are less than 50 percent of the ozone ambient air quality standards based on a full season of monitoring;

~~(e)~~(vii) Lead; 0.1 ug/m3, 24 hour average;

~~(f)~~(viii) Fluorides; 0.25 ug/m3, 24 hour average;

~~(g)~~(ix) Total reduced sulfur; 10 ug/m3, 1 hour average;

~~(h)~~(x) Hydrogen sulfide; 0.04 ug/m3, 1 hour average;

~~(i)~~(xi) Reduced sulfur compounds; 10 ug/m3, 1 hour average.

(b) Post-construction Air Quality Monitoring: ~~After construction has been completed~~, LRAPA may require post-construction ambient air quality monitoring as a permit condition to establish the effect of actual emissions,

other than volatile organic compounds, on the air quality of any area that such emissions could affect.

~~(b)~~(2) Best Available Control Technology (BACT). For a source under the applicability criteria in 38-0010(1)(a)(A), ~~t~~The owner or operator must apply BACT for each regulated pollutant ~~or precursor(s)~~ emitted at or above a significant emission rate (SER). For a source under the applicability criteria in 38-0010(1)(a)(B) or (C), BACT applies ~~separately to the~~ each regulated pollutant ~~or precursor(s) if that is~~ emitted at or above a SER over the netting basis and meets the criteria of major modification in 38-0025.

~~(6)~~(a) For a major modification, the requirement for BACT applies to the following:

- (A) Each emissions unit that emits the regulated pollutant or precursor(s) and is not included in the most recent netting basis established for that regulated pollutant; and
- (B) Each emissions unit that emits the regulated pollutant or precursor(s) and is included in the most recent netting basis and contributed to the emissions increase calculated in 38-0025(2)(a)(B) ~~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~~ regulated pollutant ~~or precursor(s)~~.

(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 Major NSR application, any additional cost of retrofitting required controls may be considered provided:

~~(a)~~(A) The change was made in compliance with Major NSR requirements in effect at the time the change was made, and

~~(b)~~(B) No limit is being relaxed that was previously relied on to avoid Major NSR.

~~(a)~~(d) Modifications to individual emissions units that have an emission increase, calculated per 38-0025(2)(a)(B), that is ~~the potential to emit~~ less than 10 percent of the ~~significant emission rate~~ SER are exempt from this section unless:

~~(a)~~(A) They are not constructed yet;

~~(b)~~(B) 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~~ SER; or

~~(e)~~(C) They were constructed without, or in violation of, LRAPA's approval.

(3) Air Quality Protection:

(a) Air Quality Analysis:

(A) The owner or operator of a the source comply with 40-0050 and 40-0060 for 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 the proposed source or modification in accordance with Section 40-0050 through 40-0070.

~~(e)~~(B) The owner or operator of a federal major source must comply with 40-0050(4) and 40-0070.

~~a.~~(b) For increases of direct PM_{2.5} or PM_{2.5} precursors equal to or greater than the ~~significant emission rate~~ SERs, 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.~~(c) The owner or operator ~~or any~~ of the source must demonstrate that it will not cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact level under 40-0050(1) subject to this rule that significantly impacts air quality in a designated nonattainment or maintenance area must meet the requirements of net air quality benefit in Section 40-0090.

(4) Sources Impacting Other Designated Areas: The owner or operator of any source that will have a significant impact on air quality in a designated area other than the one the source is locating in must also meet the following requirements, as applicable:

(a) The owner or operator of any source that emits an ozone precursor (VOC or NO_x) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0520 for ozone designated areas.

~~(d)~~(b) The owner or operator of any source that emits any criteria pollutant, other than NO_x as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under 38-

~~0510 and 38-0540 for designated areas other than ozone designated areas. 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.~~

- ~~(1) — NOTE: Subsection (1) of this section was moved verbatim from 40-0050(4) and amended. The owner or operator of a source subject to this rule and significantly impacting a PM₁₀ maintenance area (significant air quality impact is defined in LRAPA Title 12), must comply with the requirements of Section 38-0060-2.~~

Section 38-0080 Exemptions

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

Section 38-0100 Fugitive and Secondary Emissions

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

State New Source Review

Section 38-0245 Requirements for Sources in Sustainment Areas

Within a designated sustainment area, a source subject to State NSR must meet the following requirements for each sustainment pollutant:

- (1) Air Quality Protection: The owner or operator must comply with paragraph (a) or (b):
- (a) Air Quality Analysis: The owner or operator must comply with 40-0050(1) and (2) and 40-0060 for each regulated pollutant for which emissions will exceed the netting basis by the SER or more due to the proposed source or modification. For increases of direct PM_{2.5} or PM_{2.5} precursors equal to or greater than the SER, 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; or

(b) Net Air Quality Benefit: The owner or operator of the source must satisfy the requirements of subparagraph (A), (B), or (C), as applicable:

(A) For ozone sustainment areas, 38-0510 and 38-0520;

(B) For sources located in non-ozone sustainment areas, that will emit 100 tons per year or more of the sustainment pollutant, 38-0510 and 38-0530(2) and (4);

(C) For sources located in non-ozone sustainment areas, that will emit less than 100 tons per year of the sustainment pollutant, 38-0510 and 38-0530(3) and (4).

(2) If the owner or operator complied with paragraph (1)(b) and the increase in emissions is the result of the construction of a major source, or a major modification, then the owner or operator must apply BACT under 38-0070(2).

(3) The owner or operator of a federal major source must comply with 40-0050(4) and 40-0070.

(4) The owner or operator must demonstrate that it will not cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact level under 40-0050(1).

(5) Sources Impacting Other Designated Areas: The owner or operator of any source that will have a significant impact on air quality in a designated area other than the one the source is locating in must also meet the following requirements, as applicable:

(a) The owner or operator of any source that emits an ozone precursor (VOC or NO_x) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0520 for ozone designated areas.

(b) The owner or operator of any source that emits any criteria pollutant, other than NO_x as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0540 for designated areas other than ozone designated areas.

Section 38-0250 Requirements for Sources in Nonattainment Areas

Within a designated nonattainment area, a source subject to State NSR must meet the following requirements for each nonattainment pollutant:

(1) If the increase in emissions is the result of the construction of a major source, or a major modification, the owner or operator must apply BACT under 38-0070(2).

(2) Air Quality Protection:

(a) Air Quality Analysis: An air quality analysis is not required except that the owner or operator of a federal major source must comply with 40-0050(4) and 40-0070.

(b) Net Air Quality Benefit: The owner or operator of the source must satisfy the requirements of subparagraph (A), (B), or (C), as applicable:

(A) For ozone nonattainment areas, 38-0510 and 38-0520;

(B) For sources located in non-ozone nonattainment areas, that will emit 100 tons per year or more of the nonattainment pollutant, 38-0510 and 38-0530(2) and (4);

(C) For sources located in non-ozone nonattainment areas, that will emit less than 100 tons per year of the nonattainment pollutant, 38-0510 and 38-0530(3) and (4).

(3) Sources Impacting Other Designated Areas: The owner or operator of any source that will have a significant impact on air quality in a designated area other than the one the source is locating in must also meet the following requirements, as applicable:

(a) The owner or operator of any source that emits an ozone precursor (VOC or NO_x) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0520 for ozone designated areas.

(b) The owner or operator of any source that emits any criteria pollutant, other than NO_x as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0540 for designated areas other than ozone designated areas.

Section 38-0255 Requirements for Sources in Reattainment Areas

Within a designated reattainment area, a source subject to State NSR must comply with the requirements in 38-0260 for each reattainment pollutant treating the reattainment pollutant as a maintenance pollutant for that rule, except that 38-0260(2)(b)(C) and (4) are not applicable unless LRAPA has approved a contingency plan for the reattainment area.

Section 38-0260 Requirements for Sources in Maintenance Areas

Within a designated maintenance area, a source subject to State NSR must meet the following requirements for each maintenance pollutant:

- (1) If the increase in emissions is the result of the construction of a major source, or a major modification, the owner or operator of the source must apply BACT under 38-0070(2).
- (2) Air Quality Protection: The owner or operator of the source must satisfy the requirements of either paragraphs (a), (c), and (d) or of paragraphs (b), (c) and (d):
 - (a) Air Quality Analysis: The owner or operator of the source must comply with 40-0050(1) and (2), and 40-0060 for each regulated pollutant for which emissions will exceed the netting basis by the SER or more due to the proposed source or modification. For emissions increases of direct PM_{2.5} or PM_{2.5} precursors equal to or greater than the SER, 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) Net Air Quality Benefit: The owner or operator of the source must satisfy the requirements of subparagraph (A), (B) or (C), as applicable:
 - (A) 38-0510 and 38-0520 for ozone maintenance areas or 38-0510 and 38-0530(3) and (4) for non-ozone maintenance areas, whichever is applicable;
 - (B) Demonstrate that the source or modification will not cause or contribute to an air quality impact equal to or greater than the impact levels in 50-055 or OAR 340-202-0225 by performing the analysis specified in 40-0045; or
 - (C) Obtain an allocation from a growth allowance. The requirements of this section may be met in whole or in part in an ozone or carbon monoxide maintenance area with an allocation by LRAPA from a growth allowance, if available, under the applicable maintenance plan in the SIP adopted by the Board and EQC and approved by EPA.
 - (c) The owner or operator of a federal major source must comply with 40-0050(4) and 40-0070.
 - (d) The owner or operator of the source must demonstrate that it will not cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact level under 40-0050(1).
- (3) Sources Impacting Other Designated Areas: The owner or operator of any source that will have a significant impact on air quality in a designated area other than the one the source is locating in must also meet the following requirements, as applicable:

- (a) The owner or operator of any source that emits an ozone precursor (VOC or NO_x) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0520 for ozone designated areas.
- (b) The owner or operator of any source that emits any criteria pollutant, other than NO_x as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under 38-0510 and OAR 38-0540 for designated areas other than ozone designated areas.
- (4) Contingency Plan Requirements. If the contingency plan in an applicable maintenance plan is implemented due to a violation of an ambient air quality standard, this section applies in addition to other requirements of this rule until the EQC adopts a revised maintenance plan and EPA approves it as a SIP revision.

 - (a) The source must comply with the LAER requirement in 38-0050(1) in lieu of the BACT requirement in subsection (1); and
 - (b) The owner or operator must comply with subparagraph (2)(b)(A).

Section 38-0270 Requirement for Sources in Attainment and Unclassified Areas

Within a designated attainment or unclassified area, a source subject to State NSR must meet the following requirements for each attainment pollutant:

(1) Air Quality Protection:

- (a) Air Quality Analysis: The owner or operator of the source must comply with 40-0050(1) and (2) and 40-0060 for each regulated pollutant other than GHGs for which emissions will exceed the netting basis by the SER or more due to the proposed source or modification.
- (b) For increases of direct PM_{2.5} or PM_{2.5} precursors equal to or greater than the SER, the owner or operator of the source 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.
- (c) The owner or operator of a federal major source must comply with 40-0050(4) and 40-0070.
- (d) The owner or operator of the source must demonstrate that it will not cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact level under 40-0050(1).

(2) Sources Impacting Other Designated Areas: The owner or operator of any source that will have a significant impact on air quality in a designated area other than the one the source is locating in must also meet the following requirements, as applicable:

(a) The owner or operator of any source that emits an ozone precursor (VOC or NO_x) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0520 for ozone designated areas.

(b) The owner or operator of any source that emits any criteria pollutant, other than NO_x as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0540 for designated areas other than ozone designated areas.

Net Air Quality Benefit Emission Offsets

Section 38-0500 Net Air Quality Benefit for Sources Locating Within or Impacting Designated Areas

38-0510 through 38-0540 are the requirements for demonstrating net air quality benefit using offsets.

Section 38-0510 Common Offset Requirements

The purpose of these rules is to demonstrate reasonable further progress toward achieving or maintaining the ambient air quality standards for sources locating within or impacting designated areas. A source may make such demonstration by providing emission offsets to balance the level of projected emissions by the source at the applicable ratios described in this division.

- (1) Unless otherwise specified in the rules, offsets required under this rule must meet the requirements of title 41, Emission Reduction Credits.
- (2) Except as provided in subsection (3), the emission reductions used as offsets must be of the same type of regulated pollutant as the emissions from the new source or modification. Sources of PM₁₀ must be offset with particulate in the same size range.
- (3) Offsets for direct PM_{2.5} may be obtained from NO₂ and SO₂ emissions as precursors to secondary PM_{2.5}. The interpollutant trading ratios for these emissions will be approved by LRAPA on a case by case basis. Offsets for SO₂ and NO₂ emissions from direct PM_{2.5} emissions will be determined in the same manner.

- (4) Offset ratios specified in these rules are the minimum requirement. All offsets obtained by a source, including any that exceed the minimum requirement, may be used for the purpose of 38-0530(4).
- (5) Emission reductions used as offsets must meet at least one of the following criteria:
- (a) They must be equivalent to the emissions being offset in terms of short term, seasonal, and yearly time periods to mitigate the effects of the proposed emissions; or
 - (b) They must address the air quality problem in the area, such as but not limited to woodstove replacements to address winter-time exceedances of short term PM_{2.5} standards.
- (6) If the complete permit application or permit that is issued based on that application is amended due to changes to the proposed project, the owner or operator may continue to use the original offsets and any additional offsets that may become necessary for the project provided that the changes to the project do not result in a change to the two digit Standard Industrial Classification (SIC) code associated with the source and that the offsets will continue to satisfy the offset criteria.

Section 40-009038-0520 Requirements for Demonstrating a Net Air Quality Benefit for Ozone Areas

When directed by the Major NSR or State NSR sections or 42-0042, the owner or operator must comply with this section. ~~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;~~
- (1) Offsets for VOC and NO_x are required if the source will be located within ~~the~~ an ozone designated area or closer to the nearest boundary of an ozone designated area than within the O₃ ozone Precursor impact D distance as defined in subsection (2).
- (2) “Ozone Precursor impact D distance” ~~mean~~ is the distance in kilometers from the nearest boundary of an ~~designated~~ ozone ~~designated 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)~~

(a) A. ~~The Formula Method.~~

~~(A) 1)~~—For sources with complete permit applications submitted before January 1, 2003: $D = 30 \text{ km}$

~~(B) 2)~~—For sources with complete permit applications submitted on or after January 1, 2003: $D = (Q/40) \times 30 \text{ km}$

~~(C) 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 above the netting basis from the source being evaluated in tons/ per year, ~~and is quantified relative to the netting basis.~~

~~(D) 4)~~—If a source is located ~~at a distance less~~ closer than D from the nearest ozone designated area boundary, the ~~source~~ source is considered to have a significant effect on the designated area must obtain offsets under subsections (3) and (4). If the source is located at a distance equal to or greater than D from the nearest ozone designated area boundary, then the source is not required to obtain offsets, ~~it is not considered to have a significant effect.~~

~~(b) 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~~ have a material effect on an ozone designated area other than attainment or unclassified areas. 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~~ have a material effect on the ~~nonattainment designated area or maintenance area~~ under high ozone conditions, the ~~Ozone Precursor impact~~ D distance is zero kilometers.

(3) The required ratio of offsetting emissions reductions from other sources (offsets) to the emissions increase from the proposed source or modification (emissions) and the location of sources that may provide offsets is as follows:

~~a. The amount and location of offsets must be determined in accordance with this subsection:~~

(a) For new or modified sources locating within an ~~designated ozone~~ nonattainment area, the offset ratio is 1.1:1 (offsets: emissions). These offsets must come from sources within either the same designated nonattainment area as the new or modified source or from sources in another ozone nonattainment area (with equal or higher nonattainment classification) that contributes to a violation of the ozone ambient air quality standards NAAQS in the same ozone designated ~~nonattainment~~ area as the new or modified source.

(b) For new or modified sources locating within an ~~designated ozone~~ maintenance area, the offset ratio is 1.1:1 (offsets: emissions). These offsets may come from sources within

either the ~~designated~~ maintenance area or from a source that is closer to the nearest maintenance area boundary than that source's ozone impact ~~the ozone precursor~~ distance.

(c) For new or modified sources locating outside the designated area not including attainment or unclassified areas, but ~~within~~ closer than the ozone ~~precursor~~ impact distance of the nearest boundary of the designated area, the offset ratio is 1:1 (offsets: emissions). These offsets may come from within either the designated area or from a source that is closer to the nearest maintenance area boundary than that source's ozone impact ~~the ozone precursor~~ distance.

~~(d) 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.).~~

(4) The amount of required offsets and the amount of provided offsets from contributing sources varies based on whether the proposed source or modification and the sources contributing offsets are located outside the ozone designated area other than attainment or unclassified areas. "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 required offsets and the provided offsets are calculated using ~~determination is made by~~ either the formula method or the demonstration method, as follows, except that sources located inside an ozone nonattainment area must use the formula method.

(a) The Formula Method.

(A) Required offsets (RO) for new or modified sources are determined as follows:

(i) For sources with complete permit applications submitted before January 1, 2003: $RO = SQ$; and

(ii) For sources with complete permit applications submitted on or after January 1, 2003: $RO = (SQ \text{ minus } (SD \text{ multiplied by } 40/30 - *SD))$

(B) Contributing sources may provide offsets (PO) calculated as follows:
 $PO = CQ \text{ minus } (CD \text{ multiplied by } 40/30 - *CD)$

(C) 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 offsets (RO) by the ratio described in subsection (3).

(D) Definitions of factors used in paragraphs ~~1(A)~~, ~~2(B)~~ and ~~3(C)~~ of this subsection:

- (i) 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~~;~~.
- (ii) SQ (source quantity) is the source's emissions increase of NO_x or VOC in tons per year above the netting basis~~;~~.
- (iii) SD is the source distance in kilometers to the ~~nonattainment or maintenance~~ nearest boundary of the designated area except attainment or unclassified areas. SD is zero for sources located within the ~~nonattainment or maintenance~~ designated area except attainment or unclassified areas.
- (iv) PO is the provided offset from a contributing source and must be equal to or greater than zero;
- (v) CQ (contributing quantity) is the contributing source's emissions reduction in tons per year ~~quantified relative to~~ calculated as the contemporaneous pre-reduction actual emissions less the post-reduction allowable emissions from the contributing source (as provided in Section 41-0030-(1-)B(b)-).
- (vi) CD is the contributing source's distance in kilometers ~~to the nonattainment or maintenance~~ from the nearest boundary of the designated area except attainment of unclassified areas. For a contributing source located within the ~~nonattainment or maintenance~~ designated area except attainment or unclassified areas, 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. as the ratio described in subsection (3). 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.~~

~~a.~~(c) Offsets obtained for a previous PSEL increase that did not involve resetting the netting basis can be credited toward offsets currently required for a PSEL increase.

(5) 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.

~~(A)~~

NOTE: This rule was moved verbatim from 40-0010-10 and 11 and 40-0090-1 and amended.

~~(B)~~

Section 38-0530 Requirements for Demonstrating Net Air Quality Benefit for Non-Ozone Areas

(1) When directed by the Major NSR or State NSR rules or 42-0042, the owner or operator of the source must comply with subsections (2) through (6), as applicable. For purposes of this section, priority sources are sources identified under 29-0320 for the designated area.

(2) The ratio of offsets compared to the source's potential emissions increase is 1.2:1 (offsets:emissions). If the offsets include offsets from priority sources, the ratio will be decreased by the offsets obtained from priority sources as a percentage of the source's potential emissions increase. For example, if the owner or operator obtains offsets from priority sources equal to 10% of its potential emissions increase, then the offset ratio is reduced by 0.10, to 1.1:1. In no event, however, will the offset ratio be less than 1.0:1, even if more than 20% of offsets are from priority sources.

(3) The ratio of offsets compared to the source's potential emissions increase is 1.0:1 (offsets:emissions), except as allowed by paragraph (a) or required by paragraph (b).

(a) For State NSR only, if the offsets include offsets from priority sources, the ratio will be decreased by the offsets obtained from priority sources as a percentage of the source's potential emissions increase. For example, if the owner or operator obtains offsets from priority sources equal to 20% of its potential emissions increase, then the offset ratio is reduced by 0.2, to 0.8:1. In no event, however, will the offset ratio be less than 0.5:1, even if more than 50% of offsets are from priority sources.

(4) Except as provided in subsections (5) and (6), the owner or operator must conduct an air quality analysis of the impacts from the proposed new emissions and comply with paragraphs (a) and (b) using the procedures specified in paragraphs (c) through (e):

(a) Demonstrate that the offsets obtained result in a reduction in concentrations at a majority of modeled receptors within the entire designated area; and

(b) Comply with subparagraph (A) or subparagraph (B):

(A) Demonstrate that the impacts from the emission increases above the source's netting basis are less than the Class II SIL at all receptors within the entire designated area; or

(B) Demonstrate that the impacts from the emission increases above the source's netting basis:

(i) Are less than the Class II SIL at an average of receptors within an area designated by LRAPA as representing a neighborhood scale, as specified in 40 CFR part 58, Appendix

D, a reasonably homogeneous urban area with dimensions of a few kilometers that represent air quality where people commonly live and work in a representative neighborhood, centered on the LRAPA approved ambient monitoring sites; and

(ii) Plus the impacts of emission increases or decreases since the date of the current area designation of all other sources within the designated area or having a significant impact on the designated area, are less than 10 percent of the AAQS at all receptors within the designated area;

(c) The air quality analysis must comply with 40-0030 and 40-0040;

(d) The air quality analysis must use a uniform receptor grid over the entire modeled area for the analyses required in paragraphs (a) and (b). The spacing of the receptor grids will be determined by LRAPA for each analysis;

(e) For the purpose of paragraph (a) and subparagraph (b)(B):

(A) Subtract the priority source offsets from the new or modified source's emission increase if the priority sources identified are area sources. Area source emissions are spatially distributed emissions that can be generated from activities such as, but not limited to, residential wood heating, unpaved road dust, and non-road mobile sources;

(B) If the source's emissions are not offset 100 percent by priority sources that are area sources, conduct dispersion modeling of the source's remaining emission increases after subtracting any priority source offsets allowed in subparagraph (A); and in addition, model all other sources with emission increases or decreases in or impacting the designated area since the date the area was designated, including offsets used for the proposed project, but excluding offsets from priority sources that are area sources; and

(C) If the source's emissions are offset 100 percent by priority sources that are area sources, no further analysis is required.

(5) Small scale local energy projects and any infrastructure related to that project located in the same area are not subject to the requirements in subsection (4) provided that the proposed source or modification would not cause or contribute to a violation of an ambient air quality standard or otherwise pose a material threat to compliance with air quality standards in a nonattainment area.

Section 38-0540 Sources in a Designated Area Impacting Other Designated Areas

(1) When directed by the Major and State NSR rules, the owner or operator of a source locating outside, but impacting any designated area other than an attainment or unclassified area must meet one of the following requirements:

(a) Obtain offsets sufficient to reduce impacts to less than the Class II SIL at all receptors within the designated area as demonstrated using an air quality analysis under title 40; or

(b) Meet the following Net Air Quality Benefit requirements for the designated area that is impacted by the source, as applicable:

(A) For sources subject to Major NSR for the pollutant for which the area is designated:

(i) A source impacting a sustainment area must meet the requirements of 38-0045(2);

(ii) A source impacting a nonattainment area must meet the requirements of 38-0050(2)(b);

(iii) A source impacting a reattainment area must meet the requirements of 38-0050(2)(b), treating the reattainment pollutant as a nonattainment pollutant for that rule;

or

(iv) A source impacting a maintenance area must meet the requirements of 38-0060(2).

(B) For sources subject to State NSR for the pollutant for which the area is designated:

(i) A source impacting a sustainment area must meet the requirements of 38-0245(1)(b);

(ii) A source impacting a nonattainment area must meet the requirements of 38-0250(2)(b);

(iii) A source impacting a reattainment area must meet the requirements of 38-0260(2)(b) treating the reattainment pollutant as a maintenance pollutant for that rule; or

(iv) A source impacting a maintenance area must meet the requirements of 38-0260(2)(b).

(2) When directed by the Major NSR and State NSR rules, sources impacting any attainment and unclassified areas, but not directly subject to 38-0070 or 38-0270, must comply with 40-0050(1) and (2) for each regulated pollutant, other than GHGs, for which emissions will exceed the netting basis by the SER or more due to the proposed source or modification.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 40

AIR QUALITY ANALYSIS REQUIREMENTS

Section 40-0010 Purpose

~~(1)~~ This title contains the definitions and requirements for air quality analysis ~~referred to in LRAPA Rules. It~~ This title does not apply unless a rule in another title refers to this title or a section in this title ~~the reader here~~. For example, ~~Title 42 (Stationary Source Plant Site Emissions Limits) and Title title~~ 38 ~~(Major New Source Review)~~, refers ~~the reader~~ to provisions in this title for specific air quality analysis requirements.

Section 40-0020 Definitions

The definitions in LRAPA ~~Title title~~ 12, title 29, OAR 340-204-0010 and this ~~rule-section~~ apply to this title. If the same term is defined in this ~~rule-section~~ and LRAPA ~~Title title~~ 12, title 20, or OAR 340-204-0010, the definition in this ~~rule-section~~ applies to this title.

~~(b)~~ (1) “Allowable ~~Emissions~~ 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)~~ (a) The applicable standards as set forth in 40 CFR parts 60, ~~and~~ 61, 62 and 63;

~~a.~~

~~(b)~~ (b) The applicable ~~State Implementation Plan~~ SIP emissions limitation, including those with a future compliance date; or

~~b.~~

~~(c)~~ (c) The emissions rate specified as a federally enforceable permit condition.

~~(1)~~ “~~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.~~

~~(e)~~ (2) “Baseline ~~Concentration~~ concentration” means:

(a) The ambient concentration level for sulfur dioxide and PM₁₀ that existed in an area during the calendar year 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;

~~a.~~

(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.

~~e.~~

~~d.~~(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 paragraphs A.(a) through D.(c) of this section.

(3) “Baseline concentration year” means the calendar year used to determine the baseline concentration for a particular regulated pollutant in a particular designated area.

(2)(4) “Competing PSD ~~Increment~~ increment ~~Consuming~~ consuming ~~Source~~ source ~~Impacts~~ impacts” means the total modeled concentration above the modeled Baseline Concentration resulting from increased and decreased emissions of all other sources since the baseline concentration year that are expected to cause a significant concentration gradient in the vicinity of the source. Determination of significant concentration gradient may take into account factors including but not limited to ROI formula, spatial distribution of existing emission sources, topography, and meteorology ~~that are within the Range of Influence of the source in question.~~ Allowable Emissions may be used as a conservative estimate of increased emissions, in lieu of ~~Actual~~ actual ~~Emissions~~ emissions, in this analysis.

(3)(5) “Competing NAAQS ~~Source~~ source ~~Impacts~~ impacts” means total modeled concentrations of the subject pollutant resulting from allowable emissions of all other sources expected to cause a significant concentration gradient in the vicinity of the source or sources under consideration. Determination of significant concentration gradient may take into account factors including but not limited to ROI formula, spatial distribution of existing emission sources, topography, and meteorology ~~that are within the Range of Influence of the source in question.~~

(4)(6) “FLAG ” refers to the Federal Land Managers’ Air Quality Related Values Work Group Phase I Report -REVISED, published at ~~See~~ 75 Federal Register 66125, October 27, 2010.

~~(5)~~(7) “General ~~Background~~background ~~Concentration~~concentration” means impacts from natural sources and unidentified sources that were not explicitly modeled, ~~and~~. LRAPA may ~~be determined based on either~~ this as site-specific ambient monitoring or, with LRAPA approval, on representative ambient monitoring from another location.

(8) “Nitrogen ~~Deposition~~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~~nitrogen ~~Deposition~~deposition for NH_4NO_3 is 0.3500 times the weight of NH_4NO_3 being deposited.

(9) “Predicted maintenance area concentration” means the future year ambient concentration predicted by LRAPA in the applicable maintenance plan as follows:

~~(d)~~(a) [Reserved]

~~(6) “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: $D = (Q/40) \times 30$ 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.~~

~~(7) “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: $RO = (SQ \text{ minus } (40/30 * SD))$~~

~~2) Contributing sources may provide offsets (PO) calculated as follows: $PO = CQ \text{ minus } (40/30 * CD)$~~

~~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.~~

~~(e)(10) “Range of Influence ~~influence~~ ~~(formula or “ROI formula”)~~” means the calculation of the distance in kilometers from the source impact area of the new or modified source to other emission sources that could impact that area. If there is no source impact area, the distance is calculated from the new or modified source. Any location that is closer to the source than the ROI may be considered to be “within the range of influence” of the source. The ROI formula is as follows:~~

~~(a) For PSD Class II and Class III areas, the Range of Influence formula of a competing source (in kilometers) is defined by:~~

a.—

(A) ROI (km) = Q (tons/year) / K (tons/year km).

i.—

(B) Definition of factors used in paragraph (1a) of this subsection:

(i) Maximum ROI is 50 km.

(ii) Q is the emission rate of the potential competing source in tons per year.

(iii) K (tons/year km) is a regulated pollutant specific constant as follows:

(I) For PM2.5, PM10, SOx and NOx, K = 5;

(II) For CO, K = 40; and

ii.(III) For lead, K = 0.15.

(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	P M _{2.5} / P M ₁₀	SO _x	N O _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.

(11) “Single source impact” means the modeled impacts from an increase in emissions of regulated pollutants from a source without including the impacts from other sources.

(8)(12) “Source Impact Area” means a circular area, or locations, 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.

~~(9)~~(13) “Sulfur ~~Deposition~~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 $(\text{NH}_4)_2\text{SO}_4$ is 0.2427 times the weight of $(\text{NH}_4)_2\text{SO}_4$ being deposited.

Section 40-0030 Procedural Requirements

When required to conduct an air quality analysis under this title:

(1) The owner or operator of a source must submit a modeling protocol to LRAPA and have it approved before submitting a permit application; and

(2) ~~Information Required.~~In addition to the requirements defined in ~~Section 37-0040~~ for permit applications, 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~~this title. Such information ~~must~~may include, but is not limited to:

(4)(a) Emissions data for all existing and proposed emission points from the source or modification. This data must represent maximum emissions for the averaging times by regulated pollutant consistent with the ambient air quality standards in Title 50 –Ambient Air Standards.

(5)(b) 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,

(6)(c) 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

(7)(d) 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~~the baseline concentration year, 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~~title must be based on the applicable air quality models, data bases, and other requirements specified in 40 CFR ~~Part-part~~ 51, Appendix W, "Guidelines on Air Quality Models (Revised) " (~~July 1, 2000~~). Where an air quality impact model specified in 40 CFR ~~Part-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 other than that specified in 40 CFR ~~Part-part~~ 51, Appendix W is ~~in~~appropriate 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-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 maintenance area impact levels ~~limits~~ established in ~~Section 38-0060 2.C.50-065~~ or OAR 340-202-0225, whichever is most recently adopted, NAAQS, and PSD Increments, the following methods must be used:

(1) For each maintenance pollutant ~~and its precursors~~, a single source impact analysis is sufficient to show compliance with the maintenance area maximum impact levels standards, PSD increments, and limits if:

(a) The modeled impacts from emission increases equal to or greater than an significant emission rate ~~SER~~ 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 T~~ title 12, Table 1.

~~(A)~~(b) The owner or operator provides an assessment of factors that may impact the air quality conditions in the area showing that the SIL by itself is protective of the maintenance area impact levels. The assessment must take into consideration but is not limited to the emission increases and decreases since the baseline concentration year from other sources that are expected to cause a significant concentration gradient in the vicinity of the source. Determination of significant concentration gradient may take into account factors including but not limited to ROI formula, spatial distribution of existing emission sources, topography, and meteorology.

~~(4)~~ If the requirement in subsection (1) ~~of this rule~~ is not satisfied, the owner or operator of a proposed source or modification ~~being evaluated~~ must complete a competing source analysis to demonstrate ~~perform competing source modeling as follows:~~

~~(6)~~ 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.

~~(2)~~ 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 S~~ source impacts ~~impacts~~, plus the predicted maintenance area concentration are less than the maintenance area

impact levels in 50-065 or OAR 340-202-0225, whichever is most recently adopted, PSD increments for all averaging times.

~~(7)~~(3) Any analyses performed under this section must be done in compliance with 40-0030 and 40-0040, as applicable.

Section 40-0050 Requirements for Analysis in PSD Class II and Class III Areas

Modeling: For determining compliance with the ~~NAAQS and~~ PSD Increments increments, and other requirements in PSD Class II and Class III areas, the following methods must be used:

(1) For each regulated pollutant ~~and its precursors~~, a single source impact analysis is sufficient to show compliance with ~~standards and increments~~ the AAQS and PSD increments if:

(a) The modeled impacts from emission increases equal to or greater than an ~~significant emission rate~~ SER above the netting basis due to the proposed source or modification being evaluated are less than the Class II ~~Significant~~ significant Air Quality ~~Impact~~ levels specified in ~~LRAPA Title 12, Table 1;~~ and

(b) The owner or operator provides an assessment of factors that may impact the air quality conditions in the area to show that the SIL by itself ensures that the proposed source or modification will not cause or contribute to a new violation of an AAQS and PSD increment. The assessment must take into consideration but is not limited to the following factors:

(A) The background ambient concentration relative to the AAQS;

~~(2)~~(B) The emission increases and decreases since the baseline concentration year from other sources that are expected to cause a significant concentration gradient in the vicinity of the source. Determination of significant concentration gradient may take into account factors including but not limited to ROI formula, spatial distribution of existing emission sources, topography, and meteorology.

~~(1)~~(2) If the requirement in subsection (1) ~~of this rule~~ is not satisfied, the owner or operator of a proposed source or modification being evaluated must ~~perform complete a~~ competing source modeling analysis as follows:

(a) For demonstrating compliance with the PSD ~~Increments Class II and III increments~~ (as defined in ~~Section 50-055, Table 1 or OAR 340-202-0210, whichever is more current~~), the owner or operator of ~~a proposed~~ the source or modification must show that modeled impacts from the proposed increased emissions, ~~(above the modeled Baseline baseline Concentration concentration)~~, plus ~~Competing competing~~ PSD ~~Increment increment~~ Consuming consuming

~~Source-source Impacts-impacts~~ (above the modeled ~~Baseline-baseline~~ ~~C~~concentration) are less than the PSD increments for all averaging times; and

- (b) For demonstrating compliance with the NAAQS, the owner or operator of a ~~proposed~~the source must show that the total modeled impacts plus total ~~Competing-competing NAAQS-S~~source ~~Impacts-impacts~~ plus ~~General-general~~ ~~Background-background~~ ~~Concentrations-concentrations~~ are less than the NAAQS for all averaging times.

~~(2) Additional Impact Modeling:~~

- ~~(3)~~ When referred to this rule by Titles 42 or 38, tThe owner or operator of a source must also provide an analysis of:

- ~~(a)~~ the~~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 rate~~SERs as defined in ~~LRAPA-T~~title 12, Table 2. Concentration and deposition modeling may also be required for sources emitting other compounds on a case-by-case basis; and

~~(c)~~

- ~~(D)~~(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.

- ~~(3)~~(4) Any analyses performed under this section must be done in compliance with 40-0030 and 40-0040, as applicable.~~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/m³, 8 hour average;~~
 - ~~2) Nitrogen dioxide—14 ug/m³, annual average;~~
 - ~~3) PM₁₀—10 ug/m³, 24 hour average;~~
 - ~~4) PM_{2.5}; 4 ug/m³, 24 hour average;~~
 - ~~5) Sulfur dioxide—13 ug/m³, 24 hour average;~~~~
- ~~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;~~
- ~~7) Lead—0.1 ug/m³, 24 hour average;~~
- ~~8) Fluorides—0.25 ug/m³, 24 hour average;~~
- ~~9) Total reduced sulfur—10 ug/m³, 1 hour average;~~
- ~~10) Hydrogen sulfide—0.04 ug/m³, 1 hour average;~~
- ~~11) Reduced sulfur compounds—10 ug/m³, 1 hour average.~~
- ~~4) LRAPA may allow the owner or operator of a source (where required by Titles 42 or 38) to substitute post construction monitoring for the requirements of 4.A.(1) for a specific pollutant if the owner or operator demonstrates that the air quality impact from the emissions increase would not cause or contribute to an exceedance of any air quality standard. This analysis must meet the requirements of Section 40-0050-2.B. and must use representative or conservative General Background Concentration data.~~
- ~~5) When PM₁₀ preconstruction monitoring is required by this section, at least four months of data must be collected, including the season(s) LRAPA judges to have the highest PM₁₀ levels. PM₁₀ must be measured in~~

~~accordance with 40 CFR part 50, Appendix J (July 1, 1999). In some cases, a full year of data will be required.~~

- ~~b. Post construction: After construction has been completed, LRAPA may require ambient air quality monitoring as a permit condition to establish the effect of emissions, other than volatile organic compounds, on the air quality of any area that such emissions could affect.~~

Section 40-0060 Requirements for Demonstrating Compliance with Standards and Increments in PSD Class I Areas

For determining compliance with ~~standards~~ AAQS and PSD increments in PSD Class I areas, the following methods must be used:

- (1) Before ~~January~~ Jan. 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~~ Jan. 1, 2003, the owner or operator of a source (~~where required by Titles 42 or 38~~) must meet the following requirements:
 - (a) For each regulated pollutant ~~and its precursors~~, a single source impact analysis ~~will be~~ is sufficient to show compliance with PSD increments if modeled impacts from emission increases equal to or greater than an significant emission rate (~~SER~~) above the netting basis due to the proposed source or modification being evaluated are demonstrated to be less than the Class I significant impact levels specified in ~~LRAPA Title 12, Table I.~~ If the this requirement in subsection A. of this section is not satisfied, the owner or operator must complete a competing source analysis to demonstrate also show that the increased source impacts (~~above Baseline baseline Concentration concentration~~) plus ~~Competing competing~~ PSD Increment increment Consuming consuming Source source Impacts impacts are less than the PSD Class I increments for all averaging times.
 - (b) For each regulated pollutant ~~and its precursors~~, a single source impact analysis ~~will be~~ is sufficient to show compliance with ~~standards~~ AAQS if modeled impacts from emission increases equal to or greater than an significant emission rate ~~SER~~ above the netting basis due to the proposed source or modification being evaluated are demonstrated to be less than the Class ~~I~~ II significant impact levels specified in ~~LRAPA Title 12, Table 1.~~ If this requirement is not satisfied, the owner or operator must complete a competing source analysis to demonstrate compliance with the AAQS by showing that its total modeled impacts plus total modeled competing source impacts plus general background concentrations are less than the AAQS for all averaging times.

(c) The owner or operator also must demonstrate that the proposed source or modification will not cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact levels under paragraphs (a) and (c), in accordance with 50-055, Table 1 or OAR 340-202-0210, whichever is more current.

4)

(3) Any analyses performed under this section must be done in compliance with 40-0030 and 40-0040, as applicable.

~~5) — 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 Air Quality Related Values Protection

(1) Sources that are not ~~Federal~~ federal Major major Sources sources are exempt from the requirements of ~~the remainder of this rule~~ section.

~~(1)~~(2) When directed by title 38, the requirements of this section apply to each emissions unit that increases the actual emissions of a regulated pollutant above the portion of the netting basis attributable to that emissions unit.

~~(2)~~(3) Notice-LRAPA must provide notice of permit application-s involving AQRV analysis to EPA and Federal Land Managers as follows 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,)~~ deposition, and ozone impacts 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;

~~(b)~~

(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 date that LRAPA sent the notice required by ~~subsection paragraph A(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;

~~(e)~~

(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~~ PSD increment has been exceeded. If LRAPA agrees with the demonstration, it will not issue the permit.

~~(3)~~(4) Visibility impact analysis requirements:

(a) If ~~T~~ titles 42 or 38 requires a visibility impact analysis, the owner or operator must demonstrate that the potential to emit any regulated pollutant at an significant emission rate SER 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 conduct a visibility analysis on the Columbia River Gorge National Scenic Area if it is affected by the source;

~~(c)~~ (c) 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.~~

~~(2)~~

~~(3)~~(d) 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 [of visibility in a Class I area](#) will result. If LRAPA determines that [significant impairment of visibility in a Class I area](#) would result, it will not issue a permit for the proposed source.

~~(4)~~(5) [In consultation with the Federal Land Managers under FLAG, LRAPA may require 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,~~ [or both.](#)

~~(5)~~(6) Criteria for visibility impacts:

~~(a)~~ (a) The owner or operator of a source, ~~(where required by Title~~[title s 42 or 38,](#)~~)~~ is encouraged to demonstrate that ~~their~~[its](#) impacts on visibility satisfy the guidance criteria as referenced in the FLAG.

~~(a)~~(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 [significant impairment of visibility in a Class I area](#) would result, it will not issue a permit for the proposed source.

~~(6)~~(7) Deposition modeling may be required for receptors in PSD Class I areas [and the Columbia River Gorge National Scenic Area](#) where visibility modeling is required. This may include, but is not limited to an analysis of ~~Nitrogen-nitrogen Deposition~~[deposition](#) and ~~Sulfur-sulfur Deposition~~[deposition](#).

~~(7)~~(8) Visibility monitoring:

~~(a)~~ (a) If ~~Titles~~[title 42 or 38](#) requires 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.

~~(A)~~(b) After construction has been completed the owner or operator must conduct such visibility monitoring ~~as if~~ LRAPA requires [visibility monitoring](#) as a permit condition to establish the effect of the [regulated](#) pollutant on visibility conditions within the impacted Class I area.

~~(8)~~(9) Additional impact analysis: ~~the~~[The](#) owner or operator subject to ~~Section~~[38-0060-\(32\)](#) or ~~Section~~[38-0070-\(23\)](#) 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~~.

(10) 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~~ must be used in this recommendation. Emission offsets may also be used. If the Federal Land Manager finds that significant impairment of visibility in a Class I area would result from the proposed activities and LRAPA agrees, LRAPA will not issue a permit for the proposed source.

~~(9)~~ (11) Any analyses performed under this section must be done in compliance with 40-0030 and 40-0040, as applicable.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 41

EMISSION REDUCTION CREDITS

Section 41-0010 Applicability

This title applies to any person who wishes to create or bank an emission reduction credit in Lane County.

Section 41-0020 Definitions

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

Section 41-0030 Emission Reduction Credits

Any person who reduces emissions by implementing more stringent controls than required by a permit or an applicable regulation may create an emission reduction credit. Emission reduction credits must be created and banked within two years from the time of actual emission reduction.

- (1) Creating Emission Reduction Credits. Emission reductions can be considered credits if all of the following requirements are met:

(a) The reduction is permanent due to continuous overcontrol, curtailment or shutdown of an existing activity or device.

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(b) The reduction is in terms of actual emissions reduced at the source. The amount of the creditable reduction is the difference between the contemporaneous (any consecutive 12 calendar month period during the prior 24 calendar months) pre-reduction actual (or allowable, whichever is less) emissions and the post-reduction allowable emissions from the subject activity or device.

~~(A)~~

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~~(B)~~(c) The reduction is either:

- (A) Enforceable by LRAPA through permit conditions or rules adopted specifically to implement the reduction that make increases from the activity or device creating the reduction a violation of a permit condition, or

(B) The result of a physical design that makes such increases physically impossible.

(d) The reduction is surplus. Emission reductions must be in addition to any emissions used to attain or maintain NAAQS in the SIP.

(e) Sources in violation of air quality emission limitations may not create emission reduction credits from those emissions that are or were in violation of air quality emission limitations.

(f) Hazardous emissions reductions required to meet the MACT standards at 40 CFR part 61 and part 63, including emissions reductions to meet the early reduction requirements of section 112(i)(5), are not creditable as emission reduction credits for purposes of Major NSR in nonattainment or reattainment areas. However, any emissions reductions that are in excess of or incidental to the MACT standards are not precluded from being credited as emission reduction credits as long as all conditions of a creditable emission reduction credit are met.

(2) Banking of Emission Reduction Credits.

(a) The life of emission reduction credits may be extended through the banking process as follows:

(A) Emission reduction credits may be banked for ten (10) years from the time of actual emission reduction.

(B) Requests for emission reduction credit banking must be submitted within the 2-year (24 calendar month) contemporaneous time period immediately following the actual emission reduction. (The actual emission reduction occurs when the airshed experiences the reduction in emissions, not when a permit is issued or otherwise changed).

(b) Banked emission reduction credits are protected during the banked period from rule required reduction, if LRAPA receives the emission reduction credit banking request before LRAPA submits a notice of a proposed rule or plan development action for publication of the new rule. LRAPA may reduce the amount of any banked emission reduction credit that is protected under this section, if LRAPA determines the reduction is necessary to attain or maintain an ambient air quality standard.

(c) Emission reductions must be in the amount of ten (10) tons per year or more to be creditable for banking, except as follows:-

(A) In the Oakridge nonattainment area, PM_{2.5} emission reductions must be at least 1 ton per year.

(d) Emission reduction credits will not expire pending LRAPA taking action on a timely banking request unless the ten (10) year period available for banking expires.

(3) Using Emission Reduction Credits: Emission reduction credits may be used for:

(a) Netting actions within the source that generated the credit, through a permit modification; or

—
—

~~(C)~~(b) Offsets pursuant to the ~~New Source Review~~NSR program, ~~(LRAPA Title 38)~~ and the ~~Net Air Quality Benefit requirements of Section 40-0090~~.

(4) Emission reduction credits are considered used when a complete NSR permit application is received by LRAPA to apply the emission reduction credits to netting actions within the source that generated the credit, or to meet the offset and net air quality benefit requirements of the NSR program under 38-0500 through 38-0540.

~~(4)~~(5) Unused Emission Reduction Credits

(a) Emission reduction credits that are not used, and for which LRAPA does not receive a request for banking within the contemporaneous time period, will become unassigned emissions for purposes of the ~~Plant Site Emission Limit~~ (PSEL and are no longer available for use as external offsets).

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~~(D)~~(b) Emission ~~Reduction~~reduction credits that are not used prior to the expiration date of the credit will revert to the source that generated the credit and will be treated as unassigned emissions for purposes of the PSEL pursuant to ~~Section 42-0045~~0055 and are no longer available for use as external offsets.

~~(5)~~(6) Emission Reduction Credit (ERC) Permit

(a) LRAPA tracks ERC creation and banking through the permitting process. The holder of ERCs must maintain either an ACDP, Title V permit, or an ERC Permit.

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(b) LRAPA issues ERC Permits for anyone who is not subject to the ACDP or Title V programs that requests an ERC or an ERC to be banked.

~~(E)~~
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(c) An ERC permit will only contain conditions necessary to make the emission reduction enforceable and track the credit.

~~(F)~~

~~(G)~~(d) Requests for emission reduction credit banking must be submitted in writing to LRAPA and contain the following documentation:

(A) A detailed description of the activity or device controlled or shut down;

~~(i)~~(B) Emission calculations showing the types and amounts of actual emissions reduced, including pre-reduction actual emission and post-reduction allowable emission calculations;

~~(ii)~~(C) The date or dates of actual reductions;

~~(iii)~~(D) The procedure that will render such emission reductions permanent and enforceable;

~~(iv)~~(E) Emission unit flow parameters including but not limited to temperature, flow rate and stack height;

~~(B)~~(F) Description of short and long term emission reduction variability, (if any).

(e) Requests for emission reduction credit banking must be submitted to LRAPA within two years (24 months) of the actual emissions reduction. LRAPA must approve or deny requests for emission reduction credit banking before they are effective. In the case of approvals, LRAPA issues a permit to the owner or operator defining the terms of such banking. LRAPA insures the permanence and enforceability of the banked emission reductions by including appropriate conditions in permits and, if necessary, by recommending appropriate revisions to the ~~State Implementation Plan~~SIP.

~~(H)~~(f) LRAPA provides for the allocation of emission reduction credits in accordance with the uses specified by the holder of the emission reduction credits. The holder of ERCs must notify LRAPA in writing when they are transferred to a new owner or site. Any use of emission reduction credits must be compatible with local comprehensive plans, statewide planning goals, and state laws and rules.

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~~ PSD 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 42-0060-0035(5) or and 42-00700060~~, all ACDP and Title V sources are subject to PSELs for all regulated pollutants listed in the definition of SER in title 12. 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 quality standards;

—

—

(b) Assuring compliance with ambient air quality standards and ~~Prevention of Significant Deterioration~~ PSD increments;

~~(a)~~

—

(c) Administering offset and banking programs; and

~~(b)~~

~~(e)~~(d) Establishing the baseline for tracking the consumption of ~~Prevention of Significant Deterioration~~PSD Increments.

(3) PSELS are not required for:

~~(a)~~ ~~Pollutants~~Regulated 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~~Basic ACDPs, ~~or;~~

~~(d)~~

~~(e)~~(c) Hazardous air pollutants as listed in LRAPA ~~Title~~title 44 Table 1; high-risk pollutants listed in 40 CFR 63.74; or accidental release substances listed in 40 CFR 68.130; or air toxics listed in OAR 340 division 246; except that PSELS are required for pollutants identified in this subsection that are also listed in the definition of SER, title 12, ~~or;~~

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

~~(2)~~(4) PSELS may be ~~Generic~~generic PSELS, source specific PSELS set at the generic PSEL levels, or source specific PSELS set at source specific levels~~may be used for any category of ACDP or Title V permit.~~

~~(a)~~ A source with a generic PSEL cannot maintain a netting basis for that regulated pollutant.

~~(b)~~ A source with a source specific PSEL that is set at the generic PSEL level may maintain a netting basis for that regulated pollutant provided the source is operating under a Standard ACDP or LRAPA Title V Operating permit.

Section 42-0030 Definitions

The definitions in LRAPA ~~T~~title 12, 29-0010 and this ~~rule-section~~ apply to this title. If the same term is defined in this ~~rule-section~~ and LRAPA ~~T~~title 12 or 29-0010, the definition in this ~~rule-section~~ applies to this title.

Criteria for Establishing Plant Site Emission Limits

Section 42-~~0043-0035~~ General Requirements for Establishing ~~all~~ All PSELs

- (1) ~~No~~ PSELs may ~~allow emissions in excess of those allowed~~ not exceed limits established by any applicable federal or state regulation or by any specific permit conditions unless the source meets the specific provisions of ~~Section 32-100~~ (Alternative Emission Controls).
- (2) ~~Source-LRAPA may change source specific PSELs~~ may be changed pursuant to LRAPA's rules for permit modifications when at the time of a permit renewal, or if LRAPA modifies a permit pursuant to 37-0084, Agency Initiated Modifications, or OAR 340-218-0200, Reopenings, if:
 - (a) ~~LRAPA determines~~ Errors were made in calculating the PSELs are found or more accurate and reliable ~~better~~ data is available for calculating PSELs; or
 -
 -
 - ~~a.~~(b) More stringent control is required by a rule adopted by the ~~Commission~~ Board or EQC; ~~or~~.
- ~~(a) LRAPA modifies a permit pursuant to Section 37-0084, Modification of a Permit, or OAR 340-218-0200, Reopenings.~~
- (3) PSEL reductions required by rule, order or permit condition will be effective on the compliance date of the rule, order, or permit condition.
- ~~(3)~~(4) Annual PSELs are established apply on a rolling 12 consecutive month basis and will limit the source's potential to emit.
- (5) PSELs do not include emissions from categorically insignificant activities. Emissions from categorically insignificant activities must be considered when determining Major NSR or Type A State NSR applicability under title 38.
- ~~(4)~~(6) PSELs must include aggregate insignificant emissions, if applicable. 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.

NOTE: This rule was moved verbatim from 42-0043 and 42-0070 and amended.

Section 42-0040 Generic ~~annual~~ Annual PSEL

- (1) Sources with capacity less than the ~~Significant Emission Rate~~ (SER) will receive a ~~Generic~~ generic PSEL unless they have a netting basis and request a source specific PSEL under 42-0041.
- (2) A ~~Generic~~ generic PSEL may be used for any regulated pollutant that will be emitted at less than the SER. The netting basis for a source with a generic PSEL is zero (0).
- (~~2~~) (3) The netting basis for a source with a generic PSEL is zero for that regulated pollutant.

Section 42-0041 Source ~~specific~~ Specific ~~annual~~ Annual PSEL

- (1) For sources with potential to emit less than the SER, ~~an initial~~ the source specific PSEL will be set equal to the ~~Generic~~ generic PSEL level.
- (2) For sources with potential to emit greater than or equal to the SER, ~~an initial~~ the source specific PSEL will be set equal to the source's potential to emit, ~~or~~ netting basis or a level requested by the applicant, whichever is less, except as provided in subsection (3) or (4).
- (3) The initial source specific PSEL for PM_{2.5} for a source that was permitted on or before May 1, 2011 with potential to emit greater than or equal to the SER will be set equal to the PM_{2.5} fraction of the PM₁₀ PSEL in effect on May 1, 2011.
 - (a) Any source with a permit in effect on May 1, 2011 is eligible for an initial PM_{2.5} PSEL without being otherwise subject to 42-0041(4).
 - (b) For a source that had a permit in effect on May 1, 2011 but later needs to correct its PM₁₀ PSEL that was in effect on May 1, 2011 due to more accurate or reliable information, the corrected PM₁₀ PSEL will be used to correct the initial PM_{2.5} PSEL.
 - (A) Correction of a PM₁₀ PSEL will not by itself trigger 42-0041(4) for PM_{2.5}.
 - (~~4~~) (B) Correction of a PM₁₀ PSEL could result in further requirements for PM₁₀ in accordance with all applicable regulations.
 - (c) If after establishing the initial PSEL for PM_{2.5} in accordance with this rule and establishing the initial PM_{2.5} netting basis in accordance with 42-0046, the PSEL

is more than nine tons above the netting basis, any future increase in the PSEL for any reason would be subject to 42-0041(4).

~~(2)~~(4) If an applicant wants an annual PSEL at a rate greater than the netting basis, the applicant must, consistent with 42-0035:

(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, demonstrate that the applicable Major NSR or State NSR requirements in ~~but not subject to New Source Review (LRAPA Title 38):~~ have been satisfied, except that an increase in the PSEL for GHGs is subject to the requirements of NSR specified in 38-0010(1)(c) only if the criteria in 38-0010(1)(c) are met.

~~(10)~~

(5) If the netting basis is adjusted in accordance with 42-0051(3), then the source specific PSEL is not required to be adjusted.

(6) For sources that meet the criteria in paragraphs (a), (b) and (c), the requirements of 42-0041(4) do not immediately apply, but any future increase in the PSEL greater than or equal to the de minimis level for any reason is subject to 42-0041(4).

(a) A PSEL is established or revised to include emissions from activities that both existed at a source and were defined as categorically insignificant activities prior to January 11, 2018;

(b) The PSEL exceeds the netting basis by more than or equal to the SER solely as a result of a revision described in paragraph (a); and

(c) The source would not have been subject to Major NSR or Type A State NSR under the applicable requirements of title 38 prior to January 11, 2018 if categorically insignificant activities had been considered.

~~1) If located within an area designated as nonattainment in LRAPA Title 29, 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 29, 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.~~
- ~~(b) 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 an established short term SER that is measured over an averaging period less than a full year (LRAPA Title 12 Table 3), PSELs are required on a short term basis for those regulated 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 new and existing sources with potential to emit less than the short term SER, the short term PSEL will be set equal to the level of the short term generic PSEL.
 - (b) For existing sources with potential to emit greater than or equal to the short term SER, a short term PSEL will be set equal to the source's short term potential to emit or to the current permit's short term PSEL, whichever is less.

~~—, 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.~~
 - ~~(4)(c) For new sources with potential to emit greater than or equal to the short term SER, the initial short term PSEL will be set at the level requested by the applicant provided the applicant meets the requirements of paragraph (2)(b) zero (0).~~
- (2) If a permittee requests an increase in an applicant wants a short term PSEL that will exceed the short term netting basis by an amount equal to or at a rate greater than the initial short term PSEL SER, the applicant-permittee must satisfy the requirements of

paragraphs (a) or (b). In order to satisfy the requirements of paragraph (a) or (b), the short term PSEL increase must first be converted to an annual increase by multiplying the short term increase by 8,760 hours, 365 days, or 12 months, depending on the term of the short term PSEL.

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~~(1)~~

~~(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:~~

~~(a) Obtain offsets in accordance with the offset provisions for the designated area as specified in 38-0510 through 38-0530, as applicable; or and demonstrate a net air quality benefit in accordance with Section 40-0090;~~

~~a.~~

~~b.~~ (b) Obtain an allocation from an available growth allowance in accordance with the applicable maintenance plan; ~~or.~~

~~1) 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).~~

~~2) For federal major sources, demonstrate compliance with air quality related values (AQRV) protection in accordance with Section 40-0070.~~

~~(2)~~ (3) Once the short term PSEL is increased pursuant to subsection (2.) of this rule, the increased level becomes the basis initial short term PSEL for evaluating future increases in the short term PSEL evaluations.

Section 42-0046 Netting Basis

- ~~• “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 MINUS any emissions reductions required by subsection G. of this section.~~
- (1) A netting basis will only be established for those regulated pollutants that could subject a source to NSR under title 38 as specified in the definition of regulated pollutant.

(a) The initial PM_{2.5} netting basis ~~and PSEL~~ for a source that was permitted prior to May 1, 2011 will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.

~~○ The initial netting basis is the PM_{2.5} fraction of the PM₁₀ netting basis in effect on May 1, 2011. LRAPA may increase the initial PM_{2.5} netting basis by up to 5 tons if necessary to avoid exceedance of the PM_{2.5} significant emission rate as of May 1, 2011.~~

~~○ Notwithstanding Section 42-0041-2, the initial source specific PSEL for a source with PTE greater than or equal to the SER will be set equal to the PM_{2.5} fraction of the PM₁₀ PSEL.~~

• (b) The initial ~~GHG~~ greenhouse gas netting basis ~~and PSEL~~ for a source will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.

(2) A source's netting basis is established as specified in paragraph (a), (b), or (c) and will be adjusted according to subsection (3):

(a) For all regulated pollutants except for PM_{2.5}, a source's initial netting basis is equal to the baseline emission rate.

(b) For PM_{2.5}, a source's initial netting basis is equal to the overall PM_{2.5} fraction of the PM₁₀ PSEL in effect on May 1, 2011 multiplied by the PM₁₀ netting basis in effect on May 1, 2011. LRAPA may increase the initial PM_{2.5} netting basis by not more than 5 tons to ensure that the PM_{2.5} PSEL does not exceed the PM_{2.5} netting basis by more than the PM_{2.5} SER.

(A) Any source with a permit in effect on May 1, 2011 is eligible for a PM_{2.5} netting basis without being otherwise subject to 42-0041(4).

(B) For a source that had a permit in effect on May 1, 2011 but later needs to correct its PM₁₀ netting basis that was in effect on May 1, 2011, due to more accurate or reliable information, the corrected PM₁₀ netting basis will be used to correct the initial PM_{2.5} netting basis.

(i) Correction of a PM₁₀ netting basis will not by itself trigger 42-0041(4) for PM_{2.5}.

(ii) Correction of a PM₁₀ netting basis could result in further requirements for PM₁₀ in accordance with all applicable regulations.

(c) ~~Netting~~ A source's netting basis is zero for:

~~D. Netting basis is zero for:~~

(A) 1.—Any regulated pollutant emitted from a source that first obtained a permits to construct and operate after the applicable baseline period for that regulated pollutant, and has not undergone ~~New Source Review~~NSR for that regulated pollutant except as provided in paragraph (2)(b) for PM_{2.5};

(B) 2.—Any regulated pollutant that has a generic PSEL in a permit; or

(C) 3.—Any source permitted as portable; ~~or.~~

(3) A source's netting basis will be adjusted as follows:

(a) The netting basis will be reduced by any emission reductions required under a rule, order, or permit condition issued by the Board or LRAPA and required by the SIP or used to avoid any state (e.g., NSR) or federal requirements (e.g., NSPS, NESHAP), as of the effective date of the rule, order or permit condition;

(A) Netting basis reductions are effective on the effective date of the rule, order or permit condition that requires the reductions;

(B) Netting basis reductions may only apply to sources that are permitted, on the effective date of the applicable rule, order or permit condition, to operate the affected devices or emissions units that are subject to the rule, order, or permit condition requiring emission reductions;

(C) Netting basis reductions will include reductions for unassigned emissions for devices or emissions units that are affected by the rule, order or permit condition, if the shutdown or over control that created the unassigned emissions occurred within five years prior to the adoption of the rule, order or permit condition that required an emission reduction unless the unassigned emissions have been used for internal netting actions. This provision applies to emission reductions that have been placed in unassigned emissions or that are eligible to be placed in unassigned emissions but the permit that would place them in unassigned emissions has not been issued.

(D) Netting basis reductions will not affect emission reduction credits established under title 41.

(E) Netting basis reductions for the affected devices or emissions units will be determined consistent with the approach used to determine the netting basis prior to the regulatory action reducing the emissions. The netting basis reduction is the difference between the emissions calculated using the previous emission rate and the emission rate established by rule, order, or permit using appropriate conversion factors when necessary.

- (F) ~~Emission~~ The netting basis reductions ~~required by rule do~~ will not include emissions reductions achieved under ~~Section 32-006, and Section 32-007, or title 44;~~
- (b) The netting basis will be reduced by any unassigned emissions that are reduced under 42-0055(3)(a);
- (c) The netting basis will be reduced by the amount of emission reduction credits transferred off site in accordance with title 41;
- (d) The netting basis will be reduced when actual emissions are reduced according to 42-0051(3);
- (e) The netting basis will be increased by any of the following:
- (A) For sources that obtained a permit on or after January 11, 2018, any emission increases approved through Major NSR or Type A State NSR action under title 38;
- (B) For sources that obtained a permit prior to January 11, 2018, any emission increases approved through the NSR regulations in title 38 in effect at the time; or
- (C) For sources where the netting basis was increased in accordance with the LRAPA PSD rules that were in effect prior to July 1, 2010, the netting basis may include emissions from emission units that were not subject to both an air quality analysis and control technology requirements if the netting basis had been increased following the rules in effect at the time.
- (f) The netting basis will be increased by any emissions from activities previously classified as categorically insignificant prior to January 11, 2018, provided the activities existed during the baseline period or at the time of the last NSR permitting action that changed the netting basis under paragraph (e).
- (4) In order to maintain the netting basis, permittees must maintain either a Standard ACDP or an LRAPA Title V Operating Permit. A request to be assigned any other type of ACDP sets the netting basis at zero upon issuance of the other type of permit and remains at zero unless an increase is approved under paragraph (3)(e).
- (5) If a source relocates to ~~an adjacent~~ a different site that LRAPA determines is within or affects the same airshed, 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.
- (6) A source's ~~N~~netting basis for a regulated pollutant with a revised definition will be ~~adjusted-corrected~~ if the source is ~~emitting the~~ regulated pollutant at the time ~~of redefining the definition is revised~~ and the regulated pollutant is included in the ~~permit's~~ source's netting basis.

(7) Where EPA requires an attainment demonstration based on dispersion modeling, the netting basis ~~will~~ must not 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).

~~4. Any source with a netting basis calculation resulting in a negative number.~~

~~E.—~~

~~F.— 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.~~

~~G. For permits issued after May 1, 2011 under New Source Review regulations in title 38, and where the netting basis initially equaled the potential to emit for a new or modified source, the netting basis will be reduced in accordance with the definition of actual emissions. Notwithstanding Section 42-0041-2, this adjustment does not require a reduction in the PSEL.~~

~~H.—~~

~~I.~~

NOTE: This section was moved verbatim from title 12 and amended.

~~J.—~~

Section 42-0048 Baseline Period and Baseline Emission Rate

(1) "BThe baseline Pperiod" used to calculate the baseline emission rate is either~~means.:~~

• ~~—~~

(a) For any regulated pollutant other than GHG and PM_{2.5}, 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.

• ~~—~~ For GHGs,

(b) A~~any~~ consecutive 12 calendar month period during calendar years 2000 through 2010 ~~for GHGs.~~

• (c) —For a pollutant that becomes a regulated pollutant subject to title 38 after May 1, 2011, any consecutive 12 calendar month period within the 24 months immediately preceding the pollutant's designation as a regulated pollutant if a baseline period has not been defined for the regulated pollutant.

(2) A baseline emission rate will only be established for those regulated pollutants subject to title 38 ~~as specified in the definition of regulated pollutant.~~

(3) A baseline emission rate will not be established for PM_{2.5}.

(4) The baseline emission rate for GHGs, on a CO₂e basis, will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.

(5) For a pollutant that becomes a regulated pollutant subject to title 38 after May 1, 2011, the initial baseline emission rate is the actual emissions of that regulated pollutant during ~~any consecutive 12 month period within the 24 months immediately preceding its designation as a regulated pollutant if a baseline period has not been defined for the pollutant.~~ the baseline period.

(6) The baseline emission rate will be recalculated only under the following circumstances:

(a) For GHGs, if actual emissions are reset in accordance with ~~the definition of actual emissions~~ 42-0051(3).

(b) ~~Once the baseline emission rate has been established or recalculated in accordance with subsection D. of this section, the production basis for the baseline emission rate may only be changed if~~ a material mistake or an inaccurate statement was made in establishing the production basis for the baseline emission rate.;

(c) If a more accurate or reliable emission factor is available; or

(d) If emissions units that were previously not included in baseline emission rate must be included as a result of rule changes.

(7) The baseline emission rate is not affected if emission reductions are required by rule, order, or permit condition.

● NOTE: This section was moved verbatim from title 12 and amended.

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

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Section 42-0051 Actual Emissions

~~10. "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:~~

(1) ~~A. For determining~~ A source's actual emissions as of the baseline period are the sum total of the actual emissions from each part of the source for each regulated pollutant. The actual emissions as of the baseline period will be determined to be:

~~(a) (1)~~ Except as provided in paragraphs ~~(2b)~~ and ~~(3c)~~ ~~of this subsection~~ and subsection ~~(B2)~~ ~~of this section~~, ~~actual emissions equal~~ the average rate at which the source actually emitted the regulated pollutant during normal source operations over an applicable baseline period ~~and that represents normal source operation~~;

~~(b) (2)~~ ~~LRAPA presumes that~~ ~~t~~ 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 applicable baseline period if it is such~~ emissions are within 10 ~~percent~~ % of the actual emissions calculated under paragraph ~~(1a)~~ ~~of this subsection~~; or

~~(c)~~ ~~Actual emissions equal~~ ~~t~~ The potential to emit of the source ~~for the sources listed or part of a source as specified in subparagraphs i.(A) and (B) through iii. of this paragraph~~. The actual emissions will be reset if required in accordance with subsection ~~C(3)~~ ~~of this section~~.

~~(A)~~ Any source or part of a source that had not begun normal operations during the applicable baseline period but was approved to construct and operate before or during the baseline period in accordance with LRAPA title 34, or 37, or was not required to obtain approval to construct and operate before or during the applicable baseline period; or

~~(B)~~ Any source or part of a source ~~of that will emit~~ greenhouse gases that had not begun normal operations prior to January 1, 2010, but was approved to construct and operate prior to January 1, 2011 in accordance with LRAPA title 34, ~~or~~ or 37.

(2) For any source or part of a source or any modification of a source or part of a source that had not begun normal operations during the applicable baseline period, but was approved to construct and operate in accordance with LRAPA title 34, 37 or 38, actual emissions of the source or part of the source equal the potential to emit of the source or part of the source on the date source or part of the source was approved to construct and operate ~~the permit is issued equal the potential to emit of the source. The actual emissions will be reset if required in accordance with subsection C. of this section.~~

(3) For any source or part of a source whose actual emissions of greenhouse gases were determined pursuant to subparagraph (1)(c)(B), and for all other sources of all other regulated pollutants that are permitted in accordance with the Major NSR rules in title 38 on or after May 1, 2011, the potential to emit of the source or part of the source will be reset to actual emissions as follows:

(a) Except as provided in paragraph (4b) ~~of this subsection~~, ten years from the end of the applicable baseline period under subparagraph A(3)(1)(c)(B) or ten years from the date the permit is issued under subsection B(2), or an earlier time if requested by the source in a permit application involving public notice, LRAPA will reset actual emissions of the source or part of the source to equal the highest actual emission rate during any consecutive 12-month period during the ten year period or any shorter period if requested by the source. Actual emissions are determined as follows:

(A) The owner or operator must select a consecutive 12-month period and the same 12-month period must be used for all affected regulated pollutants and all affected devices or emissions units; and

(B) The owner or operator must determine the actual emissions during that 12-month period for each device or emissions unit that was subject to Major NSR or Type A State NSR action under title 38, or for which the baseline emission rate is equal to the potential to emit.

~~a.(b)~~ LRAPA may extend the date of resetting by five additional years upon satisfactory demonstration by the source that construction is ongoing or normal operation has not yet been achieved.

(c) Any emission reductions achieved due to enforceable permit conditions based on ~~Section 32-006 and 32-007 (highest and best practicable treatment and control)~~ are not included in the reset calculation required in paragraph (2a) ~~of this subsection~~.

(4) Regardless of the PSEL compliance requirements specified in a permit, actual emissions from a source or part of a source may be calculated for any given 12 consecutive month period using data that is considered valid and representative of the source's or part of a source's emissions. Actual emissions must be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

~~Any source or part of a source that had not begun normal operations during the applicable baseline period and was not required to obtain approval to construct and operate before or during the applicable baseline period.~~

~~B.—~~

~~C.— Where actual emissions equal potential to emit under paragraph A(3) or subsection B of this section, the potential emissions will be reset to actual emissions as follows:~~

- ~~• Paragraphs (1) through (4) of this subsection apply to sources whose actual emissions of greenhouse gas emissions were determined pursuant to paragraph A(3), and to all other sources of all other regulated pollutants that are permitted in accordance with title 38 on or after May 1, 2011.~~

~~•~~

~~•~~

NOTE: This rule was moved verbatim from title 12 and amended.

~~D. 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.~~

~~E. 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.~~

Section 42-~~0045~~-0055 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.

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~~e.~~(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)~~ (c) of this section, unassigned emissions will be reduced to not more than the SER (LRAPA Title 12 – [General Provisions and Definitions Table 2](#)) on July 1, 2010 and at each permit renewal following ~~this~~ that date.

—
—

(b) The netting basis is reduced by the amount that unassigned emissions are reduced.

~~(6)~~
—

~~7)(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)~~ An existing source may use ~~Unassigned emissions may be used~~ for internal netting to allow an emission increase ~~at the existing source~~ in accordance with the permit.

~~(b)~~ A source may not bank unassigned emissions ~~may not be banked~~ or transferred ~~them~~ to another source.

~~(3)~~

~~(4)(c)~~ A source may not use ~~E~~missions that are removed from the netting basis, including emission reductions required by rule, order or permit condition under 42-0046(3)(a)(C). ~~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 regulated pollutant ~~in LRAPA Title 12 Table 2.~~

NOTE: This rule was moved verbatim from 42-0045 and amended.

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

~~(a)~~ (1) LRAPA may establish PSELs for hazardous air pollutants (HAPs) if an owner or operator requests that LRAPA:

~~(a)~~ Elects to eEstablish a PSEL for combined HAPs emitted for purposes of determining emission fees as prescribed in OAR 340 division 220; or

~~(10)(b)~~ Asks LRAPA to eCreate an enforceable PTE limit.

~~(b)~~ (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

—
(a)(b) The level the permittee establishes necessary for the source if greater than the generic PSEL.

(1)(3) The Aalternative Eemissions Ccontrols (Bbubble) 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 regulated 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.

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(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~~ that will be used to determine 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)~~(4) Depending on source operations, one or more of the following methods may be acceptable:

(a) Continuous emissions monitors,

~~(b)~~

(b) Material balance calculations,

~~(2)~~

(c) Emissions calculations using approved emission factors and process information,

~~(3)~~

(d) Alternative production or process limits, and

~~(4)~~

~~(5)~~(e) Other methods approved by LRAPA.

(5) 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.

(6) Regardless of the PSEL compliance requirements specified in a permit, actual emissions may be calculated in accordance with 42-0051(4).

Section 42-0090 Combining and Splitting Sources and Changing Primary SIC Code

(1) Two or more sources may combine into one source if the criteria in paragraph (a) are met. When two or more sources combine into one source under this rule, the combined source is subject to the criteria in paragraph (b).

~~b.~~(a) When ~~Two or more sources may combine into one source~~ only if all of the following criteria are met:

(A) All individual sources that are being combined must be located within or impact the same airshed; and

~~(e)~~(B) The combined source must have the same primary 4-digit SIC code as at least one of the individual sources that are being combined.~~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, subject to the following~~except:~~

(A) The combined source netting basis is the sum of the individual sources' netting basis, provided that the netting basis of any individual source being combined may only be included in the combined source's netting basis if that individual source has a primary or secondary 2-digit SIC code that is the same as the primary or a secondary 2-digit SIC code of the combined source.

~~a.~~(B) The simple act of combining sources, without an increase over the combined PSEL, does not subject the combined source to ~~New Source Review~~ Major NSR or State NSR.

~~b.~~(C) 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~~ NSR until such time that the source requests an increase in the PSEL is requested or the source is modified. If a source requests an increase in the PSEL is requested or the source is modified, LRAPA will evaluate whether ~~New Source Review~~ NSR applies~~will be required.~~

(2) When one source is split into two or more separate sources, or when a source changes its primary activity (primary 2-digit SIC code):

(a) The netting basis and SER may be transferred to one or more resulting source or sources only if:

(A) The primary 2-digit SIC code of the resulting source is the same as one of the primary or secondary 2-digit SIC codes that applied at the original source; or

(B) The resulting source and the original source have different primary 2-digit SIC codes but LRAPA determines the activities described by the two different primary 2-digit SIC codes are essentially the same.

~~e.~~

(b) The netting basis and the SER for the original source is split amongst the ~~new~~ resulting sources as requested by the original permittee.

(c) The amount of the netting basis that is transferred to the resulting source or sources may not exceed the potential to emit of the existing devices or emissions units involved in the split.

—

—

(d) The split of netting basis and SER must either:

~~a.~~—

—

(A) Be sufficient to avoid ~~New Source Review~~ NSR for each of the newly created sources; or

~~1)~~—

—

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

~~(1)~~(3) The owner or operator of the source, device or emissions unit must maintain records of physical changes and changes in the method of operation occurring since the baseline period or most recent Major NSR or Type A State NSR action under title 38. These records must be included in any future evaluation under 38-0025 (major modification).

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 48

RULES FOR FUGITIVE EMISSIONS

Section 48-001 General Policy

In order to restore and maintain Lane County air quality in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the county, it is the policy of ~~the Lane Regional Air Protection Agency~~ LRAPA to require the application of reasonable measures to minimize fugitive emissions to the greatest extent practicable.

Section 48-005 Definitions

The definitions in title 12, 29-0010 and this section apply to this title. If the same term is defined in this title and title 12 or 29-0010, the definition in this section applies to this title.

- (1) “Abate” means to eliminate the fugitive emissions 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.

~~(See Title 12, Definitions)~~

Section 48-010 General Applicability

- (1) Except for agricultural activities which are exempted by state statute, ~~these rules~~ this title apply to all sources of fugitive emissions within Lane County.

- ~~(1)~~(2) Examples of sources affected by these rules are:

~~2.~~

(a) Construction activities including land clearing and topsoil disturbance;

~~(a)~~

(b) ~~B.~~ Demolition activities;

~~—~~
~~—~~

(c) ~~C.~~ Unpaved traffic areas and parking lots where there are nuisance conditions;

~~—~~

~~(d) D.~~ Material handling and storage operations;

~~(e) E.~~ Mining and yarding activities including access and haul roads;

~~(f) F.~~ Storage piles of dusty materials;

~~(g) G.~~ Manufacturing operations.

Section 48-015 General Requirements for Fugitive Emissions

~~(1) No person shall cause, suffer, allow or permit any materials to be handled, transported, or stored; or a building, its appurtenances, or a road to be used, constructed, altered, repaired or demolished; or any equipment to be operated, without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, but not be are not limited to the following: ~~1. When fugitive emissions escape from a building or equipment in such a manner and amount as to violate any regulation, the Director may, in addition to other means of obtaining compliance, order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that air contaminants are controlled or removed before discharge to the open air. Fugitive emissions creating a nuisance shall be regulated by Title 49 of these rules.~~~~

~~This section was amended 10/09/01~~

~~2.~~

~~(6)(a)~~ Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;

~~(7)(b)~~ Application of ~~asphalt, approved road oil,~~ water, or other suitable chemicals on unpaved roads, material stockpiles, and other surfaces which can create airborne dusts;

~~(8)(c)~~ Full or partial enclosure of materials stockpiles in cases where application of ~~oil,~~ water or other suitable chemicals is not sufficient to prevent particulate matter from becoming airborne;

~~(9)~~(d) Installation and use of hoods, fans and fabric filters to enclose and vent the handling of dusty materials;

~~(10)~~(e) Adequate containment during sandblasting or other similar operations;

~~(11)~~(f) The covering of moving, open-bodied trucks transporting materials likely to become airborne;

(g) The prompt removal from paved streets of earth or other material which does or may become airborne.

~~(12)~~

(2) When fugitive particulate emissions escape from an air contaminant source, a building or equipment in such a manner and amount as to violate any regulation, the Director LRAPA may, ~~in addition to other means of obtaining compliance,~~ order the owner or operator to abate the emissions. In addition to other means, LRAPA may order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that air contaminants are controlled or removed before discharge to the open air.

(a) For purposes of this section, fugitive emissions are visible emissions that leave the property of a source for a period or periods totaling more than 18 seconds in a six minute period. The minimum observation time must be at least six minutes unless otherwise specified in a permit.

(b) Fugitive emissions are determined by EPA Method 22 at the downwind property boundary.

~~Fugitive emissions creating a nuisance shall be regulated by Title 49 of these rules.~~

(3) If requested by LRAPA, the owner or operator must develop a fugitive emission control plan, including but not limited to the work practices in subsection (1), that will prevent any visible emissions from leaving the property of a source for more than 18 seconds in a six-minute period following the procedures of EPA Method 22.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 49

NUISANCE CONTROL REQUIREMENTS

Section 49-005 Definitions

~~The D~~definitions in title 12 and this section apply to this title. ~~If the same of words or terms used is defined in Title 49 this title can be found in and LRAPA Title 12, "Definitions."~~title 12, the definition in this section applies to this title.

- (1) "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.
- (2) "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.

Section 49-010 Nuisance Prohibited

- (1) ~~1.~~—No person may cause or allow air contaminants from any source subject to regulation by LRAPA to cause a nuisance.
- (2) Upon determining that a nuisance may exist, LRAPA will provide written notice to the person creating the suspected nuisance. LRAPA will endeavor to resolve observed nuisances in keeping with the policy outlined in ~~Section~~ 15-001. If LRAPA subsequently determines that a nuisance exists under ~~Section~~ 49-020 and proceeds with a formal enforcement action pursuant to ~~Title~~ title 15, the first day for determining penalties will be no earlier than the date of this written notice.

~~2.~~—

Section 49-020 Determining Whether a Nuisance Exists

- (1) ~~1.~~—In determining whether a nuisance exists, LRAPA may consider factors including, but not limited to, the following:
 - (a) ~~A.~~—Frequency of the emissions;
 - (b) Duration of the emissions;
 - (c) Strength or intensity of the emissions, odors, or other offending properties of the emissions;

- (d) Number of people impacted;
- (e) The suitability of each party's use to the character of the locality in which it is conducted;
- (f) Extent and character of the harm to complainants; and
- (g) The source's ability to prevent or avoid harm.

~~B.~~

~~C.~~

~~D.~~

~~E.~~ _____

~~F.~~

~~G.~~

(2) Compliance with a ~~B~~best ~~W~~work ~~P~~practices ~~A~~agreement that identifies and abates a suspected nuisance constitutes compliance with ~~Section~~ 49-010 for the identified nuisance. For sources subject to ~~Title~~ ~~34~~37-0020 or ~~OAR~~ 340-218-0020, compliance with specific permit conditions that results in the abatement of a nuisance associated with an operation, process or other pollutant-emitting activity constitutes compliance with ~~Section~~ 49-010 for the identified nuisance. For purposes of this section, "permit condition" does not include the general condition prohibiting the creation of nuisances.

~~2.~~

49-030 Best Work Practices Agreement

(1) ~~1.~~—A person may voluntarily enter into an agreement with LRAPA to implement specific practices to abate the suspected nuisance. This agreement may be modified by mutual consent of both parties. This agreement will be an Order for the purposes of enforcement under ~~Title~~ ~~title~~ 15.

(2) For any source subject to ~~T~~itle ~~34~~37, the conditions outlined in the ~~B~~best ~~W~~work ~~P~~practices ~~A~~agreement will be incorporated into the permit at the next permit renewal or modification.

(3) This agreement will remain in effect unless or until LRAPA provides written notification to the person subject to the agreement that:

(a) The agreement is superseded by conditions and requirements established later in a permit;

(b) LRAPA determines the activities that were the subject of the agreement no longer occur;
or

~~(a)~~(c) LRAPA determines that further reasonably available practices are necessary to abate the suspected nuisance.

~~2.—~~

~~3.—~~

~~A.—~~

~~B.—~~

~~C.—~~

(4) The agreement will include one or more specific practices to abate the suspected nuisance. The agreement may contain other requirements including, but not limited to:

~~(b)~~(a) Monitoring and tracking the emissions of air contaminants;

~~(e)~~(b) Logging complaints and the source's response to the complaints; and

(c) Conducting a study to propose further refinements to best work practices.

~~A.—~~

~~B.—~~

~~C.—~~

(5) LRAPA will consult, as appropriate, with complainants with standing in the matter throughout the development, preparation, implementation, modification and evaluation of a ~~B~~best ~~W~~work ~~P~~practices ~~A~~agreement. LRAPA will not require that complainants identify themselves to the source as part of the investigation and development of the ~~B~~best ~~W~~work ~~P~~practices ~~A~~agreement.

~~5.—~~

Section 49-040 Masking of Emissions

~~No person may cause or permit the installation or use of any device or use of any means designed to mask the emission of an air contaminant that causes or is likely to cause detriment to health, safety, or welfare of any person or otherwise violate any other regulation or requirement. [Note: This section was moved to 32-050]~~

Section 49-050 General

~~1. Domestic residences of four or fewer family living units are exempt from the requirements of Title 49.~~

~~2. Compliance with any of the requirements of Title 49 does not preclude required compliance with any other requirement of the LRAPA's Rules and Regulations.~~

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 50

AMBIENT AIR STANDARDS AND PSD INCREMENTS

Section 50-001 Definitions

The definitions in [Title-title 12, 29-0010](#), and this [rule-section](#) apply to this title. If the same term is defined in this [rule-section](#) and [Title-title 12 or 29-0010](#), the definition in this [rule-section](#) 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](#).~~

~~(a)~~[\(1\)](#) "Approved Method" means an analytical method for measuring air contaminant concentrations described or referenced in 40 CFR [part 50](#) and Appendices. These methods are approved by LRAPA.

~~(b) "Baseline Concentration" means:~~

~~a.—The ambient concentration level for sulfur dioxide and PM₁₀ that existed in an area during the calendar year 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.~~

~~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.~~

~~(e)~~[\(2\)](#) "Oregon [S](#)standard [M](#)method" means any method of sampling and analyzing for an air contaminant approved by LRAPA. Oregon standard methods are kept on file by LRAPA [and include all methods described in the DEQ Source Sampling Manual and the DEQ Continuous Monitoring Manual referenced in OAR 340-200-0035\(2\) and \(3\), respectively.](#)

~~(3) "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. [No source may cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact level.](#)
- (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

- ~~(2)~~(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.

~~(a)~~

~~(b)~~

Section 50-015 Suspended Particulate Matter

(1) ~~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:

(a) ~~A. 15~~12 $\mu\text{g}/\text{m}^3$ of $\text{PM}_{2.5}$ as a 3-year average of the annual arithmetic mean. This standard is attained when the annual arithmetic mean concentrations is equal to or less than ~~15~~12 $\mu\text{g}/\text{m}^3$ as determined in accordance with ~~A~~ appendix N of 40 CFR part 50.

(b) 35 $\mu\text{g}/\text{m}^3$ of $\text{PM}_{2.5}$ as a 3-year average of annual 98th percentile 24-hour average values recorded at each monitoring site. This standard is attained when the 3-year average of annual 98th percentile 24-hour average concentrations is equal to or less than 35 $\mu\text{g}/\text{m}^3$ as determined in accordance with ~~A~~ appendix N of 40 CFR part 50.

~~—B.—~~

(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:

~~2.—~~

(a) 150 $\mu\text{g}/\text{m}^3$ 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 above 150 $\mu\text{g}/\text{m}^3$, as determined in ~~A~~ appendix K of 40 CFR part 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) ~~1.~~ Concentrations of sulfur dioxide ~~at a location meeting in~~ ambient air ~~monitoring site criteria, and~~ as measured by an approved method for each averaging time, ~~shall must~~ not exceed the following concentrations:

(a) Annual average: 0.02 ppm as an annual arithmetic mean for any calendar year at any site as measured by the reference method described in appendix A of 40 CFR part 50 or by an equivalent method designated in accordance with 40 CFR part 53.;

(b) 24-hour average: 0.10 ppm as a 24-hour average concentration more than once per year at any site as measured by the reference method described in appendix A of 40 CFR part 50 or by an equivalent method designated in accordance with 40 CFR part 53.;

(c) 3-hour average: 0.50 ppm as a 3-hour average concentration more than once per year at any site as measured by the reference method described in appendix A of 40 CFR part 50 or by an equivalent method designated in accordance with 40 CFR part 53.

(d) 1-hour average: 0.075 ppm as a three-year average of the annual 99th percentile of the daily maximum 1-hour average concentration recorded at any monitoring site as determined by appendix T of 40 CFR part 50 as measured by a reference method based on appendix A or A-1 of 40 CFR part 50, or by a Federal Equivalent Method (FEM) designated in accordance with 40 CFR part 53.

~~A.—~~

~~B.—~~

~~C.—~~

Section 50-030 Carbon Monoxide

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

~~2.—~~

(a) ~~A.~~9 ppm as an 8-hour average concentration more than once per year at any site;

(b) 35 ppm as a 1-hour average concentration more than once per year at any site.

~~B.—~~

Section 50-035 Ozone

(1) Concentrations of ozone in ambient air as measured by an approved method must not exceed ~~0.08-070~~ 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 ~~0.08-070~~ as determined by the method of ~~A~~ appendix I, 40 CFR part 50.

Section 50-040 Nitrogen Dioxide

(1) Concentrations of nitrogen dioxide ~~at a location meeting ambient air monitoring site criteria, and~~ as measured by an ~~approved~~ reference method based on appendix F of 40 CFR part 50 or

by a Federal equivalent method (FEM) designated in accordance with 40 CFR part 53 must not exceed:

- (a) 0.053 ppm as an annual average concentration for any calendar year at any site. The standard is met when the annual average concentration in a calendar year is less than or equal to 0.053 ppm, as determined in accordance with appendix S of 40 CFR part 50 for the annual standard.
- (b) 0.100 ppm as a 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations recorded at any monitoring site. The standard is met when the three-year average of the annual 98th percentile of the daily maximum 1-hour average concentration is less than or equal to 0.100 ppm, as determined in accordance with appendix S of 40 CFR part 50 for the 1-hour standard.
- (c) 0.053 ppm as an annual arithmetic mean concentration as determined in accordance with appendix S of 40 CFR part 50. The secondary standard is attained when the annual arithmetic mean concentration in a calendar year is less than or equal to 0.053 ppm, rounded to three decimal places (fractional parts equal to or greater than 0.0005 ppm must be rounded up). To demonstrate attainment, an annual mean must be based upon hourly data that are at least 75 percent complete or upon data derived from manual methods that are at least 75 percent complete for the scheduled sampling days in each calendar quarter.

~~-, shall not exceed 0.053 ppm as an annual arithmetic mean.~~

Section 50-045 Lead

~~(1) The lead concentration of lead at a location meeting ambient air monitoring site criteria, and as measured by an approved method, shall not exceed 1.5 ug/m³ as an arithmetic average concentration of all samples collected at that location during any one calendar quarter and its compounds in ambient air must not exceed:~~

- (a) 0.15 micrograms per cubic meter as a maximum arithmetic mean averaged over a calendar quarter, as measured by a reference method based on appendix G of 40 CFR part 50 or an equivalent method designated in accordance with 40 CFR part 53.
- (b) The standard is met when the maximum arithmetic 3-month mean concentration for a 3-year period, as determined in accordance with appendix R of 40 CFR part 50, is less than or equal to 0.15 micrograms per cubic meter.

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~~FCAA Amendments of 1977.
- (2) LRAPA will review the adequacy of the ~~State Implementation Plan~~SIP on a periodic basis and within 60 days of such time as information becomes available that an applicable

increment is being violated. Any ~~Plan-SIP~~ revision resulting from the reviews will be subject to the opportunity for public hearing in accordance with procedures established in the ~~Plan-SIP~~.

Section 50-055 Ambient Air PSD 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 aggregate increases in regulated pollutant concentration over the baseline concentration, as defined in LRAPA Title 40-0020, are less than the PSD increments or maximum allowable increases ~~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 or PSD increment may be exceeded during one such period per year at any one location.

Table 1 LRAPA Section 50-055 Maximum Allowable Increase Micrograms per cubic meter	
CLASS I	
<i>POLLUTANT</i>	<i>Micrograms per cubic meter</i>
Particulate Matter: PM ₁₀ , Annual A arithmeti c M mean	4
PM ₁₀ , 24-hour maximum	8
¹ PM _{2.5} , Annual arithmetic mean	1
¹ PM _{2.5} , 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	
<i>Pollutant</i>	<i>Micrograms per cubic meter</i>
Particulate Matter: PM ₁₀ , Annual A arithmeti c M 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	
<i>Pollutant</i>	<i>Micrograms per cubic meter</i>
Particulate Matter: PM ₁₀ , A annual A arithmetic M 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

Section 50-060 Ambient Air Ceilings

~~1~~(1) No concentration of a pollutant may exceed:

- (a) The concentration permitted under the national secondary ambient air quality standard;
- (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.

Section 50-065 Ambient Air Quality Impact Levels for Maintenance Areas

(1) The following ambient air quality impact levels apply to the areas specified for the purpose of the air quality analysis in 38-0060 and 38-0260, if required:

(a) In a carbon monoxide maintenance area, 0.5 mg/m³ (8 hour average) and 2 mg/m³ (1-hour average).

(b) In a PM₁₀ maintenance area:

(A) 120 ug/m³ (24-hour average) in the Eugene-Springfield PM₁₀ maintenance area;

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 51

AIR POLLUTION EMERGENCIES

Section 51-005 Introduction

51-005, 51-015, and OAR 340-206-0060 are effective within priority I and II air quality control regions (AQCR) as defined in 40 CFR part 51, subpart H (1995), when the AQCR contains a nonattainment area listed in 40 CFR part 81. All other rules in this title are equally applicable to all areas of the Lane County. ~~1.—~~ Notwithstanding any other ~~rule-regulation~~ or standard, ~~these emergency rules are~~ this title is designed to prevent the excessive accumulation of air contaminants during periods of atmospheric stagnation or at any other time, which if allowed to continue to accumulate unchecked could result in concentrations of these contaminants reaching levels which could cause significant harm to the health of persons. This title establishes criteria for identifying and declaring air pollution episodes at levels below the level of significant harm and are adopted pursuant to the requirements of the FCAA as amended and 40 CFR part 51.151, ~~thereby preventing the occurrence of an emergency due to the effects of these contaminants on the public health. These rules establish criteria for identifying and declaring air pollution episodes at levels below the~~ Levels of Significant Harm for various regulated pollutants listed in 40 CFR part 51.151 are:- They are adopted according to the requirements of the federal Clean Air Act as amended and 40 CFR, Part 51, Subpart H. The levels of Significant Harm are:

~~2.—~~

~~3.—~~

(1) A.—For sulfur dioxide (SO₂)--1.0 ppm, 24-hour average;

(2) For particulate matter:

(a) (PM₁₀)--600 ug/m³, 24-hour average.

(b) PM_{2.5}--350.5 ug/m³, 24-hour average.

~~B.—~~

~~(1)~~(3) For carbon monoxide (CO):

(a) 50 ppm, 8-hour average.

~~(i)~~

(b) 75 ppm, 4-hour average.

~~(ii)~~

(c) 125 ppm, 1-hour average.

~~€.~~

~~(1)~~

~~(3)~~;

~~(a)~~(4) For ozone (O_3)--0.6 ppm, 1-hour average.

~~(4)~~(5) For nitrogen dioxide (NO₂):

(a) 2.0 ppm, 1-hour average

(b) 0.5 ppm, 24-hour average

~~D.~~

~~(1)~~

Section 51-007 Definitions

The definitions in title 12, 29-0010, and this section apply to this title. If the same term is defined in this section and title 12 or 29-0010, the definition in this section applies to this title.

Section 51-010 Episode Stage Criteria for Air Pollution Emergencies

Three stages of air pollution episode conditions and a pre-episode standby condition are established to inform the public of the general air pollution status and provide a management structure to require preplanned actions designed to prevent continued accumulation of regulated pollutants to the level of significant harm. The three episode stages are: Alert, Warning, and Emergency. LRAPA is responsible to enforce the provisions of this division which requires actions to reduce and control emissions during air pollution episode conditions. An air pollution alert or air pollution warning must be declared by the Director or appointed representative when the appropriate air pollution conditions are deemed to exist. When conditions exist which are appropriate to an air pollution emergency, LRAPA must notify the Governor and declare an air pollution emergency pursuant to ORS 468.115. The statement declaring an air pollution Alert, Warning or Emergency must define the area affected by the air pollution episode where corrective actions are required. Conditions justifying the proclamation of an air pollution alert, air pollution warning, or air pollution emergency must be deemed to exist whenever LRAPA determines that the accumulation of air contaminants in any place is increasing or has increased to levels which could, if such increases are sustained or exceeded, lead to a threat to the health of the public. ~~The determination of an Air Pollution Episode Stage shall be made by the Director.~~ In making this determination, ~~the Director~~LRAPA will be guided by the following criteria for each regulated pollutant and episode stage:

(1) 1. "Pre-Episode Sstandby" ~~In this~~ condition indicates that ambient levels of ~~air-regulated~~ pollutants ~~have reached levels at the ambient~~are within standards or only moderately exceed standards. In this condition, there is no imminent danger of any ambient regulated pollutant concentrations reaching levels of significant harm. LRAPA must maintain at least a normal

monitoring schedule but may conduct additional monitoring. An air stagnation advisory issued by the National Weather Service, an equivalent local forecast of air stagnation or observed ambient air levels in excess of ambient air standards may be used to indicate the need for increased sampling frequency. The pre-episode standby condition is the lowest possible air pollution episode condition and may not be terminated.

~~(2) "Air Pollution Alert"~~ In this condition, indicates that ambient levels of air pollutants ion levels have reached levels are significantly above the standards, but there is no immediate danger of reaching the level of significant harm. Monitoring may must be intensified, and readiness to implement abatement actions must be reviewed a review of possible abatement actions should be made. At the air pollution alert level the A formal public is to be kept informed of the air pollution conditions and of potential activities to be curtailed should it be necessary to declare a warning or higher condition. notification should be made, warning sensitive individuals of poor air quality. An air pollution alert condition is a state of readiness. If When the conditions of in both paragraphs A-(a) and B(b), below are both are met, an Air Pollution Alert is will be declared, and the all appropriate actions described in Table I shall be implemented. Atmospheric ventilation is poor, and the forecast is for continued poor ventilation. Under these conditions, monitoring may be increased, and some formal public notification warning sensitive individuals of poor air quality may be made.

~~2.~~

~~(a) A.~~ Meteorological dispersion conditions are not expected to improve during the next 24 hours.;

~~(b)~~ Monitored pollutant levels at any monitoring site exceed any of the following:

~~(A)~~ Sulfur dioxide--0.3 ppm, 24-hour average;

~~(B)~~ Particulate matter:

~~(i)~~ (PM₁₀)--350 micrograms per cubic meter (ug/m³), 24-hour average;

~~(ii)~~ PM_{2.5} -- 140.5 micrograms per cubic meter (ug/m³) -- 24-hour average.;

~~B.~~

~~(1)~~

~~(2)~~

~~(C)~~ Carbon monoxide--15 ppm, 8-hour average;

~~(D)~~ Ozone--0.2 ppm, 1-hour average;

~~(E)~~ Nitrogen dioxide:

~~(i)~~ 0.6 ppm, 1-hour average; or

~~(ii)~~ 0.15 ppm, 24-hour average.

~~(3)~~

~~(4)~~

~~(5)~~

~~(1)~~(3) "Air Ppollution Wwarning" ~~--In this condition indicates that pollution levels are very high and that abatement actions are necessary to prevent these levels from approaching the level of significant harm. At the air pollution warning level substantial restrictions may be required limiting motor vehicle use and industrial and commercial activities., air pollutants reach ambient levels well above those of an Air Pollution Alert. Substantial restrictions of activities may be required. The public should be frequently informed of current pollution levels and of the hazards. If~~ When the conditions in both ~~A and B~~ paragraphs (a) and (b), ~~below~~, are met, an Aair Ppollution Wwarning will be declared by LRAPA, and ~~the all~~ appropriate actions described in Table II shall be implemented.:

(a) Meteorological dispersion conditions are not expected to improve during the next 24 hours.

(b) Monitored regulated pollutant levels at any monitoring site exceed any of the following:

(A) Sulfur dioxide--0.6 ppm, 24-hour average;

~~(A)~~(B) Particulate matter:

(i) ~~(PM₁₀)~~--420 ug/m³, 24-hour average;

(ii) PM_{2.5} -- 210.5 ug/m³, 24-hour average;

~~A.~~

~~B.~~

~~(1)~~

(C) Carbon monoxide--30 ppm, 8-hour average;

~~(B)~~(D) Ozone--0.4 ppm, 1-hour average;

(E) Nitrogen dioxide:

(i) --1.2 ppm, 1-hour average; or

(ii) 0.3 ppm, 24-hour average.

~~(3)~~

~~(4)~~

~~(5)~~

~~(4)~~ "Air Ppollution Eemergency"~~--In this condition indicates that regulated pollutants have reached an alarming level requiring the most stringent actions to prevent these levels from reaching the level of significant harm to the health of persons. At the air pollution emergency level, extreme measures may be necessary involving the closure of all manufacturing, business operations and vehicle traffic not directly related to emergency services. Pursuant to ORS 468.115, when , ambient levels of air pollutants are approaching the Significant Harm levels, and stringent abatement actions may be necessary. The public should be frequently informed of current pollution levels and of the hazards. If the conditions in both paragraphs (Aa) and (Bb), below, are met, an Aair Ppollution Eemergency will be declared by LRAPA, and all the appropriate actions described in Table III shall-must be implemented-:~~

~~4.~~

~~(3)(a)~~ Meteorological conditions are not expected to improve during the next 24 hours.

~~(4)~~

~~(a)(b)~~ Monitored pollutant levels at any monitoring site exceed any of the following:

~~(A)~~ Sulfur dioxide--0.8 ppm, 24-hour average;

~~(a)~~

~~(B)~~ Particulate matter:

~~(i)~~ (PM₁₀)--500 ug/m³, 24-hour average;

~~(ii)~~ PM_{2.5} -- 280.5 ug/m³ -- 2-hour average;

~~A.--~~

~~B.--~~

~~(1)--~~

~~(2)--~~

~~(C)~~ Carbon monoxide--40 ppm, 8-hour average;

~~(A)(D)~~ Ozone--0.5 ppm, 1-hour average;

~~(B)(E)~~ Nitrogen dioxide:

~~(i)~~ 1.6 ppm, 1-hour average;

~~(ii)~~ or 0.4 ppm, 24-hour average.

~~(3)~~

~~(4)~~

~~(5)~~ "Termination"--Any air pollution episode condition (alert, warning or emergency) stage established by these criteria may be reduced to a lower stage ~~or terminated~~, when the elements required for establishing the higher conditions are no longer ~~met~~observed.

~~5.~~

Section 51-011 Special Conditions

(1) LRAPA must issue an "ozone advisory" to the public when monitored ozone values at any site exceed the ambient air quality standard of 0.12 ppm but are less than 0.2 ppm for a one hour average. The ozone advisory must clearly identify the area where the ozone values have exceeded the ambient air standard and must state that significant health effects are not expected at these levels, however, sensitive individuals may be affected by some symptoms.

(2) Where particulate is primarily soil from windblown dust or fallout from volcanic activity, episodes dealing with such conditions must be treated differently than particulate episodes caused by other controllable sources. In making a declaration of air pollution alert, warning, or emergency for such particulate, LRAPA must be guided by the following criteria:

(a) "Air pollution alert for particulate from volcanic fallout or windblown dust" means particulate values are significantly above a standard but the source is a volcanic eruption or dust storm. In this condition there is no significant danger to public health but there may be a public nuisance created from the dusty conditions. It may be advisable under these circumstances to voluntarily restrict traffic volume and/or speed limits on major thoroughfares and institute cleanup procedures. LRAPA will declare an air pollution alert for particulate from volcanic fallout or wind-blown dust when particulate values at any monitoring site exceed or are projected to exceed 800 ug/m³ -- 24-hour average and the particulate is primarily from volcanic activity or dust storms, meteorological conditions not withstanding;

(b) "Air pollution warning for particulate from volcanic fallout or windblown dust" means particulate values are very high but the source is volcanic eruption or dust storm. Prolonged exposure over several days at or above these levels may produce respiratory distress in sensitive individuals. Under these conditions staggered work hours in metropolitan areas, mandated traffic reduction, speed limits and cleanup procedures may be required. LRAPA will declare an air pollution warning for particulate from volcanic fallout or wind-blown dust when particulate values at any monitoring site exceed or are expected to exceed 2,000 ug/m³ -- 24-hour average and the particulate is primarily from volcanic activity or dust storms, meteorological conditions not withstanding;

(c) "Air pollution emergency for particulate from volcanic fallout or windblown dust" means particulate values are extremely high but the source is volcanic eruption or dust storm. Prolonged exposure over several days at or above these levels may produce respiratory distress in a significant number of people. Under these conditions cleaning procedures must be accomplished before normal traffic can be permitted. An air pollution emergency for particulate from volcanic fallout or wind-blown dust will be declared by the Director, who must keep the Governor advised of the situation, when particulate values at any monitoring site exceed or are expected to exceed 5,000 ug/m³ -- 24-hour average and the particulate is primarily from volcanic activity or dust storms, meteorological conditions notwithstanding.

(3) Termination: Any air pollution condition for particulate established by these criteria may be reduced to a lower condition when the criteria for establishing the higher condition are no longer observed.

(4) Action: Municipal and county governments or other governmental agency having jurisdiction in areas affected by an air pollution alert, warning or emergency for particulate from volcanic fallout or windblown dust must place into effect the actions pertaining to such episodes which are described in 51-030.

Section 51-015 Source Emission Reduction Plans

Tables I, II and III ~~of this regulation~~ set forth specific emission reduction measures ~~that shall~~ which must be taken upon the declaration of an air pollution alert, air pollution warning, or air pollution emergency ~~Air Pollution Episode~~. Any person responsible for a source of air contamination within a Priority I AQCR must, shall, upon declaration of an episode condition affecting the locality of the air contamination source, take all appropriate actions specified in the applicable ~~T~~ table and ~~shall must particularly put into effect the~~ take all appropriate actions specified in an Agency-approved preplanned abatement strategy for such condition which has been submitted and is on file with LRAPA.

Section 51-020 Preplanned Abatement Strategies

(1) 1.—Any person responsible for the operation or control of any point source of air contamination ~~pollution~~ located in a Priority I AQCR, located within an AQMA or located within a nonattainment area listed in 40 CFR, Part 81, and emits 100 tons or more of any regulated pollutant specified by paragraph (a) or (b) must file a Source Emission Reduction Plan (SERP) with LRAPA in accordance with the schedule described in subsection ~~shall, when requested by the Agency in writing, prepare preplanned strategies consistent with good industrial practice and safe operating procedures, for reducing the emission of air contaminants during Air Pollution Episodes.~~ (4). Such plans must specify procedures to implement the actions required by Tables 1 through 3 and must be consistent with good engineering practice and safe operating procedures. Source emission reduction plans specified by this section are mandatory only for those sources which:

- (a) Emit 100 tons per year or more of any regulated pollutant for which the nonattainment area, AQMA, or any portion of the AQMA is designated nonattainment; or
- (b) Emit 100 tons per year or more of volatile organic compounds when the nonattainment area, AQMA or any portion of the AQMA is designated nonattainment for ozone.

Municipal and county governments, or other ~~appropriate~~ governmental bodies, having jurisdiction in nonattainment areas where ambient levels of carbon monoxide, ozone or nitrogen dioxide qualify for Priority I AQCR classification, must shall, cooperate with LRAPA in developing a traffic control plan to be implemented during air pollution episodes of motor vehicle related emissions. Such plans must implement the actions required by Tables 1 through 3 and must be ~~when requested by the Agency in writing, prepare pre-planned strategies~~ consistent with good traffic management practice and public safety, ~~for reducing the use of motor vehicles or aircraft within designated areas during Air Pollution Episodes. These plans shall be designed to reduce or eliminate emissions of air contaminants from motor vehicles in accordance with the objectives set forth in Tables I—III and shall be~~

prepared and submitted for review and approval by the Agency in accordance with subsections 1, 2 and 3 of this section.

2. ~~Preplanned strategies as required by this section shall be in writing and describe the source of air contamination, contaminants and a brief description of the manner and amount in which the reduction will be achieved during each Episode stage.~~

3. ~~During an Air Pollution Episode, preplanned strategies required by this section shall be made available on the premises to any person authorized to enforce the provisions of these rules.~~

4. ~~Preplanned strategies required by this section shall be submitted to the Agency upon request within thirty days of the receipt of such request; such preplanned strategies shall be subject to review and approval by the Agency. Matters of dispute in developing preplanned strategies shall, if necessary, be brought before the Board of Directors.~~

(2)

~~5.~~

(3) LRAPA must periodically review the source emission reduction plans to assure that they meet the requirements of this division. If deficiencies are found, LRAPA must notify the persons responsible for the source. Within 60 days of such notice the person responsible for the source must prepare a corrected plan for approval by LRAPA. Source emission reduction plans must not be effective until approved by LRAPA.

(4) During an air pollution alert, warning or emergency episode, source emission reduction plans required by this rule must be available on the source premises for inspection by any person authorized to enforce the provisions of this title.

Section 51-025 Implementation

(1) 1. ~~The AgencyLRAPA and the Department of Environmental QualityDEQ shall must~~ cooperate to the fullest extent possible to insure uniformity of enforcement and administrative action necessary to implement ~~these regulations~~this title. With the exception of sources of air contamination retained by ~~the Department of Environmental QualityDEQ~~, all persons within the territorial jurisdiction of ~~the AgencyLRAPA~~ shall ~~must~~ submit source emission reduction plans ~~the preplanned abatement strategies~~ prescribed in ~~Section 51-020 to the AgencyLRAPA~~. ~~The Agency shallLRAPA must~~ submit copies of approved source emission reduction plans~~summaries of the abatement strategies to the Department of Environmental QualityDEQ~~.

(2) Declarations of ~~A~~air ~~P~~pollution ~~A~~alert, ~~A~~air ~~P~~pollution ~~W~~warning and ~~A~~air ~~P~~pollution ~~E~~emergency shall ~~must~~ be made by ~~the AgencyLRAPA~~. In the event conditions warrant and such declaration is not made by ~~the AgencyLRAPA~~, ~~the Department of Environmental Quality~~ shall DEQ must issue the declaration and ~~the Agency shallLRAPA must~~ take appropriate remedial actions as set forth in ~~these rules~~this title.

(3) Additional responsibilities of ~~the AgencyLRAPA~~ shall include, but are not limited to:

(a) Securing acceptable preplanned abatement strategies.

(b) Measurement and reporting of air quality data to ~~the Department of Environmental~~
Quality DEQ.

(c) Informing the public, news media and persons responsible for air contaminant sources of the various levels set forth in these rules and required actions to be taken to maintain air quality and the public health.

~~(a)~~(d) Surveillance and enforcement of emergency emission reductions plans.

~~2.~~

~~3.~~

~~A.~~

~~B.~~

~~C.~~

~~D.~~

TABLE I
AIR POLLUTION EPISODE, ALERT CONDITION
EMISSION REDUCTION PLAN

Part A--Pollution Episode Conditions for Carbon Monoxide or Ozone

For Alert conditions due to excessive levels of carbon monoxide or ozone, persons operating motor vehicles shall be requested to voluntarily curtail or eliminate all unnecessary operations within the designated Alert [Episode](#) area, and public transportation systems shall be requested to provide additional services in accordance with a preplanned strategy.

Part B--Pollution Episode Conditions for Particulate Matter

For Alert conditions resulting from excessive levels of particulate matter, the following measures shall be taken in the designated [Alert Episode](#) area:

1. There shall be no open burning by any person of any material.
2. Persons operating fuel burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 p.m.
3. Persons responsible for the operation of any source of air contaminants listed below shall take all required actions for the Alert level, in accordance with the preplanned strategy:

Sources

Control Actions - Alert Level

(A) Coal, Oil or wood-fired electric generating facilities

(A) Utilization of fuels having low ash and sulfur content.

(B) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

(C) Diverting electric power generation to facilities outside of Alert Area.

(B) Coal, oil or wood-fired process steam generating facilities.

(A) Utilization of fuel having low ash and sulfur content.

(B) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

(C) Substantial reduction of steam load demands consistent with continuing plant operations.

(C) Manufacturing industries of the following classifications:

Primary Metals Industries
Petroleum Refining
Chemical Industries
~~Mineral Processing~~
Ind.
~~Grain Industries~~
Paper and Allied Products
Wood Processing Industry

(A) Reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and all operations.

(B) Reduction by deferring trade waste disposal operations which emit solid particle gas vapors or malodorous substances.

(C) Reduction of heat load demands for processing.

(D) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

TABLE II
AIR POLLUTION EPISODE, WARNING CONDITIONS
EMISSION REDUCTION PLAN

Part A--Pollution Episode Conditions for Carbon Monoxide or Ozone

For Warning conditions, resulting from excessive levels of carbon monoxide or ozone, the following measures shall be taken:

1. Operating of motor vehicles carrying fewer than three (3) persons shall be prohibited within designated [Warning Episode](#) areas during specified hours. Exceptions from this provision are:
 - A. Public transportation and emergency vehicles
 - B. Commercial vehicles
 - C. Through traffic remaining on Interstate or primary highways.
2. At the discretion of the Agency, operations of all private vehicles within designated areas or entry of vehicles into designated [Warning Episode](#) areas, may be prohibited for specified periods of time.
3. Public transportation operators shall, in accordance with a pre-planned strategy, provide the maximum possible additional service to minimize the public's inconvenience as a result of (1) or (2) above.
 4. For ozone episodes the following additional measures shall be taken:
 - A. No bulk transfer of gasoline without vapor recovery from 2:00 a.m. to 2:00 p.m.
 - B. No service station pumping of gasoline from 2:00 a.m. to 2:00 p.m.
 - C. No operation of paper coating plants from 2:00 a.m. to 2:00 p.m.
 - D. No architectural painting or auto finishing;
 - E. No venting of dry cleaning solvents from 2:00 a.m. to 2:00 p.m. (except perchlorethylene).
5. Where appropriate for carbon monoxide episodes during the heating season, and where legal [Agency authority](#) exists, governmental agencies shall prohibit all use of woodstoves and fireplaces for domestic space heating, except where such devices provide the sole source of heat.

Part B--Pollution Episode Conditions for Particulate Matter

For Warning conditions resulting from excessive levels of particulate matter, the following measures shall be taken:

1. There shall be no open burning by any person of any material.
2. The use of incinerators for the disposal of solid or liquid wastes shall be prohibited.
3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 p.m.
4. Where legal ~~Agency~~ authority exists, governmental agencies shall prohibit all use of woodstoves and fireplaces for domestic space heating, except where such devices provide the sole source of heat.
5. Persons responsible for the operation of any source of air contaminants listed below shall take all required actions for the Warning level, in accordance with a preplanned strategy:

Source of Air Contamination

Air Pollution Warning

~~(a)~~(A) Coal, oil or wood-fired electric power generating facilities.

(A) Maximum utilization of fuels having lowest ash and sulfur content.

(B) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

(C) Diverting electric power generation to facilities outside of Warning Area.

(D) Prepare to use a plan of action if an Emergency Condition develops.

(E) Cease operation of facilities not related to safety or protection of equipment or delivery of priority power.

(B) Coal, oil or wood-fired process steam generating facilities

(A) Maximum utilization of fuels having the lowest ash and sulfur content.

(B) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

(C) Prepare to use a plan of action if an Emergency Condition develops.

(D) Cease operation of facilities not related to safety or protection of equipment or delivery of priority power.

(C) Manufacturing industries which require considerable —lead time for shut-down —including the following —classifications:

Petroleum Refining
Chemical Industries
Primary Metals Industries
Glass Industries
Paper and Allied Products

(A) Reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardships by postponing production and allied operations.

(B) Reduction by deferring trade waste disposal operations which emit solid particles, gases, vapors or malodorous substances.

(C) Maximum reduction of heat load demands for processing.

(D) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence of boiler lancing or soot blowing.

(D) Manufacturing industries which require relatively short time for shut-down

(A) Elimination of air contaminants from manufacturing operations by ceasing, postponing, or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.

(B) Elimination of air contaminants from trade waste disposal processes which emit solid particles, gases, vapors, or malodorous substances.

(C) Reduction of heat load demands for processing.

(D) Utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

TABLE III
AIR POLLUTION EPISODE, EMERGENCY CONDITIONS
EMISSION REDUCTION PLAN

1. There shall be no open burning by any person of any material.
2. The use of incinerators for the disposal of solid or liquid wastes shall be prohibited.
3. All places of employment, commerce, trade, public gatherings, government, industry, business, or manufacture shall immediately cease operation, except the following:
 - A. Police, fire, medical and other emergency services;
 - B. Utility and communication services;
 - C. Governmental functions necessary for civil control and safety;
 - D. Operations necessary to prevent injury to persons or serious damage to equipment or property;
 - E. Food stores, drug stores and operations necessary for their supply;
 - F. Operations necessary for evacuation of persons leaving the area;
 - G. Operations conducted in accordance with an approved preplanned emission reduction plan on file with the Agency.
4. All commercial and manufacturing establishments not included in these rules shall institute such actions as will result in maximum reduction of air contaminants from their operations which emit air contaminants, to the extent possible without causing injury or damage to equipment.
 5. The use of motor vehicles is prohibited except for the exempted functions in 3, above.
 6. Airports shall be closed to all except emergency air traffic.
7. Where legal ~~Agency authority~~ exists, governmental agencies shall prohibit all use of woodstoves and fireplaces.
8. Any person responsible for the operation of a source of atmospheric contamination listed below shall take all required control actions for this Emergency Level.

Source

Air Pollution Emergency

~~(b)~~(A) Coal, oil or wood-fired electric power generating facilities

~~(a)~~(A) Maximum utilization of fuels having lowest ash and sulfur content.

~~(b)~~(A) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

(C) Diverting electric power generation to facilities outside of Emergency area.

(D) Cease operation of facilities not related to safety or protection of equipment or delivery of priority power.

(B) Coal, oil or wood-fired process steam generating facilities

~~(2)~~(A) Reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.

(B) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

(C) Taking the action called for in the emergency plan.

(D) Cease operation of facilities not related to safety or protection of equipment or delivery of priority power.

~~(a)~~(C) Manufacturing industries of following classifications:

Primary Metals Industry
Petroleum Refining Operations
—Chemical Industries
Mineral Processing Industries
Paper and Allied Products
Grain Industry
Wood Processing Industry

(A) The elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.

(B) Elimination of air contaminants from trade waste disposal processes which emit solid particles, gases, vapors, or malodorous substances.

(C) Maximum reduction of heat load demands for processing.

(D) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

~~(a)~~

~~(b)~~

~~¹PM_{2.5} increments will become effective on October 20, 2011~~

~~**Section 40-0090 Requirements for Demonstrating a Net Air Quality Benefit**~~

~~Demonstrations of net air quality benefit for offsets must include the following:~~

~~(B) Ozone areas (VOC and NO_x emissions). For sources capable of impacting a designated ozone nonattainment or maintenance area;~~

~~(C) Offsets for VOC and NO_x are required if the source will be located within the designated area or within the Ozone Precursor Distance.~~

~~(D) 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).~~

~~(E) 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.~~

~~(C) Non-Ozone areas (PM_{2.5}, PM₁₀, SO₂, 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:~~

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

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

(c) — 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 SO₂;

(B) — 1 ton of direct PM_{2.5} may be used to offset 100 tons of NO_x;

(C) — 40 tons of SO₂ may be used to offset 1 ton of direct PM_{2.5}; or

(D) — 100 tons of NO_x may be used to offset 1 ton of direct PM_{2.5};

(d) — 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

(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.

(e) — 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.

(D) — Except as provided in paragraph 2.A.3) of this rule, the emission reductions used as offsets must be of the same type of pollutant as the emissions from the new source or modification. Sources of PM₁₀ must be offset with particulate in the same size range.

(E) — 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.~~

~~(F) — Offsets required under this rule must meet the requirements of Emissions Reduction Credits in LRAPA Title 41.~~

~~(G) — 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.~~

DEQ Draft Rules – With Edits Included

DEPARTMENT OF ENVIRONMENTAL QUALITY

GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

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 under the FCAA, 42 U.S.C.A 7401 to 7671q.

(2) Except as provided in section (3), revisions to the SIP will be made under the EQC's rulemaking procedures in OAR 340 division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the EPA for approval. The SIP was last modified by the EQC on March 21-22, 2018.

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

(a) Submit to the EPA 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; and

(b) Approve the standards submitted by LRAPA if LRAPA adopts verbatim, other than non-substantive differences, any standard that the EQC has adopted, and submit the standards to EPA for approval as a SIP revision.

(4) Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the EPA. If any provision of the federally approved State Implementation Plan conflicts with any provision adopted by the EQC, DEQ must enforce the more stringent provision.

Statutory/Other Authority: ORS 468.020 & 468A

Statutes/Other Implemented: ORS 468A.035 & 468A.135

History:

DEQ 7-2017, f. & cert. ef. 7-13-17

DEQ 35, f. 2-3-72, ef. 2-15-72; DEQ 54, f. 6-21-73, ef. 7-1-73; DEQ 19-1979, f. & ef. 6-25-79; DEQ 21-1979, f. & ef. 7-2-79; DEQ 22-1980, f. & ef. 9-26-80; DEQ 11-1981, f. & ef. 3-26-81; DEQ 14-1982, f. & ef. 7-21-82; DEQ 21-1982, f. & ef. 10-27-82; DEQ 1-1983, f. & ef. 1-21-83; DEQ 6-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 25-1984, f. & ef. 11-27-84; DEQ 3-1985, f. & ef. 2-1-85; DEQ 12-1985, f. & ef. 9-30-85; DEQ 5-

1986, f. & ef. 2-21-86; DEQ 10-1986, f. & ef. 5-9-86; DEQ 20-1986, f. & ef. 11-7-86; DEQ 21-1986, f. & ef. 11-7-86; DEQ 4-1987, f. & ef. 3-2-87; DEQ 5-1987, f. & ef. 3-2-87; DEQ 8-1987, f. & ef. 4-23-87; DEQ 21-1987, f. & ef. 12-16-87; DEQ 31-1988, f. 12-20-88, cert. ef. 12-23-88; DEQ 2-1991, f. & cert. ef. 2-14-91; DEQ 19-1991, f. & cert. ef. 11-13-91; DEQ 20-1991, f. & cert. ef. 11-13-91; DEQ 21-1991, f. & cert. ef. 11-13-91; DEQ 22-1991, f. & cert. ef. 11-13-91; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 24-1991, f. & cert. ef. 11-13-91; DEQ 25-1991, f. & cert. ef. 11-13-91; DEQ 1-1992, f. & cert. ef. 2-4-92; DEQ 3-1992, f. & cert. ef. 2-4-92; DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 19-1992, f. & cert. ef. 8-11-92; DEQ 20-1992, f. & cert. ef. 8-11-92; DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92; DEQ 26-1992, f. & cert. ef. 11-2-92; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 8-1993, f. & cert. ef. 5-11-93; DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 15-1993, f. & cert. ef. 11-4-93; DEQ 16-1993, f. & cert. ef. 11-4-93; DEQ 17-1993, f. & cert. ef. 11-4-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 1-1994, f. & cert. ef. 1-3-94; DEQ 5-1994, f. & cert. ef. 3-21-94; DEQ 14-1994, f. & cert. ef. 5-31-94; DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94; DEQ 25-1994, f. & cert. ef. 11-2-94; DEQ 9-1995, f. & cert. ef. 5-1-95; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 17-1995, f. & cert. ef. 7-12-95; DEQ 19-1995, f. & cert. ef. 9-1-95; DEQ 20-1995 (Temp), f. & cert. ef. 9-14-95; DEQ 8-1996(Temp), f. & cert. ef. 6-3-96; DEQ 15-1996, f. & cert. ef. 8-14-96; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 23-1996, f. & cert. ef. 11-4-96; DEQ 24-1996, f. & cert. ef. 11-26-96; DEQ 10-1998, f. & cert. ef. 6-22-98; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 17-1998, f. & cert. ef. 9-23-98; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 21-1998, f. & cert. ef. 10-12-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 5-1999, f. & cert. ef. 3-25-99; DEQ 6-1999, f. & cert. ef. 5-21-99; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0047; DEQ 15-1999, f. & cert. ef. 10-22-99; DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01; DEQ 6-2000, f. & cert. ef. 5-22-00; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 13-2000, f. & cert. ef. 7-28-00; DEQ 16-2000, f. & cert. ef. 10-25-00; DEQ 17-2000, f. & cert. ef. 10-25-00; DEQ 20-2000 f. & cert. ef. 12-15-00; DEQ 21-2000, f. & cert. ef. 12-15-00; DEQ 2-2001, f. & cert. ef. 2-5-01; DEQ 4-2001, f. & cert. ef. 3-27-01; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 15-2001, f. & cert. ef. 12-26-01; DEQ 16-2001, f. & cert. ef. 12-26-01; DEQ 17-2001, f. & cert. ef. 12-28-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 5-2002, f. & cert. ef. 5-3-02; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 5-2003, f. & cert. ef. 2-6-03; DEQ 14-2003, f. & cert. ef. 10-24-03; DEQ 19-2003, f. & cert. ef. 12-12-03; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 10-2004, f. & cert. ef. 12-15-04; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 7-2005, f. & cert. ef. 7-12-05; DEQ 9-2005, f. & cert. ef. 9-9-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 4-2007, f. & cert. ef. 6-28-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 5-2008, f. & cert. ef. 3-20-08; DEQ 11-2008, f. & cert. ef. 8-29-08; DEQ 12-2008, f. & cert. ef. 9-17-08; DEQ 14-2008, f. & cert. ef. 11-10-08; DEQ 15-2008, f. & cert. ef. 12-31-08; DEQ 3-2009, f. & cert. ef. 6-30-09; DEQ 8-2009, f. & cert. ef. 12-16-09; DEQ 2-2010, f. & cert. ef. 3-5-10; DEQ 5-2010, f. & cert. ef. 5-21-10; DEQ 14-2010, f. & cert. ef. 12-10-10; DEQ 1-2011, f. & cert. ef. 2-24-11; DEQ 2-2011, f. 3-10-11, cert. ef. 3-15-11; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 18-2011, f. & cert. ef. 12-21-11; DEQ 1-2012, f. & cert. ef. 5-17-12; DEQ 7-2012, f. & cert. ef. 12-10-12; DEQ 10-2012, f. & cert. ef. 12-11-12; DEQ 4-2013, f. & cert. ef. 3-27-13; DEQ 11-2013, f. & cert. ef. 11-7-13; DEQ 12-2013, f. & cert. ef. 12-19-13; DEQ 1-2014, f.

& cert. ef. 1-6-14; DEQ 4-2014, f. & cert. ef. 3-31-14; DEQ 5-2014, f. & cert. ef. 3-31-14;
DEQ 6-2014, f. & cert. ef. 3-31-14; DEQ 7-2014, f. & cert. ef. 6-26-14; DEQ 6-2015, f. &
cert. ef. 4-16-15; DEQ 7-2015, f. & cert. ef. 4-16-15; DEQ 10-2015, f. & cert. ef. 10-16-15;
DEQ 14-2015, f. & cert. ef. 12-10-15; DEQ 2-2017, f. & cert. ef. 1-19-17

LRAPA Rules – With Edits Included

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) 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.
- (3) 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.
- (4) LRAPA administers the air pollution control regulations listed in titles 12 through 51 in all areas of Lane County.

Section 12-005 Definitions

- “Act” or “FCAA” means the Federal Clean Air Act 42 U.S.C.A. §7401 to 7671q.
- “Activity” means any process, operation, action or reaction (e.g., chemical) at a source that emits a regulated pollutant.
- "Actual Emissions" means the mass emissions of a regulated pollutant from an emissions source during a specified time period as set forth in titles 34 and 42.
- “Adjacent” as used in the definitions of “major source” and “source” in 37-0070, 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
- "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 FCAA;
 - B. 500 pounds for PM₁₀ in a PM₁₀ nonattainment area;
 - C. 500 pounds for PM_{2.5} in a PM_{2.5} nonattainment area;
 - D. 120 pounds for lead;
 - E. 600 pounds for fluorides;
 - F. the lesser of the amount established in 40 CFR 68.130, or 1,000 pounds;
 - G. an aggregate of 5,000 pounds for all hazardous air pollutants;
 - H. 2,756 tons CO₂e (short tons) of greenhouse gases.
- "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, dust, fume, aerosol, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid, any regulated pollutant 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" or “ACDP” means a written authorization issued, renewed, amended, or revised by LRAPA, pursuant to Title 37, Air Contaminant Discharge Permits.
- “Alternative Method” means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to LRAPA’s satisfaction to, in specific cases, produce results adequate for determination of compliance. The alternative method must comply with the intent of the rules, is at least equivalent in objectivity and reliability to the uniform recognized procedures, and is demonstrated to be reproducible, selective, sensitive, accurate, and applicable to the program. An alternative 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.

- "Ambient air" means the portion of the atmosphere, external to buildings, to which the general public has access.
- "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 FCAA that implements the relevant requirements of the FCAA, including any revisions to that plan promulgated in 40 CFR part 52;
 - 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, Title 34 Stationary Source Notification Requirements 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 FCAA (NSPS), including section 111(d);
 - H. Any standard or other requirement under section 112 of the FCAA (HAPs), including any requirement concerning accident prevention under section 112(r)(7) of the FCAA (Accidental Release Prevention);
 - I. Any standard or other requirement of the acid rain program under Title IV of the FCAA 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 FCAA (Federal Enforcement; compliance certification);
 - K. Any standard or other requirement under section 126(a)(1) and (c) (PSD) of the FCAA;

- L. Any standard or other requirement governing solid waste incineration, under section 129 of the FCAA (Solid Waste Combustion);
 - M. Any standard or other requirement for consumer and commercial products, under section 183(e) of the FCAA (Federal ozone measures);
 - N. Any standard or other requirement for tank vessels, under section 183(f) of the FCAA;
 - O. Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the FCAA;
 - P. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the FCAA, 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 FCAA, but only as it would apply to temporary sources permitted pursuant to section 504(e) of the FCAA.
- “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 in 40 CFR part 52, subpart MM.
 - "ASTM" means the American Society for Testing Materials.
 - “Attainment area” or “unclassified area” means an area that has not otherwise been designated by EPA as nonattainment with ambient air quality standards for a particular regulated pollutant. Attainment areas or unclassified areas may also be referred to as sustainment or maintenance areas as designated in LRAPA title 29. Any particular location may be part of an attainment area or unclassified area for one regulated pollutant while also being in a different type of designated area for another regulated pollutant.
 - “Attainment pollutant” means a pollutant for which an area is designated an attainment or unclassified area.
 - "Baseline emission rate" means the actual emission rate during a baseline period as determined under LRAPA title 42.
 - "Baseline Period" means the period used to determine the baseline emission rate for each regulated pollutant under LRAPA title 42.
 - "Best Available Control Technology” or “BACT" means an emissions limitation, including, but not limited to, a visible emission standard, based on the maximum degree of reduction of each air contaminant subject to regulation under the FCAA which would be emitted from any proposed major source or major modification which, on a case-by-case basis taking into account energy, environmental, and economic impacts and other costs, is achievable for such source or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air contaminant. In no event may the application of BACT result in emissions of any air contaminant that would exceed the emissions allowed in any

applicable new source performance standard or any standard for hazardous air pollutant. 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.

- “Biomass” means non-fossilized and biodegradable organic material originating from plants, animals, and micro-organisms, including products, byproducts, residues and waste from agriculture, forestry, and related industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic matter.
- "Board" means the Board of Directors of the Lane Regional Air Protection Agency
- “Capacity” means the maximum regulated pollutant emissions from a stationary source under its physical and operational design.
- “Capture efficiency” means the amount of regulated pollutant collected and routed to an air pollution control device divided by the amount of total emissions generated by the process being controlled.
- “Capture system” means the equipment, including but not limited to hoods, ducts, fans, and booths used to contain, capture and transport a regulated pollutant to a control device.
- “Carbon dioxide equivalent” or “CO₂e” means an amount of greenhouse gas or gases expressed as the equivalent amount of carbon dioxide, and is 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 regulated 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 percent 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 percent 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, natural gas or propane burning equipment, provided the aggregate expected actual emissions of the equipment identified as categorically insignificant do not exceed the de minimis level for any regulated pollutant, based on the expected maximum annual operation of the equipment. If a source’s expected emissions from all such equipment exceed the de minimis levels, then the source may identify a subgroup of such equipment as categorically insignificant with the remainder not categorically insignificant. The following equipment may never be included as categorically insignificant:

- (1) Any individual distillate oil, kerosene or gasoline burning equipment with a rating greater than 0.4 million Btu/hour;
- (2) Any individual natural gas or propane burning equipment with a rating greater than 2.0 million Btu/hour;
- D. Distillate oil, kerosene, gasoline, natural gas or propane burning equipment brought on site for six months or less for maintenance, construction or similar purposes, such as but not limited to generators, pumps, hot water pressure washers and space heaters, provided that any such equipment that performs the same function as the permanent equipment, must be operated within the source's existing PSEL;
- 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 deionized 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 in 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, provided that the aggregate horsepower rating of all stationary emergency generator and pump engines is not more than 3,000 horsepower. If the aggregate horsepower rating of all stationary emergency generator and pump engines is more than 3,000 horsepower, then no emergency generators and pumps at the source may be considered categorically insignificant;
 - 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. Uncontrolled oil/water separators in effluent treatment systems, excluding systems with a throughput of more than 400,000 gallons per year of effluent located at the following sources:
 - (1) Petroleum refineries;
 - (2) Sources that perform 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; or
 - (3) Bulk gasoline plants, bulk gasoline terminals, and pipeline facilities;
 - 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" or "PSD Class I area" means any Federal, State, or Indian reservation land which is classified or reclassified as a Class I area under LRAPA title 29.
- "Class II area" or "PSD Class II area" means any land which is classified or reclassified as a Class II area under LRAPA title 29.
- "Class III area" or "PSD Class III area" means any land which is reclassified as a Class III area under LRAPA title 29.
- "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 FCAA 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.
- "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":
 - A. Except as provided in subsection B. means any physical change including, but not limited to, fabrication, erection, installation, demolition, or modification of a source or part of a source;
 - B. As used in LRAPA title 38 means any physical change including, but not limited to, fabrication, erection, installation, demolition, or modification of an emissions unit, or in method of operation of a source which would result in a change in actual emissions.
- "Continuous compliance determination method" means a method, specified by the applicable standard or an applicable permit condition, which:
 - A. Is used to determine compliance with an emission limitation or standard on a continuous basis, consistent with the averaging period established for the emission limitation or standard; and
 - B. Provides data either in units of the standard or correlated directly with the compliance limit.
- "Continuous monitoring system" means sampling and analysis, in a timed sequence, using techniques which will adequately reflect actual emission rates or concentrations on a continuous basis as specified in the DEQ Continuous Monitoring Manual, and includes

continuous emission monitoring systems, continuous opacity monitoring system (COMS) and continuous parameter monitoring systems.

- “Control device” means equipment, other than inherent process equipment, that is used to destroy or remove a regulated air pollutant 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 35-0200 through 35-0280, a control device does not include passive control measures that act to prevent regulated pollutants from forming, such as the use of seals, lids, or roofs to prevent the release of regulated 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 regulated pollutant-specific emissions unit, then that definition will be binding for purposes of 35-0200 through 35-0280.
- “Control efficiency” means the product of the capture and removal efficiencies.
- “Criteria pollutant” means any of the following regulated pollutants: nitrogen oxides, volatile organic compounds, particulate matter, PM₁₀, PM_{2.5}, sulfur dioxide, carbon monoxide, and lead.
- “Data” means the results of any type of monitoring or method, including the results of instrumental or non-instrumental monitoring, emission calculations, manual sampling procedures, recordkeeping procedures, or any other form of information collection procedure used in connection with any type of monitoring or method.

“Day” means a 24-hour period beginning at 12:00 a.m. midnight or a 24-hour period as specified in a permit.

- “De minimis emission level” means the level for the regulated pollutants listed below:

Pollutant	De minimis (tons/year, except as noted)
GHG (CO ₂ e)	2,756 (short tons)
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(measured as nonmethane organic compounds)	1
Single HAP	1
Combined HAP (aggregate)	1

- "Department" or “DEQ” means the Oregon Department of Environmental Quality.
- “DEQ method [#]” means the sampling method and protocols for measuring a regulated pollutant as described in the DEQ Source Sampling Manual.
- “Designated area” means an area that has been designated as an attainment, unclassified, sustainment, nonattainment, reattainment, or maintenance area under LRAPA title 29 or applicable provisions of the FCAA.
- “Destruction efficiency” means removal efficiency.
- "Device" means any machine, equipment, raw material, product, or byproduct at a source that produces or emits a regulated pollutant.
- "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, depending on the context.
- “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.

- "Draft permit" means the version of an LRAPA Title V Operating Permit for which LRAPA offers public participation under OAR 340-218-0210 or the EPA and affected State review under OAR 340-218-0230.
- "Dry standard cubic foot" means the amount of gas that would occupy a volume of one cubic foot, if the gas were free of uncombined water at standard conditions.
- "Effective date of the program" means the date that the EPA approves the Oregon Title V Operating Permit program submitted by DEQ on a full or interim basis. In case of a partial approval, the "effective date of the program" for each portion of the program is the date of the EPA approval of that portion.
- "Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency does not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
- "Emission" means a release into the atmosphere of any regulated pollutant or air contaminant.
- "Emission estimate adjustment factor" or "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 regulated 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).
- "Emission limitation" or "Emission standard" or "Emission limitation or standard" means:
 - A. Except as provided in subsection B., a requirement established by a state, local government, or the EPA which limits the quantity, rate, or concentration of emissions of regulated 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.
 - B. As used in LRAPA 35-0200 through 35-0280, any applicable requirement that constitutes an emission limitation, emission standard, standard of performance or means of emission limitation as defined under the FCAA. An emission limitation or standard may be expressed in terms of the pollutant, expressed either as a specific quantity, rate or concentration of emissions, e.g., pounds of SO₂ per hour, pounds of SO₂ per million British thermal units of fuel input, kilograms of VOC per liter of applied coating solids, or parts per million by volume of SO₂, or as the relationship of uncontrolled to controlled emissions, e.g., percentage capture and destruction efficiency of VOC or percentage reduction of SO₂. An emission limitation or standard may also be expressed either as a work practice, process or control device parameter, or other form of specific design, equipment, operational, or operation and maintenance requirement. For purposes of LRAPA 35-0200 through 35-0280, an emission limitation or standard does not include general operation requirements that an owner or operator may be required to meet, such as requirements to obtain a permit, operate and maintain sources using good air pollution

control practices, develop and maintain a malfunction abatement plan, keep records, submit reports, or conduct monitoring.

- "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 that emits or has the potential to emit any regulated air pollutant.
 - A. A part of a stationary source is any machine, equipment, raw material, product, or by-product that produces or emits air pollutants. An activity is any process, operation, action, or reaction, e.g., chemical, at a stationary source that emit air regulated pollutants. Except as described in subsection D, 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 regulated pollutant-by-regulated-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 LRAPA titles 34 and 38, 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 Method 9" means the method for Visual Determination of the Opacity of Emissions from Stationary Sources as described in 40 CFR part 60, Appendix A-4.
- "Equivalent method" means any method of sampling and analyzing for a regulated 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.
- "Excursion" means a departure from an indicator range established for monitoring under 35-0200 through 35-0280 and OAR 340-218-0050(3)(a), consistent with any averaging period specified for averaging the results of the monitoring.
- "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 any source listed in subsections A or D below:

A. A source with potential to emit:

- (1) 100 tons per year or more of any individual regulated pollutant, excluding greenhouse gases and hazardous air pollutants listed in LRAPA title 44 if in a source category listed in subsection C, or
- (2) 250 tons per year or more of any individual regulated pollutant, excluding greenhouse gases and hazardous air pollutants listed in LRAPA title 44, if not in a source category listed in subsection C.

B. Calculations for determining a source's potential to emit for purposes of subsections A. and D. must include the following:

- (1) Fugitive emissions and insignificant activity emissions; and
- (2) Increases or decreases due to a new or modified source.

C. Source categories:

- (1) Fossil fuel-fired steam electric plants of more than 250 million BTU/hour heat input;

- (2) Coal cleaning plants with thermal dryers;
- (3) Kraft pulp mills;
- (4) Portland cement plants;
- (5) Primary Zinc Smelters;
- (6) Iron and Steel Mill Plants;
- (7) Primary aluminum ore reduction plants;
- (8) Primary copper smelters;
- (9) Municipal Incinerators capable of charging more than 50 tons of refuse per day;
- (10) Hydrofluoric acid plants;
- (11) Sulfuric acid plants;
- (12) Nitric acid plants;
- (13) Petroleum Refineries;
- (14) Lime plants;
- (15) Phosphate rock processing plants;
- (16) Coke oven batteries;
- (17) Sulfur recovery plants;
- (18) Carbon black plants, furnace process;
- (19) Primary lead smelters;
- (20) Fuel conversion plants;
- (21) Sintering plants;
- (22) Secondary metal production plants;
- (23) Chemical process plants, excluding ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;
- (24) Fossil fuel fired boilers, or combinations thereof, totaling more than 250 million BTU per hour heat input;
- (25) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (26) Taconite ore processing plants;
- (27) Glass fiber processing plants;

(28) Charcoal production plants.

D. A major stationary source as defined in part D of Title I of the FCAA, including:

(1) For ozone nonattainment areas, sources with the potential to emit 100 tons per year or more of VOCs or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tons per year or more in areas classified as "serious," 25 tons per year or more in areas classified as "severe," and 10 tons per year or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 tons per year 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 FCAA, that requirements under section 182(f) of the FCAA do not apply;

(2) For ozone transport regions established pursuant to section 184 of the FCAA, sources with the potential to emit 50 tons per year or more of VOCs;

(3) For carbon monoxide nonattainment areas that are classified as "serious" and 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 tons per year or more of carbon monoxide.

(4) For PM10 nonattainment areas classified as "serious," sources with the potential to emit 70 tons per year or more of PM10.

- "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.
- "Final permit" means the version of an Oregon or LRAPA Title V Operating Permit issued by DEQ or LRAPA that has completed all review procedures required by OAR 340-218-0120 through 340-218-0240.
- "Form" means a paper or electronic form developed by DEQ or LRAPA.
- "Fuel burning equipment" means equipment, other than internal combustion engines, the principal purpose of which is to produce heat or power by indirect heat transfer.
- "Fugitive Emissions":
 - A. Except as used in subsection B., means emissions of any air contaminant which could escape to the atmosphere from any point or area that is not identifiable as a stack, chimney, vent, duct, or equivalent opening.
 - B. As used to define a major Oregon Title V Operating Permit program source, means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- "General permit":
 - A. Except as provided in subsection B. of this section, means an Air Contaminant Discharge Permit established under 37-0060.

B. As used in OAR 340 division 218 means an LRAPA or Oregon Title V Operating Permit established under OAR 340-218-0090.

- “Generic PSEL” means the levels for the regulated pollutants below:

Pollutant	Generic PSEL (tons/year, except as noted)
GHG (CO ₂ e)	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 (measured as nonmethane organic compounds)	49
Single HAP	9
Combined HAPs (aggregate)	24

- “Greenhouse gases”, “GHGs”, or “GHG” means the aggregate group of the following six gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride. Each gas is also individually a greenhouse gas. The definition of greenhouse gases in this section does not include, for purposes of LRAPA title 37, OAR 340 division 218, and LRAPA title 38, carbon dioxide emissions from the combustion or decomposition of biomass except to the extent required by federal law.
- "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” or “HAP” means an air pollutant listed by the EPA pursuant to Section 112(b) of the FCAA or determined by the EQC or Board to cause, or reasonably be anticipated to cause, adverse effects to human health or the environment.
- "Immediately" means as soon as possible but in no case more than one hour after a source knew or should have known of an excess emission period..

- "Indian governing body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.
- "Indian reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.
- "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 in 35-0200 through 35-0280, 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 re-designation 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 pollutants not regulated by the source's permit.
- "Internal combustion engine" means stationary gas turbines and reciprocating internal combustion engines.
- "Late payment" means a fee payment which is postmarked after the due date.
- "Liquefied petroleum gas" has the meaning given by the American Society for Testing and Materials in ASTM D1835-82, "Standard Specification for Liquid Petroleum Gases."
- "Lowest Achievable Emission Rate" or "LAER" means that rate of emissions which reflects: 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 the most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent. The application of this term cannot permit 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 any area that was formerly nonattainment for a criteria pollutant but has since met the ambient air quality standard, and EPA has approved a maintenance

plan to comply the standards pursuant to 40 CFR 51.110. Maintenance areas are designated by the LRAPA Board according to title 29.

- "Maintenance pollutant" means a regulated 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 satisfying the requirements of 38-0025.
- "Major New Source Review" or "Major NSR" means the new source review process and requirements under 38-0010 through 38-0070 and 38-0500 through 38-0540 based on the location and regulated pollutants emitted.
- "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. The fugitive emissions and insignificant activity emissions of a stationary source are considered in determining whether it is a major source. Potential to emit calculations must include emission increases due to a new or modified source and may include emission decreases.
 - 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, section 37-0066 Standard ACDPs, and LRAPA title 33, Emission Standards for Specific Industries, 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). 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 regulated 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) For hazardous air pollutants other than radionuclides, 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 or more of any single hazardous air pollutant that has been listed pursuant to 44-020; 25 tons per year or more of any combination of such hazardous air pollutants, unless the Administrator establishes a lesser quantity. 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 regulated pollutants, as defined in section 302 of the FCAA, that directly emits or has the potential to emit 100 tons per year or more of any regulated air pollutant, except greenhouse gases, including any major source of fugitive emissions of any such regulated 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 FCAA, unless the source belongs to one of the following categories of stationary sources:
- (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, excluding ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;
 - (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 FCAA.

(3) From July 1, 2011 through November 6, 2014, a major stationary source of regulated pollutants, as defined by Section 302 of the FCAA, that directly emits or has the potential to emit 100 tons per year or more of GHGs and directly emits or has the potential to emit 100,000 tons per year or more CO₂e, including fugitive emissions.

- "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 terms "major modification", "permit modification" and "Title I modification", means any physical change to, or change in the method of operation of, a source or part of a source that results in an increase in the source's or part of a 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 source or part of a 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 source or part of a source by using component upgrades that would not otherwise be necessary for the source or part of a 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.
- "Natural gas" means a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal component is methane.
 - "Netting basis" means an emission rate determined as specified in 42-0046.
 - "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 EQC, or the EPA which exceeds any federal, state or local primary or secondary ambient air quality standard. Nonattainment areas are designated by the Board according to LRAPA title 29 or by the EQC according to division 204.
 - "Nonattainment pollutant" means a regulated pollutant for which an area is designated a nonattainment area. Nonattainment areas are designated by the Board according to LRAPA title 29 or by the EQC according to division 204.
 - "Normal source operation" means operations that do not include such conditions as forced fuel substitution, equipment malfunction, or highly abnormal market conditions.
 - "Odor" means the property of an air contaminant that affects the sense of smell.
 - "Offset" means an equivalent or greater emission reduction that is required before allowing an emission increase from a source that is subject to Major NSR or State NSR.
 - "Opacity" means the degree to which emissions, excluding uncombined water, reduce transmission of light and obscure the view of an object in the background as measured by EPA Method 203B or other method, as specified in each applicable rule.

- "Oregon Title V Operating Permit", "Title V Permit", or "LRAPA Title V Operating Permit" means written authorization issued, renewed, amended, or revised pursuant to OAR 340 division 218.
- "Oregon Title V operating permit program" or "Title V program" means the Oregon program described in OAR division 218 and approved by the Administrator under 40 CFR part 70.
- "Oregon Title V operating permit program source" "Title V 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.
- "Particleboard" means mat-formed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.
- "Particulate matter" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by the test method specified in each applicable rule, or where not specified by rule, in the permit.
- "Permit" means an Air Contaminant Discharge Permit or an LRAPA Title V Operating Permit.
- "Permit modification" means a permit revision that meets the applicable requirements of LRAPA title 37, title 38, or OAR 340-218-0160 through 340-218-0180.
- "Permit revision" means any permit modification or administrative permit amendment.
- "Permitted emissions" as used in OAR 340 division 220 means each regulated pollutant portion of the PSEL, as identified in an ACDP, LRAPA or Oregon Title V Operating Permit, review report, or by DEQ pursuant to OAR 340-220-0090.
- "Permittee" means the owner or operator of facility source, authorized to emit regulated pollutants under an Air Contaminant Discharge Permit or the Oregon or LRAPA Title V Operating Permit.
- "Person" means individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the State of Oregon and any agencies thereof, and the federal government and any agencies thereof.
- "Plant Site Emission Limit" or "PSEL" means the total mass emissions per unit time of an individual regulated pollutant specified in a permit for a source. The PSEL for a major source may consist of more than one permitted emission for purposes of Oregon Title V Operating Permit Fees in OAR 340 division 220.
- "Plywood" means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it.

- "PM₁₀":
 - A. When used in the context of emissions, means emissions of finely divided solid or liquid material, including condensable particulate, 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 the test method specified in each applicable rule or, where not specified in rule, in each individual permit.
 - B. When used in the context of ambient concentration, means finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured under 40 CFR part 50 Appendix J or an equivalent method designated under 40 CFR part 53.

- "PM_{2.5}":
 - A. When used in the context of direct PM_{2.5} 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 the test method specified in each applicable rule or, where not specified by rule, in each individual permit.
 - B. When used in the context of PM_{2.5} precursor emissions, means sulfur dioxide (SO₂) and nitrogen oxides (NO_x) emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit.
 - C. When used in the context of ambient concentration, means airborne finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured under 40 CFR part 50, Appendix L, or an equivalent method designated under 40 CFR part 53.

- "PM_{2.5} fraction" means the emissions weighted average of the fraction of PM_{2.5} in relation to PM₁₀ for each emissions unit that is included in the netting basis and PSEL.

- "Pollutant-specific emissions unit" means an emissions unit considered separately with respect to each regulated pollutant.

- "Portable" means designed and capable of being carried or moved from one location to another. Indicia of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

- "Potential to emit" or "PTE" means the lesser of:
 - A. The regulated pollutant emissions capacity of a stationary source; or
 - B. The maximum allowable regulated pollutant emissions taking into consideration any physical or operational limitation, including the use of control devices 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 FCAA or the term "capacity factor" as used in Title IV of the FCAA and the regulations promulgated thereunder. Secondary emissions are not considered in determining the potential to emit.
- "ppm" means parts per million by volume unless otherwise specified in the applicable rule or an individual permit. 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.
 - "Predictive emission monitoring system" or "PEMS" means a system that uses process and other parameters as inputs to a computer program or other data reduction system to produce values in terms of the applicable emission limitation or standard.
 - "Press/cooling vent" means any opening through which particulate and gaseous emissions from plywood, particleboard, or hardboard manufacturing are exhausted, either by natural draft or powered fan, from the building housing the process. Such openings are generally located immediately above the board press, board unloader, or board cooling area.
 - "Process upset" means a failure or malfunction of a production process or system to operate in a normal and usual manner.
 - "Proposed permit" means the version of an LRAPA Title V Operating Permit that LRAPA proposes to issue and forwards to the Administrator for review in compliance with OAR 340-218-0230.
 - "Reattainment area" means an area that is designated as nonattainment and has three consecutive years of monitoring data that shows the area is meeting the ambient air quality standard for the regulated pollutant for which the area was designated a nonattainment area, but a formal redesignation by EPA has not yet been approved. Reattainment areas are designated by the EQC according to division 204 and LRAPA according to title 29.
 - "Reattainment pollutant" means a regulated pollutant for which an area is designated a reattainment area.
 - "Reference method" means any method of sampling and analyzing for a regulated 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., means:
 - (1) Nitrogen oxides or any VOCs;
 - (2) Any pollutant for which an ambient air quality standard has been promulgated, including precursors of such pollutants;
 - (3) Any pollutant that is subject to any standard promulgated under section 111 of the FCAA;

- (4) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the FCAA;
 - (5) Any pollutant listed under 44-020 or 40 CFR 68.130; and
 - (6) Greenhouse gases.
- B. As used in OAR 340 division 220, Oregon Title V Operating Permit Fees, regulated pollutant means particulate matter, volatile organic compounds, oxides of nitrogen and sulfur dioxide:
- C. As used in LRAPA title 42, Plant Site Emission Limits, and title 38, New Source Review, regulated pollutant does not include any pollutant listed in LRAPA titles 44 and 46.
- “Removal efficiency” means the performance of an air pollution control device in terms of the ratio of the amount of the regulated pollutant removed from the airstream to the total amount of regulated pollutant that enters the air pollution control device.
 - "Renewal" means the process by which a permit is reissued at the end of its term.
 - "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 DEQ or LRAPA.
 - 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 LRAPA 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 EPA (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 FCAA or the regulations promulgated there under are concerned; and

(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 DEQ, 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 section of the FCAA, 42 U.S.C. § 7411, which includes Standards of Performance for New Stationary Sources (NSPS).
- "Section 111(d)" means subsection 111(d) of the FCAA, 42 U.S.C. § 7411(d), which requires states to submit to the EPA plans that establish standards of performance for existing sources and provides for implementing and enforcing such standards.
- "Section 112" means section 112 of the FCAA, 42 U.S.C. § 7412, which contains regulations for Hazardous Air Pollutants
- “Section 112(b)” means that subsection of the FCAA, 42 U.S.C. § 7412(b), which includes the list of hazardous air pollutants to be regulated.
- “Section 112(d)” means subsection of the FCAA, 42 U.S.C. § 7412(d), which 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 subsection of the FCAA, 42 U.S.C. § 7412(e), which directs the EPA to establish and promulgate emissions standards for categories and subcategories of sources that emit Hazardous Air Pollutants.
- "Section 112(r)(7)" means subsection 112(r)(7) of the FCAA, 42 U.S.C. § 7412(r)(7), which requires the EPA to promulgate regulations for the prevention of accidental releases and requires owners or operators to prepare risk management plans.
- "Section 114(a)(3)" means subsection 114(a)(3) of the FCAA, 42 U.S.C. § 7414(a)(3), which requires enhanced monitoring and submission of compliance certifications for major sources.
- “Section 129" means section of the FCAA, 42 U.S.C. § 7429, which requires EPA to promulgate regulations for solid waste combustion.
- "Section 129(e)" means subsection 129(e) of the FCAA, 42 U.S.C. § 7429(e), which requires solid waste incineration units to obtain LRAPA Title V Operating Permits.

- "Section 182(f)" means subsection 182(f) of the FCAA, 42 U.S.C. § 7511a(f), which requires states to include plan provisions in the SIP for NO_x in ozone nonattainment areas.
- "Section 182(f)(1)" means subsection 182(f)(1) of the FCAA, 42 U.S.C. § 7511a(f)(1), which requires states to apply those plan provisions developed for major VOC sources and major NO_x sources in ozone nonattainment areas.
- "Section 183(e)" means subsection 183(e) of the FCAA, 42 U.S.C. § 7511b(e), which requires the EPA to study and develop regulations for the control of certain VOC sources under federal ozone measures.
- "Section 183(f)" means subsection 183(f) of the FCAA, 42 U.S.C. § 7511b(f), which requires the EPA to develop regulations pertaining to tank vessels under federal ozone measures.
- "Section 184" means section 184 of the FCAA, 42 U.S.C. § 7511c, which contains regulations for the control of interstate ozone air pollution.
- "Section 302" means section 302 of the FCAA, 42 U.S.C. § 7602, which contains definitions for general and administrative purposes in the FCAA.
- "Section 302(j)" means subsection 302(j) of the FCAA, 42 U.S.C. § 7602(j), which contains definitions of "major stationary source" and "major emitting facility."
- "Section 328" means section 328 of the FCAA, 42 U.S.C. § 7627, which contains regulations for air pollution from outer continental shelf activities.
- "Section 408(a)" means subsection 408(a) of the FCAA, 42 U.S.C. § 7651g(a), which contains regulations for the Title IV permit program.
- "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 FCAA Title I modification.
- "Section 504(b)" means subsection 504(b) of the FCAA, 42 U.S.C. § 7661c(b), which states that the EPA can prescribe by rule procedures and methods for determining compliance and for monitoring.
- "Section 504(e)" means subsection 504(e) of the FCAA, 42 U.S.C. § 761c(e), which contains regulations for permit requirements for temporary sources.
- "Significant emission rate" or "SER," except as provided in subsections A and B, means an emission rate equal to or greater than the rates specified for the regulated pollutants in Table 2 below:

TABLE 2 LRAPA Title 12 SIGNIFICANT EMISSION RATES FOR POLLUTANTS REGULATED UNDER THE CLEAN AIR ACT		
Row	Pollutant	Emission Rate
(a)	Greenhouse gases (CO ₂ e)	75,000 tons/year
(b)	Carbon monoxide except as noted in row (c) below	100 tons/year
(c)	Carbon monoxide in a serious nonattainment area, provided LRAPA has determined that stationary sources contribute significantly to carbon monoxide levels in that area	50 tons/year
(d)	Nitrogen oxides (NO _x)	40 tons/year
(e)	Particulate matter	25 tons/year
(f)	PM ₁₀	15 tons/year
(g)	Direct PM _{2.5}	10 tons/year
(h)	PM _{2.5} precursors (NO _x or SO ₂)	40 tons/year
(i)	Sulfur dioxide (SO ₂)	40 tons/year
(j)	Ozone precursors (VOC or NO _x), except as noted in rows (k) and (l), below:	40 tons/year
(k)	Ozone precursors in a serious or severe ozone nonattainment area	25 tons/year
(l)	Ozone precursors in an extreme ozone nonattainment area	Any emissions increase
(m)	Lead	0.6 ton/year
(n)	Fluorides	3 tons/year
(o)	Sulfuric acid mist	7 tons/year
(p)	Hydrogen sulfide	10 tons/year
(q)	Total reduced sulfur (including hydrogen sulfide)	10 tons/year
(r)	Reduced sulfur compounds (including hydrogen sulfide)	10 tons/year
(s)	Municipal waste combustor organics (measured as total tetra-through octa- chlorinated dibenzo-p-dioxins and dibenzofurans)	0.0000035 ton/year
(t)	Municipal waste combustor metals (measured as particulate matter)	15 tons/year
(u)	Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	40 tons/year
(v)	Municipal solid waste landfill emissions (measured as nonmethane organic compounds)	50 tons/year
(w)	Ozone depleting substances in aggregate	100 tons/year

- A. For the regulated pollutants not listed in Table 2 above, the SER is zero unless LRAPA or DEQ determines the rate constitutes a SER.
- B. Any new source or modification with an emissions increase less than the rates specified above that is located within 10 kilometers of a Class I area, and would have an impact on such an area equal to or greater than 1 ug/m³ (24 hour average) is emitting at a SER. This subsection does not apply to greenhouse gas emissions.
- "Significant impact" means an additional ambient air quality concentration equal to or greater than the significant impact level. For sources of VOC or NO_x, source has a significant impact if it is located within the ozone impact distance defined in LRAPA title 40.

- “Significant impact level” or “SIL” means the ambient air quality concentrations listed in Table 1 below. The threshold concentrations listed below are used for comparison against the ambient air quality standards and PSD increments established under OAR 340 division 202 or LRAPA title 50, but do not apply for protecting air quality related values, including visibility.

TABLE 1				
LRAPA Title 12				
SIGNIFICANT IMPACT LEVEL:				
Pollutant	Averaging Time	Air Quality Area Designation		
		Class I	Class II	Class III
SO ₂ (µg/m ³)	Annual	0.10	1.0	1.0
	24-hour	0.20	5.0	5.0
	3-hour	1.0	25.0	25.0
	1-hour	---	8.0	---
PM ₁₀ (µg/m ³)	Annual	0.20	0.2	0.2
	24-hour	0.30	1.0	1.0
PM _{2.5} (µg/m ³)	Annual	0.06	0.3	0.3
	24-hour	0.07	1.2	1.2
NO ₂ (µg/m ³)	Annual	0.10	1.0	1.0
	1-hour	---	8.0	---
CO (mg/m ³)	8 hour	---	0.5	0.5
	1-hour	---	2.0	2.0

- "Significant impairment" occurs when LRAPA determines that visibility impairment interferes with the management, protection, preservation, or the enjoyment of the visual experience of visitors within a Class I area. LRAPA will make this determination 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 air contaminant 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., means all the regulated 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 DEQ determines are using similar raw materials and have equivalent process controls and pollution control device.
 - "Source test" means the average of at least three test runs conducted under DEQ's Source Sampling Manual.
 - "Standard conditions" means a gas temperature of sixty-eight (68) degrees Fahrenheit and a pressure of 14.7 pounds per square inch absolute.
 - "Startup" and "Shutdown" means the time during which a source or control device is brought into normal operation or normal operation is terminated, respectively.
 - "State Implementation Plan" or "SIP" means the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040 and approved by EPA.
 - "State New Source Review" or "State NSR" means the new source review process and requirements under 38-0010 through 38-0038, 38-0245 through 38-0270 and 38-0500 through 38-0540 based on the location and regulated pollutants emitted.

- “Stationary Source” means any building, structure, facility, or installation at a source that emits or may emit any regulated pollutant. Stationary source includes portable sources that are required to have permits under LRAPA title 37.
- “State or State or Local Control Agency”, where found in 40 CFR 51.118, means LRAPA or DEQ.
- "Substantial underpayment" means the lesser of 10 percent of the total interim emission fee for the major source or five hundred dollars.
- “Sustainment area” means a geographical area of the state for which LRAPA has ambient air quality monitoring data that shows an attainment or unclassified area could become a nonattainment area but a formal redesignation by EPA has not yet been approved. The presumptive geographic boundary of a sustainment area is the applicable urban growth boundary in effect on the date this rule was last approved by the Board, unless superseded by rule. Sustainment areas are designated by the Board according to LRAPA title 29.
- “Sustainment pollutant” means a regulated pollutant for which an area is designated a sustainment area.
- "Synthetic minor source" means a source that would be classified as a major source under LRAPA title 12, but for limits on its potential to emit regulated pollutants contained in an ACDP or Title V permit issued by LRAPA.
- "Title I modification" means one of the following modifications pursuant to Title I of the FCAA:
 - A. A major modification subject to Section 38-0050, Requirements for Sources in Nonattainment Areas or Section 38-0055, Requirements for Sources in Reattainment Areas;
 - B. A major modification subject to Section 38-0060, Requirements for Sources in Maintenance Areas;
 - C. A major modification subject to Section 38-0070, Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas or Section 38-0045 Requirements for Sources in Sustainment 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 (H₂S).
- “Type A State NSR” means State NSR as specified in 38-0010(2)(a).
- “Type B State NSR” means State NSR that is not Type A State NSR.

- “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 under 32-008.
- "Unassigned emissions" means the amount of emissions that are in excess of the PSEL but less than the netting basis.
- "Unavoidable" or “could not be avoided” means events which are not caused entirely or in part by design, operation, maintenance, or any other preventable condition in either process or control device.
- “Unclassified area” or “attainment area” means an area that has not otherwise been designated by EPA as nonattainment with ambient air quality standards for a particular regulated pollutant. Attainment areas or unclassified areas may also be referred to as sustainment or maintenance areas as designated in LRAPA title 29. Any particular location may be part of an attainment area or unclassified area for one regulated pollutant while also being in a different type of designated area for another regulated pollutant.
- "Uncombined Water" means water which is not chemically bound to a substance.
- "Upset" or "Breakdown" means any failure or malfunction of any pollution control device or operating equipment that may cause excess emissions.
- "Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log.
- "Veneer dryer" means equipment in which veneer is dried.
- "Visibility impairment" means any humanly perceptible change in visual range, contrast or coloration from that which existed under natural conditions. Natural conditions include fog, clouds, windblown dust, rain, sand, naturally ignited wildfires, and natural aerosols.
- "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:

- (1) methane;
- (2) ethane;
- (3) methylene chloride (dichloromethane);
- (4) dimethyl carbonate; propylene carbonate;
- (5) 1,1,1-trichloroethane (methyl chloroform);
- (6) 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
- (7) trichlorofluoromethane (CFC-11);
- (8) dichlorodifluoromethane (CFC-12);
- (9) chlorodifluoromethane (HCFC-22);
- (10) trifluoromethane (HFC-23);
- (11) 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);
- (12) chloropentafluoroethane (CFC-115);

- (13) 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123);
- (14) 1.1.1.2-tetrafluoroethane (HFC-134a);
- (15) 1,1-dichloro-1-fluoroethane (HCFC-141b);
- (16) 1-chloro-1,1-difluoroethane (HCFC-142b);
- (17) 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
- (18) HCFC 225ca and cb;
- (19) HFC 43-10mee;
- (20) pentafluoroethane [2] (HFC-125);
- (21) 1,1,2,2-tetrafluoroethane (HFC-134);
- (22) 1,1,1-trifluoroethane (HFC-143a);
- (23) 1,1-difluoroethane (HFC-152a);
- (24) perchlorobenzotrifluoride (PCBTF);
- (25) cyclic, branched, or linear completely methylated siloxanes;
- (26) acetone;
- (27) perchloroethylene (tetrachloroethylene);
- (28) 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
- (29) 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
- (30) 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
- (31) difluoromethane (HFC-32);
- (32) ethylfluoride (HFC-161);
- (33) 1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
- (34) 1,1,2,2,3-pentafluoropropane (HFC-245ca);
- (35) 1,1,2,3,3-pentafluoropropane (HFC-245ea);
- (36) 1,1,1,2,3-pentafluoropropane (HFC-245eb);
- (37) 1,1,1,3,3-pentafluoropropane (HFC-245fa);
- (38) 1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
- (39) 1,1,1,3,3-pentafluorobutane (HFC-365mfc);
- (40) chlorofluoromethane (HCFC-31);
- (41) 1 chloro-1-fluoroethane (HCFC-151a);
- (42) 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
- (43) 1,1,1,2,2,3,3,4-nonafluoro-4-methoxy-butane (C₄F₉OCH₃);
- (44) 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane
((CF₃)₂CF₂OCH₃);
- (45) 1-ethoxy-1,1,2,2,3,3,4,4-nonafluorobutane (C₄F₉OC₂H₅);
- (46) 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane
((CF₃)₂CF₂OC₂H₅);
- (47) methyl acetate;
- (48) 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C₃F₇OCH₃,
HFE-7000);
- (49) 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-
(trifluoromethyl) hexane (HFE-7500);
- (50) 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);
- (51) methyl formate (HCOOCH₃);
- (52) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-
pentane (HFE-7300);
- (53) propylene carbonate;
- (54) dimethyl carbonate;
- (55) *trans* -1,3,3,3-tetrafluoropropene (also known as HFO-
1234ze);
- (56) HCF₂ OCF₂ H (HFE-134);
- (57) HCF₂ OCF₂ OCF₂ H (HFE-236cal2);
- (58) HCF₂ OCF₂ CF₂ OCF₂ H (HFE-338pcc13);

- (59) $\text{HCF}_2 \text{ OCF}_2 \text{ OCF}_2 \text{ CF}_2 \text{ OCF}_2 \text{ H}$ (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180));
- (60) trans 1-chloro-3,3,3-trifluoroprop-1-ene (also known as SolsticeTM 1233zd(E));
- (61) 2,3,3,3-tetrafluoropropene (also known as HFO-1234yf);
- (62) 2-amino-2-methyl-1-propanol;
- (63) T-Butyl Acetate (TBAC);
- (64) $\text{CHF}_2\text{CF}_2\text{OCH}_2\text{CF}_3$ (HFE-347pcf2); and
- (65) perfluorocarbon compounds which fall into these classes:

- (i) Cyclic, branched, or linear, completely fluorinated alkanes;
- (ii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
- (iii) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
- (iv) 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 under DEQ's Source Sampling Manual. 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.

- "Wood-fired veneer dryer" means a veneer dryer that is directly heated by the products of combustion of wood fuel in addition to or exclusive of steam or natural gas or propane combustion.
- "Wood fuel-fired device" means a device or appliance designed for wood fuel combustion, including cordwood stoves, woodstoves and fireplace stove inserts, fireplaces, wood fuel-fired cook stoves, pellet stoves and combination fuel furnaces and boilers that burn wood fuels.
- "Year", unless otherwise defined, means any consecutive 12 month period of time.

Section 12-010 Abbreviations and Acronyms

- "AAQS" means ambient air quality standard.
- "ACDP" means Air Contaminant Discharge Permit.
- "ACT" means Federal Clean Air Act.
- "AE" means Actual Emissions.
- "AICPA" means Association of Independent Certified Public Accountants.
- "AQCR" means Air Quality Control Region.
- "AQRV" means Air Quality Related Value
- "AQMA" means Air Quality Maintenance Area.
- "ASME" means American Society of Mechanical Engineers.
- "ASTM" means American Society for Testing & Materials.

- "ATETP" means Automotive Technician Emission Training Program.
- "AWD" means all wheel drive.
- "BACT" means Best Available Control Technology.
- "BART" means Best Available Retrofit Technology.
- "BLS" means black liquor solids.
- "CAA" means Clean Air Act
- "CAR" means control area responsible party.
- "CBD" means central business district.
- "CCTMP" means Central City Transportation Management Plan.
- "CEM" means continuous emissions monitoring.
- "CEMS" means continuous emission monitoring system.
- "CERCLA" means Comprehensive Environmental Response Compensation and Liability Act.
- "CFRMS" means continuous flow rate monitoring system.
- "CFR" means Code of Federal Regulations.
- "CMS" means continuous monitoring system.
- "CO" means carbon monoxide.
- "CO_{2e}" means carbon dioxide equivalent
- "COMS" means continuous opacity monitoring system.
- "CPMS" means continuous parameter monitoring system.
- "DEQ" means Oregon Department of Environmental Quality.
- "DOD" means Department of Defense.
- "EA" means environmental assessment.
- "ECO" means employee commute options.
- "EEAF" means emissions estimate adjustment factor.
- "EF" means emission factor.
- "EGR" means exhaust gas re-circulation.
- "EIS" means Environmental Impact Statement
- "EPA" means Environmental Protection Agency.
- "EQC" means Environmental Quality Commission.
- "ESP" means electrostatic precipitator.
- "FCAA" means Federal Clean Air Act.
- "FHWA" means Federal Highway Administration.
- "FONSI" means finding of no significant impact.
- "FTA" means Federal Transit Administration.
- "GFA" means gross floor area.
- "GHG" means greenhouse gases
- "GLA" means gross leasable area.
- "GPM" means grams per mile.
- "gr/dscf" means grains per dry standard cubic foot.
- "GTBA" means grade tertiary butyl alcohol.
- "GVWR" means gross vehicle weight rating.
- "HAP" means hazardous air pollutant.
- "HEPA" means high efficiency particulate air.
- "HMIWI" means hospital medical infectious waste incinerator.
- "I/M" means inspection and maintenance program.
- "IG" means inspection grade.
- "IRS" means Internal Revenue Service.
- "ISECP" means indirect source emission control program.
- "ISTEA" means Intermodal Surface Transportation Efficiency Act.
- "LAER" means Lowest Achievable Emission Rate.
- "LDT2" means light duty truck 2.

- "LIDAR" means laser radar; light detection and ranging.
- "LPG" means liquefied petroleum gas.
- "LRAPA" means Lane Regional Air Protection Agency.
- "LUCS" means Land Use Compatibility Statement.
- "MACT" means Maximum Achievable Control Technology.
- "MPO" means Metropolitan Planning Organization.
- "MTBE" means methyl tertiary butyl ether.
- "MWC" means municipal waste combustor.
- "NAAQS" means National Ambient Air Quality Standards.
- "NAICS" means North American Industrial Classification System.
- "NEPA" means National Environmental Policy Act.
- "NESHAP" means National Emissions Standard for Hazardous Air Pollutants.
- "NIOSH" means National Institute of Occupational Safety & Health.
- "NO_x" means nitrogen oxides.
- "NSPS" means New Source Performance Standards.
- "NSR" means New Source Review.
- "NSSC" means neutral sulfite semi-chemical.
- "O₃" means ozone.
- "OAR" means Oregon Administrative Rules.
- "ODOT" means Oregon Department of Transportation.
- "ORS" means Oregon Revised Statutes.
- "OSAC" means orifice spark advance control.
- "OSHA" means Occupational Safety & Health Administration.
- "PCDE" means pollution control device collection efficiency.
- "PEMS" means predictive emission monitoring system.
- "PM" means particulate matter.
- "PM₁₀" means particulate matter less than 10 microns.
- "PM_{2.5}" means particulate matter less than 2.5 microns.
- "POTW" means Publicly Owned Treatment Works.
- "POV" means privately owned vehicle.
- "ppm" means parts per million.
- "PSD" means Prevention of Significant Deterioration.
- "PSEL" means Plant Site Emission Limit.
- "QIP" means quality improvement plan.
- "RACT" means Reasonably Available Control Technology.
- "ROI" means range of influence.
- "RVCOG" means Rogue Valley Council of Governments.
- "RWOC" means running weighted oxygen content.
- "scf" means standard cubic feet.
- "SCS" means speed control switch.
- "SD" means standard deviation.
- "SERP" means source emission reduction plan.
- "SIC" means Standard Industrial Classification from the Standard Industrial Classification Manual (U.S. Office of Management and Budget, 1987).
- "SIP" means State Implementation Plan.
- "SLAMS" means State or Local Air Monitoring Stations.
- "SO₂" means sulfur dioxide.
- "SOCMI" means synthetic organic chemical manufacturing industry.
- "SOS" means Secretary of State.
- "SPMs" means Special Purpose Monitors.
- "TAC" means thermostatic air cleaner.
- "TACT" means Typically Achievable Control Technology.

- "TCM" means transportation control measures.
- "TCS" means throttle control solenoid.
- "TIP" means Transportation Improvement Program.
- "tpy" means tons per year.
- "TRS" means total reduced sulfur.
- "TSP" means total suspended particulate matter.
- "UGA" means urban growth area.
- "UGB" means urban growth boundary.
- "USC" means United States Code.
- "US DOT" means United States Department of Transportation.
- "UST" means underground storage tanks.
- "UTM" means universal transverse mercator.
- "VIN" means vehicle identification number.
- "VMT" means vehicle miles traveled.

"VOC" means volatile organic compounds.

Section 12-020 Exceptions

- (1) Except as provided in subsection (2), LRAPA Rules and Regulations do not apply to:
 - (a) Agricultural operations, including but not limited to:
 - (A) Growing or harvesting crops;
 - (B) Raising fowl or animals;
 - (C) Clearing or grading agricultural land;
 - (D) Propagating and raising nursery stock;
 - (E) Propane flaming of mint stubble; and
 - (F) 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 OAR 340 division 262, and as provided in ORS 468A.020(1)(d). Emissions from woodstoves can be used to create emission reduction credits in title 41.
 - (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) 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.

Section 12-025 Reference Materials

As used in LRAPA Rules and Regulations, the following materials refer to the versions listed below.

- (1) "CFR" means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 2016 edition.
- (2) The DEQ Source Sampling Manual refers to the March 2015 edition.
- (3) The DEQ Continuous Monitoring Manual refers to the March 2015 edition.

Section 12-030 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.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 14

RULES OF PRACTICE AND PROCEDURE

Section 14-110 Definitions

The words and phrases used in this title have the same meaning given them in ORS 183.310. Additional terms are defined as follows unless context requires otherwise:

- (1) "Adoption" means the carrying of a motion by the Board with regard to the subject matter or issues of an intended Agency action.
- (2) "Agency" means the Lane Regional Air Protection Agency.
- (3) "Board" means the Board of Directors of the Lane Regional Air Protection Agency.
- (4) "Chair" means the chair of the Board of Directors of the Lane Regional Air Protection Agency.
- (5) "Director" means the Director of the Lane Regional Air Protection Agency and authorized deputies or officers.
- (6) "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 the Agency, except a claim of personal liability.
- (7) "Model Rules" or "Uniform Rules" means the Attorney General's Uniform and Model Rules of Procedure, OAR chapter 137, division 001 (excluding 137-001-0008 through 137-001-0009), chapter 137, division 003, and chapter 137, division 004, as amended and in effect on January 1, 2006.
- (8) "Presiding Officer" means the Agency, its Chair, 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 the Agency who actually presided in any such hearing is presumptively designated by the Agency or Director, such presumptive designation to be overcome only by a written statement to the contrary bearing the signature of the Chair or the Director.

Rulemaking

Section 14-115 Rulemaking Notice

- (1) Prior to the adoption, amendment or repeal of any rule, the Agency shall give notice of its intended action on the Agency website and to persons who have requested notice pursuant to ORS 183.335(7).
- (2) The notice required by subsection (1) shall state the subject matter, issues and purpose of the intended action in sufficient detail to inform a person that the person's interests may be affected. The notice shall also give the time and place of hearing and the time, place and manner where

a full description of the intended action or copy of the proposed rule and supporting documents may be obtained.

- (3) The Agency shall, at the time the notice is issued, prepare and make available to the public:
 - (a) The citation(s) of statutory or other legal authority relied upon and bearing upon the intended action;
 - (b) A statement of need for the action and how the action is intended to meet the need;
 - (c) A list of principal documents, reports or studies, if any, used by the Agency in considering the need; and
 - (d) A statement of fiscal impact on state and local agencies, public and businesses, including small businesses which may be affected.

Section 14-120 Rulemaking Hearings and Process

Except as specifically provided to the contrary by this section, the rulemaking process shall be governed by the Attorney General's Model Rules, OAR 137-001-0005 through 137-001-0060. As used in those rules, the terms "agency," "governing body" and "decision maker" generally should be interpreted to mean "Board."

Section 14-125 Temporary Rules

The Board may adopt temporary rules, along with supportive findings, pursuant to ORS 183.335(5)(b) and 183.355(2) and the Attorney General's Model Rule OAR 137-001-0080.

- (1) If no notice has been provided before adoption of a temporary rule, the Agency shall give notice of its temporary rulemaking to persons, entities and media specified under ORS 183.335(1) by mailing or personally delivering to each of them a copy of the rule or rules as adopted and a copy of the statements required under ORS 183.335(5). If a temporary rule or rules are over ten pages in length, the Agency may provide a summary and state how and where a copy of the rule or rules may be obtained. Failure to give this notice shall not affect the validity of any rule.
- (2) A temporary rule is effective for less than 180 calendar days if a shorter period is specified in the rule, or for 180 calendar days if the rule does not specify a shorter period.

Section 14-126 Effective Date of Rules or Orders

The rule or order shall become effective upon adoption by the Board, unless a different effective date is required by statute or specified in the rule or order. The rule or order is not filed with the Secretary of State unless agreed by LRAPA and DEQ.

Section 14-130 Petition to Promulgate, Amend or Repeal Rule--Content of Petition, Filing of Petition

The filing of petitions for rulemaking and action thereon by the Commission shall be in accordance with the Attorney General's Uniform Rules of Procedure set forth in OAR 137-001-0070. As used in that rule, the term "agency" general refers to the Board but may also refer to the Agency if context requires.

Section 14-135 Declaratory Rulings

Except as specifically provided to the contrary by these rules, the declaratory ruling process shall be governed by the Attorney General's Model Rules, OAR 137-002-0010 through 137-002-0060. As used in those rules, the terms "agency," "governing body" and "decision maker" generally should be interpreted to mean "Board."

Contested Cases

Section 14-140 Contested Case Proceedings Generally

Except as specifically provided to the contrary by these rules, contested case proceedings including notice requirements shall be governed by the Attorney General's Model Rules of Procedure, OAR 137-003-0501 through 137-003-0700. As used in those rules, the terms "agency," "governing body" and "decision maker" generally should be interpreted to mean "Board".

Section 14-145 Agency Representation by Environmental Law Specialist

- (1) Environmental Law Specialists, and other Agency personnel as approved by the Director, are authorized to appear on behalf of the Agency and Board in contested case hearings involving formal enforcement actions issued under these rules and issuance, revocation, modification, or denial of licenses, permits, certifications, or other authorizations, including general permit coverage or registrations.
- (2) Environmental Law Specialists or other approved personnel may not present legal argument as defined under OAR 137-003-0545 on behalf of the Agency or Board in contested case hearings.

Section 14-147 Authorized Representative of Respondent other than a Natural Person in a Contested Case Hearing

A corporation, partnership, limited liability company, unincorporated association, trust and government body may be represented by either an attorney or an authorized representative in a contested case hearing before the hearing officer or Board to the extent allowed by OAR 137-003-0555.

Section 14-150 Liability for the Acts of a Person's Employees

A person is legally responsible for not only its direct acts but also the acts of its employee when the employee is acting within the scope of the employment relationship, regardless of whether the person expressly authorizes the act in question. The mental state of an employee can be imputed to the employer. Nothing in this rule prevents the Agency from issuing a formal enforcement action to an employee for violations occurring during the scope of the employee's employment.

Section 14-155 Consolidation or Bifurcation of Contested Case Hearings

Proceedings for the assessment of multiple civil penalties for multiple violations may be consolidated into a single proceeding or bifurcated into separate proceedings, at the Agency's discretion. Additionally, the Agency, at its discretion, may consolidate or bifurcate contested case hearings involving the same fact or set of facts constituting the violation.

Section 14-160 Final Orders

- (1) A final order shall be issued by the Hearings Officer, who may direct any party to prepare the final order.
- (2) Final orders on contested cases shall be in writing and shall include the following:
 - (a) Rulings on admissibility of offered evidence when the rulings are not set forth in the record.
 - (b) Findings of fact: Those matters that are either agreed as fact or that, when disputed, are determined by the Hearings Officer on substantial evidence to be facts over contentions to the contrary. A finding must be made on each fact necessary to reach the conclusions of law on which the order is based.
 - (c) Conclusion(s) of law: Applications of the controlling law to the facts found and the legal results arising therefrom.
 - (d) Order: The action taken by the Agency as a result of the facts found and the legal conclusions arising therefrom.
 - (e) A citation of the statutes under which the order may be appealed.

Section 14-165 Default Orders

- (1) When the Agency has given a party an opportunity to request a hearing and the party fails to make a request within a specified time, or when the Agency has set a specified time and place for a hearing and the party fails to appear at the specified time and place, the Director may enter a final order by default.
- (2) The Agency may issue an order of default only after a prima facie case on the record has been made. The record may be made by the Director at a meeting convened by the Director or Hearings Officer, at a scheduled hearing on the matter.
- (3) The record shall be complete at the time of the notice at the time the default order is issued.
- (4) The record may consist of oral (transcribed, recorded or reported) or written evidence or a combination of oral and written evidence. When the record is made at the time the notice or order is issued, the Agency file may be designated as the record. In all cases, the record must contain substantial evidence to support the findings of fact.
- (5) When the Hearings Officer has set a specified time and place for a hearing in a matter in which only one party is before the Hearings Officer and that party subsequently notifies the Agency that the party will not appear at such specified time and place, the Hearings Officer may enter a default order, cancel the hearing and follow the procedure described in subsections (2) and (4).
- (6) Any default order shall be the final order of the Agency.

Section 14-170 Appeal to the Board

- (1) Filing of Appeal. The Hearings Officer's Final Order shall be the final order of the Board unless within thirty (30) days from the date of mailing, or if not mailed then from the date of personal service, any of the parties, a member of the Board, or the Director files with the Board and serves upon each party and the Agency a Notice of Appeal. A proof of service thereof shall also be filed, but failure to file a proof of service shall not be a ground for dismissal of the Notice of Appeal.
 - (a) The timely filing and service of a Notice of Appeal is a jurisdictional requirement for the commencement of an appeal to the Board and cannot be waived; a Notice of Appeal which is filed or served late shall not be considered and shall not affect the validity of the Hearings Officer's Final Order which shall remain in full force and effect.
 - (b) The timely filing and service of a sufficient Notice of Appeal to the Board shall automatically stay the effect of the Hearings Officer's Final Order.
- (2) Content of Notice of Appeal. A Notice of Appeal shall be in writing and need only state the party's or a Board member's intent that the Board review the Hearings Officer's Final Order.
- (3) Procedures on Appeal:
 - (a) Appellant's Exceptions and Brief: Within thirty (30) days from the date of service or filing of his Notice of Appeal, whichever is later, the appellant shall file with the Board and serve upon each other party written exceptions, brief and proof of service. Such exceptions shall specify those findings and conclusions objected to and the reasoning for the exception, and shall include proposed alternative findings of fact, conclusions of law, and order with specific references to those portions to the record upon which the party relies. Matters not raised before the Hearings Officer shall not be considered. In any case where opposing parties timely serve and file Notices of Appeal, the first to file shall be considered to be the appellant and the opposing party the cross appellant.
 - (b) Appellee's Brief: Each party so served with exceptions and brief shall then have thirty (30) days from the date of service or filing, whichever is later, in which to file with the Board and serve upon each other party an answering brief and proof of service.
 - (c) Reply Brief: Except as provided in paragraph (d), each party served with an answering brief shall have twenty (20) days from the date of service or filing, whichever is later, in which to file with the Board and serve upon each other party a reply brief and proof of service.
 - (d) Cross Appeals: Should any party entitled to file an answering brief so elect, he may also cross appeal to the Board the Hearings Officer's Final Order by filing with the Board and serving upon each other party in addition to an answering brief a Notice of Cross Appeal, exceptions (described in paragraph (a)), a brief on cross appeal and proof of service, all within the same time allowed for an answering brief. The appellant-cross appellee shall then have thirty (30) days in which to serve and file his reply brief, cross answering brief and proof of service. There shall be no cross reply brief without leave of the Board Chair or Hearings Officer.
 - (e) Briefing on Board-Invoked Review: Where one or more members of the Board commence an appeal to the Board pursuant to subsection (1), and where no party to the case has timely served and filed a Notice of Appeal, the Chair shall promptly notify the parties of the issue that the Board desires the parties to brief and the schedule for filing and serving briefs.

The parties shall limit their briefs to those issues. Where one or more members of the Board have commenced an appeal to the Board and a party has also timely commenced such a proceeding, briefing shall follow the schedule set forth in paragraphs (a) through (f).

- (f) Extensions: The Chair or the Hearings Officer, upon request, may extend any of the time limits contained in this section. Each extension shall be made in writing and be served upon each party. Any request for an extension may be granted or denied in whole or in part.
 - (g) Failure to Prosecute: The Board may dismiss any appeal or cross appeal if the appellant or cross appellant fails to timely file and serve any exceptions or brief required by these rules.
 - (h) Oral Argument: Following the expiration of the time allowed the parties to present exceptions and briefs, the Chair may at his or her discretion schedule the appeal for oral argument before the Board.
- (4) Scope of Review: In an appeal to the Board of a Hearings Officer's Final Order, the review by the Board shall be confined to the record of proceedings before the Hearings officer. The Board may not substitute its judgment for that of the Hearings Officer in making any particular finding of fact, conclusion of law or order. As to any finding of fact made by the Hearings Officer, the Board may make an identical finding without any further consideration of the record.
- (5) Remand
- (a) In the case of disputed allegations of irregularities in procedure before the Hearings Officer not shown in the record which, if proved, would warrant reversal or remand, the Board may refer the allegations to another Hearings Officer appointed by the Board to take evidence and make finding of fact upon them.
 - (b) The Board may affirm or remand the proposed order. The Board shall remand the order only if it finds:
 - (A) The proposed order to be unlawful in substance or procedure, but error in procedure shall not be cause for remand unless the Board shall find that substantial rights of the appellant were prejudiced thereby;
 - (B) The proposed order is not supported by substantial evidence in the whole record.
- (6) After the conclusion of oral argument, the Board shall consider the appeal. The Board shall adopt an order allowing or denying the appeal in whole or in part. The order shall contain findings of fact and conclusions of law necessary to support the order. The order of the Board shall be the final order of the Agency.

Section 14-175 Power of the Director

- (1) Except as provided by section 15-040, the Director, on behalf of the Board, may execute any written order which has been consented to in writing by the parties adversely affected thereby.
- (2) The Director, on behalf of the Board, may prepare and execute written orders implementing any action taken by the Board on any matter.

- (3) The Director, on behalf of the Board, may prepare and execute orders upon default where:
 - (a) The adversely affected parties have been properly notified of the time and manner in which to request a hearing and have failed to file a proper, timely request for a hearing; or
 - (b) Having requested a hearing, the adversely affected party has failed to appear at the hearing or at any duly scheduled pre-hearing conference.
- (4) Default orders based upon failure to appear shall issue only upon the making of a prima facie case on the record.

Section 14-185 Request for Stay Pending Judicial Review

- (1) Any person entitled to judicial review of an Agency order who files a timely petition for judicial review may request the Agency to stay the enforcement of the Agency order that is the subject of judicial review.
- (2) The stay request shall contain:
 - (a) The name of the person filing the request, identifying that person as a petitioner and the Agency as the respondent;
 - (b) The full title of the Agency decision as it appears on the order, and the date of the Agency decision;
 - (c) A summary of the Agency decision; and
 - (d) The name, address and telephone number of each of the following:
 - (A) The petitioner; and
 - (B) All other parties to the Agency proceeding. When the party was represented by an attorney in the proceeding, then the name, address and telephone number of the attorney shall be provided, and the address and telephone number of the party may be omitted.
 - (e) A statement advising all persons whose names, addresses and telephone numbers are required to appear in the stay request as provided in paragraph (d) that they may participate in the stay proceeding before the Agency, if they file a response in accordance with section 14-190 within ten (10) days from delivery or mailing of the stay request to the Agency.
 - (f) A statement of facts and reasons sufficient to show that the stay request should be granted because:
 - (1) The petitioner will suffer irreparable injury if the order is not stayed;
 - (2) There is a colorable claim of error in the order; and
 - (3) Granting the stay will not result in substantial public harm.

- (g) A statement identifying any person, including the public, who may suffer injury if the stay is granted. If the purposes of the stay can be achieved with limitations or conditions that minimize or eliminate possible injury to other persons, petitioner shall propose such limitations or conditions. If the possibility of injury to other persons cannot be eliminated or minimized by appropriate limitation or conditions, petitioner shall propose an amount of bond or other undertaking to be imposed on the petitioner should the stay be granted, explaining why that amount is reasonable in light of the identified potential injuries.
 - (h) A description of additional procedures, if any, the petitioner believes should be followed by the Agency in determining the appropriateness of the stay request.
 - (i) An appendix of affidavits containing all evidence (other than evidence contained in the record of the contested case out of which the stay request arose) upon which the petitioner relies in support of the statements required under paragraphs (f) and (g). The record of the contested case out of which the stay request arose is a part of the record of the stay proceeding.
- (3) The request must be delivered or mailed to the Agency and, on the same date, a copy delivered or mailed to all parties identified in the request, as required by paragraph (2)(d).

Section 14-190 Request for Stay--Motion to Intervene

- (1) Any party identified under 14-185(2)(d) desiring to participate as a party in the stay proceeding may file a response to the request for stay.
- (2) The response shall contain:
 - (a) The full title of the Agency decision as it appears on the order;
 - (b) The name, address and telephone number of the person filing the response, except that if the person is represented by an attorney, then the name, address and telephone number of the attorney shall be included, and the person's address and telephone number may be deleted; and
 - (c) A statement accepting, rejecting or proposing alternatives to the petitioner's statement on the bond amount or undertaking or other reasonable conditions that should be imposed on petitioner, should the stay request be granted.
- (3) The response may contain affidavits containing additional evidence upon which the party relies in support of the statement under paragraph (2)(c).
- (4) The response must be delivered or mailed to the Agency and to all parties identified in the stay request within ten (10) days of the date of delivery or mailing to the Agency of the stay request.

Section 14-200 Request for Stay--Agency Determination

- (1) The Agency may allow the petitioner to amend or supplement the stay request to comply with 14-185(2) or 14-190. All amendments and supplements shall be delivered or mailed as provided in 14-185(3), and the deadlines for response and Agency action shall be computed from the date of delivery or mailing to the Agency.
- (2) After the deadline for filing of responses, the Agency shall:

- (a) Decide upon the basis of the material before it; or
 - (b) Conduct such further proceedings as it deems desirable; or
 - (c) Allow the petitioner, within a time certain, to submit responsive legal arguments and affidavits to rebut any response. Petitioner may not bring new direct evidence through such affidavits. The Agency may rely on evidence in such affidavits only if it rebuts intervenor evidence.
- (3) The Agency's order shall:
- (a) Grant the stay request upon findings of irreparable injury to the petitioner and a colorable claim of error in the Agency order, and may impose reasonable conditions, including but not limited to a bond or other undertaking, and that the petitioner file all documents necessary to bring the matter to issue before the Court of Appeals within a specified reasonable period of time; or
 - (b) Deny the stay request upon a finding that the petitioner failed to show irreparable injury or a colorable claim of error in the Agency order; or
 - (c) Deny the stay request upon a finding that a specified substantial public harm would result from granting the stay, notwithstanding the petitioner's showing of irreparable injury and a colorable claim of error in the Agency order.
- (4) Nothing in 14-140 or in 14-190, 14-200 and this section prevents the Agency from receiving evidence from Agency staff concerning the stay request. Such evidence shall be presented by affidavit within the time limits imposed by 14-205(1). If there are further proceedings pursuant to paragraph (2)(b), the Agency staff may present additional evidence in the same manner that parties are permitted to present additional evidence.

Section 14-205 Request for Stay--Time Frames

1. Unless otherwise agreed to by the Agency, petitioner and respondents, the Agency shall commence any proceeding instituted pursuant to 14-190 within twenty (20) days after receiving the stay request.
2. Unless otherwise agreed to by the Agency, petitioner and respondents, the Agency shall grant or deny the stay request within thirty (30) days after receiving it.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 29

DESIGNATION OF AIR QUALITY AREAS

Section 29-0010 Definitions

The definitions in title 12 and this section apply to this title. If the same term is defined in this section and title 12, the definition in this section applies to this title. Definitions of boundaries in this section also apply to LRAPA Rules and Regulations.

(1) "Eugene-Springfield UGB" means the area within the bounds beginning at the Willamette River at a point due east from the intersection of East Beacon Road and River Loop No.1; thence southerly along the Willamette River to the intersection with Belt Line Road; thence easterly along Belt Line Road approximately one-half mile to the intersection with Delta Highway; thence northwesterly and then northerly along Delta Highway and on a line north from the Delta Highway to the intersection with the McKenzie River; thence generally southerly and easterly along the McKenzie River approximately eleven miles to the intersection with Marcola Road; thence southwesterly along Marcola Road to the intersection with 42nd Street; thence southerly along 42nd Street to the intersection with the northern branch of US Highway 126; thence easterly along US Highway 126 to the intersection with 52nd Street; thence north along 52nd Street to the intersection with High Banks Road; thence easterly along High Banks Road to the intersection with 58th Street; thence south along 58th Street to the intersection with Thurston Road; thence easterly along Thurston Road to the intersection with the western boundary of Section 36, T17S, R2W; thence south to the southwest corner of Section 36, T17S, R2W; thence west to the Springfield City Limits; thence following the Springfield City Limits southwesterly to the intersection with the western boundary of Section 2, T18S, R2W; thence on a line southwest to the Private Logging Road approximately one-half mile away; thence southeasterly along the Private Logging Road to the intersection with Wallace Creek; thence southwesterly along Wallace Creek to the confluence with the Middle Fork of the Willamette River; thence generally northwesterly along the Middle Fork of the Willamette River approximately seven and one-half miles to the intersection with the northern boundary of Section 11, T18S, R3W; thence west to the northwest corner of Section 10, T18S, R3W; thence south to the intersection with 30th Avenue; thence westerly along 30th Avenue to the intersection with the Eugene City Limits; thence following the Eugene City Limits first southerly then westerly then northerly and finally westerly to the intersection with the northern boundary of Section 5, T18S, R4W; thence west to the intersection with Greenhill Road; thence north along Greenhill Road to the intersection with Barger Drive; thence east along Barger Drive to the intersection with the Eugene City Limits (Ohio Street); thence following the Eugene City Limits first north then east then north then east then south then east to the intersection with Jansen Drive; thence east along Jansen Drive to the intersection with Belt Line Road; thence northeasterly along Belt Line Road to the intersection with Highway 99; thence northwesterly along Highway 99 to the intersection with Clear Lake Road; thence west along Clear Lake Road to the intersection with the western boundary of Section 9, T17S, R4W; thence north to the intersection with Airport Road; thence

east along Airport Road to the intersection with Highway 99; thence northwesterly along Highway 99 to the intersection East Enid Road; thence east along East Enid Road to the intersection with Prairie Road; thence southerly along Prairie Road to the intersection with Irvington Road; thence east along Irvington Road to the intersection with the Southern Pacific Railroad Line; thence southeasterly along the Southern Pacific Railroad Line to the intersection with Irving Road; thence east along Irving Road to the intersection with Kalmia Road; thence northerly along Kalmia Road to the intersection with Hyacinth Road; thence northerly along Hyacinth Road to the intersection with Irvington Road; thence east along Irvington Road to the intersection with Spring Creek; thence northerly along Spring Creek to the intersection with River Road; thence northerly along River Road to the intersection with East Beacon Drive; thence following East Beacon Drive first east then south then east to the intersection with River Loop No.1; thence on a line due east to the Willamette River and the point of beginning.

(2) "Oakridge PM2.5 Nonattainment Area" means the area enclosed by the following: T21S, R2E, Sect 11 (NW Corner) east to T21S, R3E, Sect 11 (NE corner), south to T21S, R3E, Sect 23(SE Corner), west to T21S, R2E, Sect 23(SW corner) correctly back to T21S, R2E, Sect 11(NW corner).

(3) "Oakridge UGB" means the area enclosed by the following: Beginning at the northwest corner of Section 17, T21S, R3E and the city limits; thence south along the western boundary of Section 17, T21S, R3E along the city limits approximately 800 feet; thence southwesterly following the city limits approximately 750 feet; thence west along the city limits approximately 450 feet; thence northwesterly along the city limits approximately 450 feet; thence on a line south along the city limits approximately 250 feet; thence on a line east along the city limits approximately 100 feet; thence southwesterly along the city limits approximately 200 feet; thence on a line east along the city limits approximately 400 feet; thence on a line south along the city limits to the channel of the Willamette River Middle Fork; thence south-easterly up the Willamette River Middle Fork along the city limits approximately 7200 feet; thence exiting the Willamette River Middle Fork with the city limits in a northerly manner and forming a rough semicircle with a diameter of approximately one-half mile before rejoining the Willamette River Middle Fork; thence diverging from the city limits upon rejoining the Willamette River Middle Fork and moving southeasterly approximately 5600 feet up the Willamette River Middle Fork to a point on the river even with the point where Salmon Creek Road intersects with U.S. Highway 58; thence on a line east from the channel of the Willamette River Middle Fork across the intersection of Salmon Creek Road and U.S. Highway 58 to the intersection with the Southern Pacific Railroad Line; thence northerly along the Southern Pacific Railroad Line to the intersection with the northern boundary of Section 22, T21S, R3E; thence west along the northern boundary of Section 22, T21S, R3E to the intersection with Salmon Creek Road; thence on a line north to the intersection with the Southern Pacific Railroad Line; thence east along the Southern Pacific Railroad Line approximately 600 feet; thence on a line north to the intersection with High Prairie Road; thence on a line west approximately 400 feet; thence on a line north to the intersection with the northern boundary of Section 15, T21S, R3E; thence west along the northern boundary of Section 15, T21S, R3E to the intersection with the southeastern corner of Section 9, T21S, R3E; thence north along the eastern boundary of Section 9, T21S, R3E approximately 1300 feet; thence on a line west approximately 1100 feet; thence on a line south to the intersection with West Oak Road; thence northwesterly along West Oak Road approximately 2000 feet; thence on a line south to the intersection with the northern boundary line of the city limits; thence westerly and northwesterly approximately 8000 feet along the city limits to the point of beginning.

Section 29-0020 Designation of Air Quality Control Regions

Oregon's thirty-six counties are divided into five AQCRs. The AQCR boundaries follow county lines, and there are no counties that belong to more than one AQCR. The five AQCRs are as follows:

(1) Portland Interstate AQCR, containing ten counties:

- (a) Benton County;
- (b) Clackamas County;
- (c) Columbia County;
- (d) Lane County;
- (e) Linn County;
- (f) Marion County;
- (g) Multnomah County;
- (h) Polk County;
- (i) Washington County;
- (j) Yamhill County.

(2) Northwest Oregon AQCR, containing three counties:

- (a) Clatsop County;
- (b) Lincoln County;
- (c) Tillamook County.

(3) Southwest Oregon AQCR, containing five counties:

- (a) Coos County;
- (b) Curry County;
- (c) Douglas County;
- (d) Jackson County;
- (e) Josephine County.

(4) Central Oregon AQCR, containing eight counties:

- (a) Crook County;
- (b) Deschutes County;

- (c) Hood River County;
- (d) Jefferson County;
- (e) Klamath County;
- (f) Lake County;
- (g) Sherman County;
- (h) Wasco County.

(5) Eastern Oregon AQCR, containing ten counties:

- (a) Baker County;
- (b) Gilliam County;
- (c) Grant County;
- (d) Harney County;
- (e) Malheur County;
- (f) Morrow County;
- (g) Umatilla County;
- (h) Union County;
- (i) Wallowa County;
- (j) Wheeler County.

Section 29-0030 Designation of Nonattainment Areas

The following areas are designated as Nonattainment Areas:

(1) PM10 Nonattainment Areas:

- (a) The Oakridge Nonattainment Area for PM10 is the Oakridge UGB as defined in 29-0010.

(2) PM2.5 Nonattainment Areas:

- (a) The Oakridge Nonattainment Area for PM2.5 is defined in 29-0010.

Section 29-0040 Designation of Maintenance Areas

The following areas are designated as Maintenance Areas:

(1) Carbon Monoxide Maintenance Areas:

- (a) The Eugene Maintenance Area for carbon monoxide is the Eugene-Springfield UGB as defined in 29-0010.

(2) PM10 Maintenance Areas:

- (a) The Eugene-Springfield Maintenance Area for PM10 is the Eugene-Springfield UGB as defined in 29-0010.

Section 29-0050 Designation of Prevention of Significant Deterioration Areas

(1) All of the following areas which were in existence on August 7, 1977, and for which the 1990 Clean Air Act Amendments clarified, shall be Class I Areas and may not be redesignated:

- (a) Mt. Hood Wilderness, as established by Public Law 88-577;
- (b) Eagle Cap Wilderness, as established by Public Law 88-577;
- (c) Hells Canyon Wilderness, as established by Public Law 94-199;
- (d) Mt. Jefferson Wilderness, as established by Public Law 90-548;
- (e) Mt. Washington Wilderness, as established by Public Law 88-577;
- (f) Three Sisters Wilderness, as established by Public Law 88-577;
- (g) Strawberry Mountain Wilderness, as established by Public Law 88-577;
- (h) Diamond Peak Wilderness, as established by Public Law 88-577;
- (i) Crater Lake National Park, as established by Public Law 32-202;
- (j) Kalmiopsis Wilderness, as established by Public Law 88-577;
- (k) Mountain Lake Wilderness, as established by Public Law 88-577;
- (l) Gearhart Mountain Wilderness, as established by Public Law 88-577.

(2) All other areas, in Oregon are initially designated Class II, but may be redesignated as provided in 29-0060.

(3) The following areas may be redesignated only as Class I or II:

- (a) An area which as of August 7, 1977, exceeded 10,000 acres in size and was a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore; and
- (b) A national park or national wilderness area established after August 7, 1977, which exceeds 10,000 acres in size.

- (4) The extent of the areas referred to in section (1) and (3) shall conform to any changes in the boundaries of such areas which occurred between August 7, 1977, and April 15, 2015.

Section 29-0060 Redesignation of Prevention of Significant Deterioration Areas

(1)(a) All areas in Oregon, except as otherwise provided under 29-0050, are designated Class II as of December 5, 1974;

(b) Redesignation, except as otherwise precluded by 29-0050, may be proposed by LRAPA, as provided below, subject to approval by the EPA Administrator as a revision to the SIP.

(2) LRAPA may submit to the EPA Administrator a proposal to redesignate areas of the state Class I or II provided that:

(a) At least one public hearing has been held in accordance with procedures established in the SIP;

(b) Other states, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation were notified at least 30 days prior to the public hearing;

(c) A discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic, social and energy effects of the proposed redesignation, was prepared and made available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contained appropriate notification of the availability of such discussion;

(d) Prior to the issuance of notice respecting the redesignation of an area that includes any federal lands, LRAPA has provided written notice to the appropriate Federal Land Manager and afforded adequate opportunity, not in excess of 60 days to confer with LRAPA respecting the redesignation and to submit written comments and recommendations. In redesignating any area with respect to which any Federal Land Manager had submitted written comments and recommendations, LRAPA must have published a list of any inconsistency between such redesignation and such comments and recommendations together with the reasons for making such redesignation against the recommendation of the Federal Land Manager; and

(e) LRAPA has proposed the redesignation after consultation with the elected leadership of local general purpose governments in the area covered by the proposed redesignation.

(3) Any area other than an area to which 29-0050 refers may be redesignated as Class III if:

(a) The redesignation would meet the requirements of subsection (2);

(b) The redesignation, except any established by an Indian Governing Body, has been specifically approved by the Governor, after consultation with the appropriate committees of the legislature, if it is in session, or with the leadership of the legislature, if it is not in session, unless state law provides that the redesignation must be specifically approved by state legislation, and if general purpose units of local government representing a majority of the residents of the area to be redesignated enact legislation or pass resolutions concurring in the redesignation;

(c) The redesignation would not cause, or contribute to, a concentration of any regulated pollutant which would exceed any maximum allowable increase permitted under the classification of any other area or any ambient air quality standard; and

(d) Any permit application for any major stationary source or major modification, subject to review under subsection (1), which could receive a permit under this section only if the area in question were redesignated as Class III, and any material submitted as part of that application, were available insofar as was practicable for public inspection prior to any public hearing on redesignation of the area as Class III.

(4) Lands within the exterior boundaries of Indian Reservations may be redesignated only by the appropriate Indian Governing Body.

(5) The EPA Administrator may disapprove, within 90 days of submission, a proposed redesignation of any area only if the EPA Administrator finds, after notice and opportunity for public hearing, that such redesignation does not meet the procedural requirements of this paragraph or is inconsistent with 29-0050. If any such disapproval occurs, the classification of the area must be that which was in effect prior to the redesignation which was disapproved.

(6) If the EPA Administrator disapproves any proposed redesignation, LRAPA, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the EPA Administrator.

Section 29-0070 Special Control Areas

The following areas are designated as Special Control Areas:

(1) Lane County;

(2) Within incorporated cities having a population of 4,000 or more, and within three miles of the corporate limits of any such city.

Section 29-0080 Motor Vehicle Inspection Boundary Designations

In addition to the area specified in ORS 815.300, pursuant to ORS 468A.390, the following geographical areas are designated as areas within which motor vehicles are subject to the requirement under ORS 815.300 to have a Certificate of Compliance issued pursuant to ORS 468A.380 to be registered or have the registration of the vehicle renewed.

(1) There are currently no geographic areas in Lane County subject to motor vehicle inspection programs.

Section 29-0090 Oxygenated Gasoline Control Areas

There currently are no oxygenated gasoline control areas in Lane County.

Designation of Areas

Section 29-0300 Designation of Sustainment Areas

(1) The Board may designate sustainment areas provided that LRAPA submits a request for designation that includes the following information:

- (a) Monitoring data showing that an area is exceeding or has the potential to exceed an ambient air quality standard;
- (b) A description of the affected area based on the monitoring data;
- (c) A discussion and identification of the priority sources contributing to the exceedance or potential exceedance of the ambient air quality standard; and
- (d) A discussion of the reasons for the proposed designation.

(2) Designation of sustainment areas:

- (a) Reserved
- (b) Reserved

(3) An area designated as a sustainment area under subsection (2) will automatically be reclassified immediately upon the EPA officially designating the area as a nonattainment area.

(4) The Board may rescind the designation based on a request by LRAPA. LRAPA will consider the following information for rescinding the designation:

- (a) Whether at least three consecutive years of monitoring data shows the area is meeting the ambient air quality standard; and
- (b) A request by a local government.

NOTE: This rule, except subsections (2) and (3), is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Section 29-0310 Designation of Reattainment Areas

(1) The Board may designate reattainment areas provided that LRAPA submits a request for designation that includes the following information:

- (a) At least three consecutive years of monitoring data showing that an area that is currently designated by EPA as nonattainment is attaining an ambient air quality standard; and
- (b) A discussion of the reasons for the proposed designation.

(2) Designation of sustainment areas:

- (a) The Oakridge PM2.5 Non-attainment area as defined in 29-0010(2) is designated as a reattainment area for PM2.5.
- (b) Reserved.

(3) An area designated as a reattainment area under subsection (2) will automatically be reclassified immediately upon:

- (a) The Board designating the area as a maintenance area and EPA officially designating the area as an attainment area; or

(b) The Board rescinding the designation based on a request by LRAPA. LRAPA will consider the following information for rescinding the designation:

- (A) Monitoring data that shows the area is not meeting the ambient air quality standard; and
- (B) A request by a local government.

NOTE: This rule, except subsections (2) and (3), is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.

Section 29-0320 Priority Sources

For the purposes of LRAPA title 38, priority sources are identified as follows:

- (1) In the Oakridge reattainment area, uncertified residential wood fuel-fired devices. The offset values for replacement of uncertified residential wood fuel-fired devices are specified in OAR 340-240-0560.
- (2) In any other area, LRAPA may identify priority sources during a specific permit action based on the sources addressed in the emission reduction strategies that were included in the attainment or maintenance plans for the area. The offset value for priority sources identified under this section must be determined by LRAPA. The offset values for replacement of uncertified residential wood fuel-fired devices in rules LRAPA develops for areas with unique air quality needs may only be used if LRAPA determines that the values reasonably apply to the geographical area in question.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 30

INCINERATOR REGULATIONS

Section 30-010 Definitions

The definitions in title 12 and title 46 and this section apply to this title. If the same term is defined in this section and title 12 or title 46, the definition in this section applies to this title.

- "Acid Gases" means any exhaust gas which includes hydrogen chloride and sulfur dioxide.
- "Administrator" means the Administrator of the U.S. Environmental Protection Agency or his/her authorized representative or Administrator of a State Air Pollution Control Agency.
- "CFR" means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 2016 edition.
- "Continuous Emissions Monitoring (CEM)" means a monitoring system for continuously measuring the emissions of a pollutant from an affected incinerator. Continuous monitoring equipment and operation shall be certified in accordance with EPA

performance specifications and quality assurance procedures outlined in 40 CFR 60, Appendices B and F, and the DEQ CEM Manual.

- "Crematory Incinerator" means an incinerator used solely for the cremation of non-pathological human, non-pathological animal remains, and appropriate containers.
- "Cultures and stocks" includes etiologic agents and associated biologicals, including specimen cultures and dishes and devices used to transfer, inoculate and mix cultures, wastes from production of biologicals, and serums and discarded live and attenuated vaccines. "Cultures" does not include throat and urine cultures (see also "infectious waste").
- "Dioxins and Furans" means total tetra- through octachlorinated dibenzo-p-dioxins and dibenzofurans.
- "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) or 50 percent excess air.
- "Incineration Operation" means any operation in which combustion is carried on in an incinerator, for the principal purpose or with the principal result, of oxidizing wastes to reduce their bulk and/or facilitate disposal.
- "Incinerator" means a combustion device specifically for destruction, by high temperature burning, of solid, semi-solid, liquid, or gaseous combustible wastes. This does not include devices such as open or screened barrels, drums, or process boilers.
- "Infectious Waste" means waste which contains or may contain any disease-producing microorganism or material including, but not limited to, biological waste, cultures and stocks, pathological waste, and sharps (see individual definitions for these terms).
- "Infectious Waste Incinerator" means an incinerator which is operated or utilized for the disposal or treatment of infectious waste, including combustion for the recovery of heat.
- "Parts Per Million (ppm)" means parts of a contaminant per million parts of gas by volume on a dry-gas basis (1 ppm equals 0.0001% by volume).
- "Pathological waste" includes biopsy materials and all human tissues; anatomical parts that emanate from surgery, obstetrical procedures, autopsy and laboratory procedures; and animal carcasses exposed to pathogens in research and the bedding and other waste from such animals. "Pathological wastes" does not include teeth, or formaldehyde or other preservative agents (see also "infectious waste").
- "Primary Combustion Chamber" means the discrete equipment, chamber or space in which drying of the waste, pyrolysis, and essentially the burning of the fixed carbon in the waste occurs.
- "Pyrolysis" means the endothermic gasification of waste material using external energy.

- "Refuse" means unwanted matter.
- "Refuse Burning Equipment" means a device designed to reduce the volume of solid, liquid, or gaseous refuse by combustion.
- "Secondary (or Final) Combustion Chamber" means the discrete equipment, chamber, or space, excluding the stack, in which the products of pyrolysis are combusted in the presence of excess air, such that essentially all carbon is burned to carbon dioxide.
- "Sharps" includes needles, IV tubing with needles attached, scalpel blades, lancets, glass tubes that could be broken during handling, and syringes that have been removed from their original sterile containers (see also "infectious waste").
- "Solid Waste" means refuse, more than 50% of which is waste consisting of a mixture of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustible materials, and noncombustible materials such as metal, glass, and rock.
- "Solid Waste Incinerator" means an incinerator which is operated or utilized for the disposal or treatment of solid waste, including combustion for the recovery of heat.
- "Transmissometer" means a device that measures opacity and conforms to EPA specification Number 1 in Title 40 CFR, Part 60, Appendix B.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 31

PUBLIC PARTICIPATION

Section 31-0010 Purpose

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

Section 31-0020 Applicability

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

Section 31-0030 Public Notice Categories and Timing

- (1) LRAPA categorizes permit actions according to potential environmental and public health significance and the degree to which LRAPA has discretion for implementing the applicable regulations. Category I is for permit actions with low environmental and public health significance so they have less public notice and opportunity for public participation. Category IV is for permit actions with potentially high environmental and public health significance so they have the greatest level of public notice and opportunity for participation.
- (2) Permit actions are assigned to specific categories in OAR 340, division 218 and LRAPA title 37. If a permit action is uncategorized, the permit action will be processed under Category III.
- (3) The following describes the public notice or participation requirements for each category:
 - (a) Category I -- No prior public notice or opportunity for participation. However, LRAPA will maintain a list of all permit actions processed under Category I and make the list available for public review.
 - (b) Category II -- LRAPA will provide public notice of the proposed permit action and a minimum of 30 days to submit written comments.
 - (c) Category III -- LRAPA will provide public notice of the proposed permit action and a minimum of 35 days to submit written comments. LRAPA will provide a minimum of 30 days notice for a hearing, if one is scheduled. LRAPA will schedule a hearing at a reasonable time and place to allow interested persons to submit oral or written comments if:
 - (A) LRAPA determines that a hearing is necessary; or

- (B) Within 35 days of the mailing of the public notice, LRAPA receives written requests from ten persons, or from an organization representing at least ten persons, for a hearing.
- (d) Category IV -- Once an application is considered complete under 37-0040, LRAPA will:
 - (A) Provide notice of the completed application and requested permit action; and
 - (B) Schedule an informational meeting within the community where the facility will be or is located and provide public notice at least 14 days before the meeting. During the meeting, LRAPA will describe the requested permit action and accept comments from the public. LRAPA will consider any information gathered in this process in its drafting of the proposed permit, but will not maintain an official record of the meeting and will not provide a written response to the comments;
 - (C) Once a draft permit is completed, provide public notice of the proposed permit and a minimum of 40 days to submit written comments; and
 - (D) Schedule a public hearing at a reasonable time and place to allow interested persons to submit oral or written comments and provide a minimum of 30 days public notice for the hearing.
- (4) Except for actions regarding LRAPA Title V Operating Permits, LRAPA may move a permit action to a higher category under subsection (3) based on, but not limited to the following factors:
 - (a) Anticipated public interest in the facility;
 - (b) Compliance and enforcement history of the facility or owner;
 - (c) Potential for significant environmental or public harm due to location or type of facility; or
 - (d) Federal requirements.

Section 31-0040 Public Notice Information

- (1) The following information is required in public notices or included in a web link from the public notice for all proposed ACDP and draft LRAPA Title V Operating Permit actions, except for General Permit actions:
 - (a) Name of applicant and location of the facility;
 - (b) Type of facility, including a description of the facility's processes subject to the permit;

- (c) Description of the air contaminant emissions including, the type of regulated pollutants, quantity of emissions, and any decreases or increases since the last permit action for the facility;
- (d) Location and description of documents relied upon in preparing the draft permit;
- (e) Other permits required by LRAPA;
- (f) Date of previous permit actions;
- (g) Opportunity for public comment and a brief description of the comment procedures, whether in writing or in person, including the procedures for requesting a hearing (unless a hearing has already been scheduled or is not an option for the Public Notice category);
- (h) Compliance, enforcement, and complaint history along with resolution of the same;
- (i) A summary of the discretionary decisions made by LRAPA in drafting the permit;
- (j) Type and duration of the proposed or draft permit action;
- (k) Basis of need for the proposed or draft permit action;
- (l) Any special conditions imposed in the proposed or draft permit action;
- (m) Whether each proposed permitted emission is a criteria pollutant and whether the area in which the source is located is designated as attainment/unclassified, sustainment, non-attainment, reattainment or maintenance for that pollutant;
- (n) If the proposed permit action is for a federal major source, whether the proposed permitted emission would have a significant impact on a Class I airshed;
- (o) If the proposed permit action is for a major source for which dispersion modeling has been performed, an indication of what impact each proposed permitted emission would have on the ambient air quality standard and PSD increment consumption within an attainment area;
- (p) Other available information relevant to the permitting action;
- (q) The name and address of LRAPA office processing the permit;
- (r) The name, address, and telephone number and e-mail address of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including any compliance plan, permit, and monitoring and compliance certification report, except for information that is exempt from disclosure, and all other materials available to LRAPA that are relevant to the permit decision; and
- (s) If applicable, a statement that an enhanced NSR process, under LRAPA title 38, including the external review procedures required under OAR 340-218-0210 and

340-218-0230, is being used to allow for subsequent incorporation of the operating approval into an LRAPA Title V Operating Permit as an administrative amendment.

- (2) General Permit Actions. The following information is required for General ACDP and General LRAPA Title V Operating Permit actions:
- (a) The name and address of potential or actual facilities assigned to the General Permit;
 - (b) Type of facility, including a description of the facility's process subject to the permit;
 - (c) Description of the air contaminant emissions including, the type of pollutants, quantity of emissions, and any decreases or increases since the last permit action for the potential or actual facilities assigned to the permit;
 - (d) Location and description of documents relied upon in preparing the draft permit;
 - (e) Other permits required by LRAPA;
 - (f) Date of previous permit actions;
 - (g) Opportunity for public comment and a brief description of the comment procedures, whether in writing or in person, including the procedures for requesting a hearing (unless a hearing has already been scheduled or is not an option for the Public Notice category)
 - (h) Compliance, enforcement, and complaint history along with resolution of the same;
 - (i) A summary of the discretionary decisions made by LRAPA in drafting the permit;
 - (j) Type and duration of the proposed or draft permit action;
 - (k) Basis of need for the proposed or draft permit action;
 - (l) Any special conditions imposed in the proposed or draft permit action;
 - (m) Whether each proposed permitted emission is a criteria pollutant and whether the area in which the sources are located are designated as attainment or nonattainment for that pollutant;
 - (n) If the proposed permit action is for a federal major source, whether the proposed permitted emission would have a significant impact on a Class I airshed;
 - (o) Other available information relevant to the permitting action; and

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

Section 31-0050 Public Notice Procedures

- (1) All notices. LRAPA will mail or e-mail a notice of proposed permit actions to the persons identified in 31-0060.
- (2) NSR, LRAPA Title V Operating Permit and General ACDP actions. In addition to subsection (1), LRAPA will provide notice of NSR, LRAPA Title V Operating Permit and General ACDP actions as follows:
 - (a) On the LRAPA website and/or will be located or LRAPA publication designed to give general public notice; and
 - (b) Other means, if necessary, to assure adequate notice to the affected public.

Section 31-0060 Persons Required to Be Notified

- (1) All notices. For all types of public notice, LRAPA will provide notice to the following persons:
 - (a) The applicant;
 - (b) Persons on a mailing list maintained by LRAPA, including those who request in writing to be notified of air quality permit actions;
 - (c) Local news media; and
 - (d) Interested state and federal agencies.
- (2) General ACDP or General LRAPA Title V Operating Permit actions. In addition to subsection (1), LRAPA will notify the following:
 - (a) Potential applicants; and
 - (b) All existing permit holders in the source category in the case where a General Permit is being issued to a category of sources already permitted.
- (3) LRAPA Title V Operating Permit actions. LRAPA will provide notice to affected states and the EPA in addition to the persons identified in subsections (1) and (2).
- (4) NSR actions. For NSR actions excluding Type B State NSR actions (title 38), LRAPA will provide notice to the following officials and agencies having jurisdiction over the

location where the proposed construction would occur in addition to the persons identified in subsection (1):

- (a) The chief executives of the city and county where the source or modification would be located;
- (b) Any comprehensive regional land use planning agency;
- (c) Any state, federal land manager, or Indian governing body whose land may be affected by emissions from the source or modification; and
- (d) The EPA.

Section 31-0070 Hearing Procedures

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

- (1) Notice of the hearing may be given either in the notice accompanying the proposed or draft permit action or in such other manner as is reasonably calculated to inform interested persons. LRAPA will provide notice of the hearing at least 30 days before the hearing.
- (2) Presiding Officer. A Presiding Officer will preside over the public hearing and ensure that proper procedures are followed to allow for the public to comment on the proposed permit action.
 - (a) Before accepting oral or written comments by members of the public, the Presiding Officer or LRAPA representative will present a summary of the proposed permit action and the LRAPA's preliminary decision. During this period, there may be an opportunity to ask questions about the proposed or draft permit action.
 - (b) The Presiding Office will then provide an opportunity for interested persons to submit oral or written comments regarding the proposed permit action. Interested persons are encouraged to submit written comments because time constraints may be imposed, depending on the level of participation. While public comment is being accepted, discussion of the proposed or draft permit action will not be allowed.
 - (c) After the public hearing, the Presiding Officer will prepare a report of the hearing that includes the date and time of the hearing, the permit action, names of persons attending the hearing, written comments, and a summary of the oral comments. The Presiding Officer's report will be entered into the permit action record.

Section 31-0080 Issuance or Denial of a Permit

- (1) Following the public comment period and public hearing, if one is held, LRAPA will take action upon the matter as expeditiously as possible. Before taking such action, LRAPA

will prepare a written response to separately address each substantial, distinct issue raised during the comment period and during the hearing record.

- (2) LRAPA will make a record of the public comments, including the names and affiliation of persons who commented, and the issues raised during the public participation process. The public comment records may be in summary form rather than a verbatim transcript. The public comment records are available to the public.
- (3) The applicant may submit a written response to any comments submitted by the public within 10 working days after the LRAPA provides the applicant with a copy of the written comments received by LRAPA. LRAPA will consider the applicant's response in making a final decision.
- (4) After considering the comments, LRAPA may adopt or modify the provisions requested in the permit application.
- (5) Issuance of permit: LRAPA will promptly notify the applicant in writing of the final action as provided in 14-140 and will include a copy of the permit. If the permit conditions are different from those contained in the proposed permit, the notification will identify the affected conditions and include the reasons for the changes.
- (6) Denial of a permit: LRAPA will promptly notify the applicant in writing of the final action as provided in 14-140. If LRAPA denies a permit application, the notification will include the reasons for the denial.
- (7) LRAPA's decision under subsections (4) and (5) is effective 20 days from the date of service of the notice unless, within that time, LRAPA receives a request for a hearing from the applicant. The request for a hearing must be in writing and state the grounds for the request. The hearing will be conducted as a contested case hearing in accordance with ORS 183.413 through 183.470 and LRAPA title 31.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 32

EMISSION STANDARDS

Section 32-001 Definitions

The definitions in title 12 and title 29 and this section apply to this title. If the same term is defined in this section and title 12 or title 29, the definition in this section applies to this title.

- (1) "Distillate fuel oil" means any oil meeting the specifications of ASTM Grade 1 or 2 fuel oils;
- (2) "Residual fuel oil" means any oil meeting the specifications of ASTM Grade 4, 5, or 6 fuel oils.
- (3) "Special control area" means an area designated in title 29 or OAR 340-204-0070.

Section 32-005 Highest and Best Practicable Treatment and Control Required

- (1) As specified in 32-006 through 32-009 and subsections (2) through (6), the highest and best practicable treatment and control of air contaminant emissions shall in every case be provided so as to maintain overall air quality at the highest possible levels, and to maintain contaminant concentrations, visibility reduction, odors, soiling and other deleterious factors at the lowest possible levels. In the case of sources installed, constructed, or modified after June 1, 1970, particularly those located in areas with existing high-level air quality degradation, the degree of treatment and control provided shall be such that further degradation of existing air quality is minimized to the greatest extent possible.
- (2) A source is in compliance with subsection (1) if the source is in compliance with all other applicable emission standards and requirements contained in LRAPA titles 32 through 51 and OAR 340 division 218.
- (3) LRAPA may adopt additional rules as necessary to ensure that the highest and best practicable treatment and control is provided as specified in subsection (1). Such rules may include, but are not limited to, the following requirements:
 - (a) Applicable to a source category, regulated pollutant or geographic area of Lane County;
 - (b) Necessary to protect public health and welfare for air contaminants that are not otherwise regulated by LRAPA; or
 - (c) Necessary to address the cumulative impact of sources on air quality.
- (4) LRAPA encourages the owner or operator of a source to further reduce emissions from the source beyond applicable control requirements where feasible.

- (5) Nothing in 32-005 through 32-009 revokes or modifies any existing permit term or condition unless or until LRAPA revokes or modifies the term or condition by a permit revision.
- (6) Compliance with a specific emission standard in these rules does not preclude the required compliance with any other applicable emission standard.

Section 32-006 Pollution Prevention

The owner or operator of a source is encouraged to take into account the overall impact of the control methods selected, considering risks to all environmental media and risks from all affected products and processes. The owner or operator of a source is encouraged, but not required, to utilize the following hierarchy in controlling air contaminant emissions:

- (1) Modify the process, raw materials or product to reduce the toxicity and/or quantity of air contaminants generated;
- (2) Capture and reuse air contaminants;
- (3) Treat to reduce the toxicity and/or quantity of air contaminants released; or
- (4) Otherwise control emissions of air contaminants.

Section 32-007 Operating and Maintenance Requirements

- (1) Operational, Maintenance and Work Practice Requirements:
 - (a) Where LRAPA has determined that specific operational, maintenance, or work practice requirements are appropriate to ensure that the owner or operator of a source is operating and maintaining air pollution control equipment and emission reduction processes at the highest reasonable efficiency and effectiveness to minimize emissions, LRAPA shall establish such requirements by permit condition or Notice of Construction (NOC) approval.
 - (b) Operational, maintenance and work practice requirements include, but are not limited to:
 - (A) Flow rates, temperatures, pressure drop, ammonia slip, and other physical or chemical parameters related to the operation of air pollution control devices and emission reduction processes;
 - (B) Monitoring, recordkeeping, testing and sampling requirements and schedules;
 - (C) Maintenance requirements and schedules; or
 - (D) Requirements that components of air pollution control devices be functioning properly.
- (2) Emission Action Levels

- (a) Where LRAPA has determined that specific operational, maintenance, or work practice requirements considered or required under subsection (1) are not sufficient to ensure that the owner or operator of a source is operating and maintaining air pollution control devices and emission reduction processes at the highest reasonable efficiency and effectiveness, LRAPA may establish, by permit or Notice of Construction (NOC) approval, specific emission action levels in addition to applicable emission standards. An emission action level shall be established at a level which ensures that air pollution control devices or an emission reduction process is operated at the highest reasonable efficiency and effectiveness to minimize emissions.
 - (b) If emissions from a source equal or exceed the applicable emission action level, the owner or operator of the source shall:
 - (A) Take corrective action as expeditiously as practicable to reduce emissions to below the emission action level;
 - (B) Maintain records at the plant site for five (5) years which document the exceedance, the cause of the exceedance, and the corrective action taken;
 - (C) Make such records available for inspection by LRAPA during normal business hours; and
 - (D) Submit such records to LRAPA upon request.
 - (c) LRAPA shall revise an emission action level if it finds that the level does not reflect the highest reasonable efficiency and effectiveness of air pollution control devices and emission reduction processes.
 - (d) An exceedance of an emission action level which is more stringent than an applicable emission standard shall not be a violation of the emission standard.
- (3) In determining the highest reasonable efficiency and effectiveness for purposes of this rule, LRAPA shall take into consideration operational variability and the capability of air pollution control devices and emission reduction processes. If the performance of air pollution control devices and emission reduction processes during start-up or shut-down differs from the performance under normal operating conditions, LRAPA shall determine the highest reasonable efficiency and effectiveness separately for these start-up and shut-down operating modes.

Section 32-008 Typically Achievable Control Technology (TACT)

For existing sources, the emission limit established will be typical of the emission level achieved by emissions units similar in type and size. For new and modified sources, the emission limit established will 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 will be based on information known to LRAPA while 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 devices. 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, operational standard, or combination thereof, may be required.

- (1) Existing Sources. An existing emissions unit must meet TACT for existing sources if:
 - (a) The emissions unit is not already subject to emissions standards for the regulated pollutant under title 30, title 32, title 33, title 38, title 39 or title 46 at the time TACT is required;
 - (b) The source is required to have a permit;
 - (c) The emissions unit has emissions of criteria pollutants equal to or greater than five (5) tons per year of particulate or ten (10) tons per year of any gaseous pollutant; and
 - (d) LRAPA determines that air pollution control devices and emission reduction processes in use for the emissions unit do not represent TACT and that further emission control is necessary to address documented nuisance conditions, address an increase in emissions, ensure that the source is in compliance with other applicable requirements, or to protect public health or welfare or the environment.

- (2) New and Modified Sources. A new or modified emissions unit must meet TACT for new or modified sources if:
 - (a) The new or modified emissions unit is not subject to Major NSR in title 38, a Type A State NSR action under LRAPA title 38, an applicable Standard of Performance for New Stationary Sources in title 46, or any other standard applicable only to new or modified sources in title 32, title 33, or title 39 for the regulated pollutant emitted;
 - (b) The source is required to have a permit;
 - (c) The emissions unit:
 - (A) If new, would have emissions of any criteria pollutant equal to or greater than 1 ton per year, or of PM₁₀ equal to or greater than 500 pounds per year in a PM₁₀ nonattainment area; or
 - (B) If modified, would have an increase in emissions from the permitted level for the emissions unit of any criteria pollutant equal to or greater than 1 ton per year, or of PM₁₀ equal to or greater than 500 pounds per year in a PM₁₀ nonattainment area; and
 - (d) LRAPA determines that the proposed air pollution control devices and emission reduction processes do not represent TACT.

- (3) Before making a TACT determination, LRAPA will notify the owner or operator of a source of its intent to make such determination utilizing information known to LRAPA. The owner or operator of the source may supply LRAPA with additional information by a reasonable date set by LRAPA.

- (4) The owner or operator of a source subject to TACT shall submit, by a reasonable date established by LRAPA, compliance plans and specifications for LRAPA's approval. The owner or operator of the source must demonstrate compliance in accordance with a method and compliance schedule approved by LRAPA.

Section 32-009 Additional Control Requirements for Stationary Sources of Air Contaminants

LRAPA shall establish control requirements in addition to otherwise applicable requirements by permit, if necessary, as specified in subsections (1) through (5):

- (1) Requirements shall be established to prevent violation of an ambient air quality standard caused or projected to be caused substantially by emissions from the source as determined by modeling, monitoring or a combination thereof. For existing sources, the violation of an ambient air quality standard shall be confirmed by monitoring conducted by LRAPA.
- (2) Requirements shall be established to prevent significant impairment of visibility in Class I areas caused or projected to be caused substantially by a source as determined by modeling, monitoring or a combination thereof. For existing sources, the visibility impairment shall be confirmed by monitoring conducted by LRAPA.
- (3) A requirement applicable to major source shall be established if it has been adopted by EPA but has not otherwise been adopted by the EQC or the Board.
- (4) An additional control requirement shall be established if requested by the owner or operator of a source.
- (5) Additional controls may be required to achieve air contaminant reduction as part of a State Implementation Plan.

Section 32-010 Visible Air Contaminant Limitations

- (1) The emissions standards in this section do not apply to fugitive emissions from a source or part of a source.
- (2) For all visible emission standards in this section, the minimum observation period must 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 are equal to or greater than the opacity percentage in the standard, whether or not the readings are consecutive. Each EPA Method 203B reading represents 15 seconds of time. Three-minute aggregate periods are measured by:
 - (a) EPA Method 203B;
 - (b) A continuous opacity monitoring system (COMS) installed and operated in accordance with the DEQ Continuous Monitoring Manual or 40 CFR part 60; or
 - (c) An alternative monitoring method approved by LRAPA that is equivalent to EPA Method 203B.

- (3) For sources, other than wood-fired boilers, no person may emit or allow to be emitted any visible emissions that equal or exceed an average of 20 percent opacity for a period or periods aggregating more than three minutes in any one hour.
- (4) For wood-fired boilers that existed prior to June 1, 1970, no person may emit or allow to be emitted any visible emissions that equal or exceed:
 - (a) An average of 40 percent opacity for a period or periods aggregating more than three minutes in any one hour through December 31, 2019.
 - (b) An average of 20 percent opacity for a period or periods aggregating more than three minutes in any one hour on or after January 1, 2020, with one or more of the following exceptions:
 - (A) Visible emissions may equal or exceed 20 percent opacity but may not equal or exceed 40 percent opacity, as the average of all three-minute aggregate periods during grate cleaning operations provided the grate cleaning is performed in accordance with a grate cleaning plan approved by LRAPA; or
 - (B) LRAPA may approve, at the owner's or operator's request, a boiler specific limit greater than 20 percent opacity for a period or periods aggregating more than three minutes in any one hour, but not to equal or exceed 40 percent opacity for a period or periods aggregating more than three minutes in any one hour, based on the opacity measured during a source test that demonstrates compliance with 32-020(2) as provided below:
 - (i) Opacity must be measured for at least 60 minutes during each compliance source test run using any method included in subsection (2);
 - (ii) The boiler specific limit will be the average of at least 30 three-minute aggregate periods obtained during the compliance source test;
 - (iii) The boiler specific limit will include a higher limit for one three minute aggregate period during any hour based on the maximum three-minute aggregate periods measured during the compliance source test; and
 - (iv) Specific opacity limits will be included in the permit for each affected source as a minor permit modification (simple fee) for sources with an LRAPA Title V Operating Permit or a Basic Technical Modification for sources with an Air Contaminant Discharge Permit.
- (5) For wood-fired boilers installed, constructed, or modified after June 1, 1970 but before April 16, 2015, no person may emit or allow to be emitted any visible emissions that equal or exceed an average of 20 percent opacity for a period or periods aggregating more than three minutes in any one hour.
- (6) For all wood-fired boilers installed, constructed, or modified after April 16, 2015, no person may emit or allow to be emitted any visible emissions that equal or exceed an average of 20 percent opacity for a period or periods aggregating more than three minutes in any one hour.

Section 32-015 Particulate Emission Limitations for Sources Other Than Fuel Burning Equipment, Refuse Burning Equipment and Fugitive Emissions

- (1) This section does not apply to fugitive emissions sources, fuel burning equipment, refuse burning equipment, or to solid fuel burning devices certified under OAR 340-262-0500.
- (2) No person may cause, suffer, allow, or permit particulate matter emissions from any air contaminant source in excess of the following limits:
 - (a) For sources installed, constructed, or modified before June 1, 1970:
 - (A) 0.10 grains per dry standard cubic foot provided that all representative compliance source test results collected prior to April 16, 2015 demonstrate emissions no greater than 0.080 grains per dry standard cubic foot;
 - (B) If any representative compliance source test results collected prior to April 16, 2015 demonstrate emissions greater than 0.080 grains per dry standard cubic foot, or if there are no representative compliance source test results, then:
 - (i) 0.24 grains per dry standard cubic foot prior to Dec. 31, 2019; and
 - (ii) 0.15 grains per dry standard cubic foot on or after Jan. 1, 2020; and
 - (C) In addition to the limits in subparagraphs (A) or (B), for equipment or a mode of operation that is used less than 876 hours per calendar year, 0.24 grains per dry standard cubic foot from April 16, 2015 through December 31, 2019, and 0.20 grains per dry standard cubic foot on or after Jan. 1, 2020.
 - (b) For sources installed, constructed, or modified on or after June 1, 1970 but prior to April 16, 2015:
 - (A) 0.10 grains per dry standard cubic foot provided that all representative compliance source test results prior to April 16, 2015 demonstrate emissions no greater than 0.080 grains per dry standard cubic foot; or;
 - (B) If any representative compliance source test results prior to April 16, 2015 are greater than 0.080 grains per dry standard cubic foot, or if there are no representative compliance source test results, then 0.14 grains per dry standard cubic foot.
 - (c) For sources installed, constructed or modified after April 16, 2015, 0.10 grains per dry standard cubic foot.
 - (d) The owner or operator of a source installed, constructed, or modified before June 1, 1970 who is unable to comply with the standard in sub-subparagraph (a)(B)(ii) may request that LRAPA grant an extension allowing the source up to one additional year to comply with the standard. The request for an extension must be submitted no later than Oct. 1, 2019.
- (3) Compliance with the emissions standards in subsection (2) is determined using:
 - (a) DEQ Method 5;

- (b) DEQ Method 8, as approved by LRAPA for sources with exhaust gases at or near ambient conditions;
- (c) DEQ Method 7 for direct heat transfer sources; or
- (d) An alternative method approved by LRAPA.
- (e) For purposes of this section, representative compliance source test results are data that was obtained:
 - (A) No more than ten years before April 16, 2015; and
 - (B) When a source is operating and maintaining air pollution control devices and emission reduction processes at the highest reasonable efficiency and effectiveness to minimize emissions based on the current configuration of the emissions unit and pollution control equipment.

Section 32-020 Particulate Matter Weight Standards - Existing Combustion Sources

- (1) For fuel burning equipment sources installed, constructed, or modified before June 1, 1970, except solid fuel burning devices that have been certified under OAR 340-262-0500, no person may cause, suffer, allow, or permit particulate matter emissions from any fuel burning equipment in excess of the following limits:
 - (a) 0.10 grains per dry standard cubic foot provided that all representative compliance source test results collected prior to April 16, 2015 demonstrate emissions no greater than 0.080 grains per dry standard cubic foot;
 - (b) If any representative compliance source test results collected prior to April 16, 2015 demonstrate emissions greater than 0.080 grains per dry standard cubic foot, or if there are no representative compliance source test results, then:
 - (A) 0.24 grains per dry standard cubic foot until Dec. 31, 2019; and
 - (B) 0.15 grains per dry standard cubic foot on and after Jan. 1, 2020; and
 - (c) In addition to the limits in paragraph (a) or (b), for equipment or a mode of operation (e.g., backup fuel) that is used less than 876 hours per calendar year, 0.24 grains per dry standard cubic foot from April 16, 2015 through December 31, 2019, and 0.20 grains per dry standard cubic foot on and after Jan. 1, 2020.
- (2) The owner or operator of a source installed, constructed or modified before June 1, 1970 who is unable to comply with the standard in subparagraph (1)(b)(B) may request that LRAPA set a source specific limit of 0.17 grains per dry standard cubic foot. The owner or operator must submit an application for a permit modification to request the alternative limit by no later than Oct. 1, 2019 that demonstrates, based on a signed report prepared by a registered professional engineer that specializes in boiler/multiclone operation, that the fuel burning equipment will be unable to comply with the standard in subparagraph (1)(b)(B) after either:
 - (a) Maintenance or upgrades to an existing multiclone system; or

- (b) Conducting a boiler tune-up if the boiler does not have a particulate matter emission control system.
- (3) If a source qualifies under subsection (2), LRAPA will add the 0.17 grains per dry standard cubic foot source specific limit as a significant permit modification (simple fee) for sources with an LRAPA Title V Operating Permit or a Simple Technical Modification for sources with an Air Contaminant Discharge Permit.
- (4) The owner or operator of a source installed, constructed or modified before June 1, 1970 may request that LRAPA grant an extension allowing the source up to one additional year to comply with the standard in subsection (2) provided that the owner or operator demonstrates, based on an engineering report signed by a registered professional engineer that specializes in boiler/multiclone operation, that the source cannot comply with the source specific limit established in 32-020(2) without making significant changes to the equipment or control equipment or adding control equipment. The request for an extension must be submitted no later than Oct. 1, 2019.
- (5) Compliance with the emissions standards in 32-020 is determined using Oregon Method 5, or an alternative method approved by LRAPA.
 - (a) For fuel burning equipment that burns wood fuel by itself or in combination with any other fuel, the emission results are corrected to 12% CO₂.
 - (b) For fuel burning equipment that burns fuels other than wood, the emission results are corrected to 50% excess air.
 - (c) For purposes of this rule, representative compliance source test results are data that was obtained:
 - (A) No more than ten years before April 16, 2015; and
 - (B) When a source is operating and maintaining air pollution control devices and emission reduction processes at the highest reasonable efficiency and effectiveness to minimize emissions based on the current configuration of the fuel burning equipment and pollution control equipment.

Section 32-030 Particulate Matter Weight Standards - New Combustion Sources

- (1) For fuel burning equipment sources installed, constructed, or modified after June 1, 1970, but prior to April 16, 2015, except solid fuel burning devices that have been certified under OAR 340-262-0500, no person may cause, suffer, allow, or permit particulate matter emissions from any fuel burning equipment in excess of the following limits:
 - (a) 0.10 grains per dry standard cubic foot provided that all representative compliance source test results prior to April 16, 2015 demonstrate emissions no greater than 0.080 grains per dry standard cubic foot; or
 - (b) If any representative compliance source test results collected prior to April 16, 2015 demonstrate emissions greater than 0.080 grains per dry standard cubic foot, or if there

are no representative compliance source test results, then 0.14 grains per dry standard cubic foot.

- (2) For sources installed, constructed or modified after April 16, 2015, except solid fuel burning devices that have been certified under OAR 340-262-0500, no person may cause, suffer, allow, or permit particulate matter emissions from any fuel burning equipment in excess of 0.10 grains per dry standard cubic foot.
- (3) Compliance with the emissions standards in 32-030 is determined using DEQ Method 5, or an alternative method approved by LRAPA.
 - (a) For fuel burning equipment that burns wood fuel by itself or in combination with any other fuel, the emission results are corrected to 12% CO₂.
 - (b) For fuel burning equipment that burns fuels other than wood, the emission results are corrected to 50% excess air.
 - (c) For purposes of this section, representative compliance source test results are data that was obtained:
 - (A) No more than ten years before April 16, 2015; and
 - (B) When a source is operating and maintaining air pollution control devices and emission reduction processes at the highest reasonable efficiency and effectiveness to minimize emissions based on the current configuration of the fuel burning equipment and pollution control equipment.

Section 32-045 Process Weight Emission Limitations and Determination of Process Weight

- (1) No person may cause, suffer, allow, or permit the emissions of particulate matter in any one hour from any process in excess of the amount shown in 32-8010, for the process weight rate allocated to such process.
- (2) Process weight is the total weight of all materials introduced into a piece of process equipment. Solid fuels charged are considered part of the process weight, but liquid and gaseous fuels and combustion air are not.
 - (a) For a cyclical or batch operation, the process weight per hour is derived by dividing the total process weight by the number of hours in one complete operation, excluding any time during which the equipment is idle.
 - (b) For a continuous operation, the process weight per hour is derived by dividing the process weight by a typical period of time, as approved by LRAPA.
- (3) Where the nature of any process or operation or the design of any equipment permits more than one interpretation of this rule, the interpretation that results in the minimum value for allowable emission applies.

Section 32-050 Concealment and Masking of Emissions

- (1) No person shall willfully cause or permit the installation or use of any device or use of any means which, without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission of air contaminant which would otherwise violate these rules.
- (2) No person shall cause or permit the installation or use of any device or use of any means designed to mask the emission of an air contaminant which causes or tends to cause detriment to health, safety or welfare of any person.

Section 32-055 Particulate Fallout Limitation

No person may cause or permit the emission of particulate matter larger than 250 microns in size at such duration or quantity as to create an observable deposition upon the real property of another person.

Section 32-060 Air Conveying Systems

- (1) Affected Sources

Dry material air conveying systems located within PM₁₀ Nonattainment or Maintenance Areas which use a cyclone or other mechanical separating device and which have a baseline year emission rate of three (3) metric tons or more of particulate matter are affected sources.

- (2) Emission Limits for Affected Sources

Notwithstanding the general and specific emission standards and regulations contained in these rules, affected sources shall not emit particulate matter to the atmosphere in excess of the following amounts:

- (a) One (1) metric ton/year (1.10 tons/year)
- (b) 2.88 kg/day (6.24 lbs./day)

Gaseous Emission Limitations

Section 32-065 Sulfur Content of Fuels

- (1) Residual Fuel Oils

No person may sell, distribute, use or make available for use, any residual fuel oil containing more than 1.75 percent sulfur by weight.

- (2) Distillate Fuel Oils

No person may sell, distribute, use or make available for use, any distillate fuel oil or on-specification used oil containing more than the following percentages of sulfur:

- (a) ASTM Grade 1 fuel oil - 0.3 percent by weight
 - (b) ASTM Grade 2 fuel oil - 0.5 percent by weight
- (3) Coal
- (a) Except as provided in paragraph (b), no person may sell, distribute, use or make available for use, any coal containing greater than 1.0 percent sulfur by weight.
 - (b) No person may sell, distribute, use or make available for use any coal or coal-containing fuel with greater than 0.3 percent sulfur and five (5) percent volatile matter as defined in ASTM Method D3175 for direct space heating within PM10 nonattainment or maintenance areas. For coals subjected to a devolatilization process, compliance with the sulfur limit may be demonstrated on the sulfur content of coal prior to the devolatilization process.
 - (c) Distributors of coal or coal-containing fuel destined for direct residential space heating use must keep records for a five-year period which must be available for LRAPA inspection and which:
 - (A) Specify quantities of coal or coal-containing fuels sold;
 - (B) Contain name and address of customers who are sold coal or coal-containing fuels;
 - (C) Specify the sulfur and volatile content of coal or the coal-containing fuel sold to residences in PM10 nonattainment or maintenance areas.
- (4) Exemptions. Exempted from the requirements of 32-065(1) through (3), above, are:
- (a) Fuels used exclusively for the propulsion and auxiliary power requirements of vessels, railroad locomotives and diesel motor vehicles.
 - (b) With prior approval of LRAPA, fuels used in such a manner or control provided such that sulfur dioxide emissions can be demonstrated to be equal to or less than those resulting from the combustion of fuels complying with the limitations of 32-065.

Section 32-070 Sulfur Dioxide Emission Limitations

Fuel Burning Equipment: The following emissions standards are applicable to new sources (any air contaminant source installed, constructed or modified after January 1, 1972) except recovery furnaces regulated in LRAPA Title 33:

- (1) For fuel burning equipment having more than 150 million BTU per hour heat input, but not more than 250 million BTU per hour input, no person shall cause, suffer, allow or permit the emission into the atmosphere of sulfur dioxide in excess of:
 - (a) 1.4 pounds per million BTU heat input, maximum 3-hour average, when liquid fuel is burned.

- (b) 1.6 pounds per million BTU heat input, maximum 3-hour average, when solid fuel is burned.
- (2) For fuel burning equipment having more than 250 million BTU per hour heat input, no person shall cause, suffer, allow or permit the emission into the atmosphere of sulfur dioxide in excess of:
 - (a) 0.8 pounds per million BTU heat input, maximum 3-hour average, when liquid fuel is burned.
 - (b) 1.2 pounds per million BTU heat input, maximum 3-hour average, when solid fuel is burned.

Section 32-075 Federal Acid Rain Regulations Adopted by Reference

- (1) 40 CFR parts 72, 75, and 76 are by this reference adopted and incorporated herein, for purposes of implementing an acid rain program that meets the requirements of Title IV of the FCAA. The term "permitting authority" shall mean LRAPA, and the term "Administrator" means the Administrator of the United States EPA.
- (2) If the provisions or requirements of 40 CFR part 72 conflict with or are not included in OAR divisions 218 and 220, the part 72 provisions and requirements must apply and take precedence.

Section 32-090 Other Emissions

- (1) No person shall discharge from any source whatsoever such quantities of air contaminants which cause injury or damage to any persons, the public, business or property. Such determination is to be made by LRAPA.
- (2) No person shall cause or permit emission of water vapor if the water vapor causes or tends to cause detriment to the health, safety or welfare of any person or causes, or tends to cause damage to property or business.

Section 32-100 Alternative Emission Controls (Bubble) [moved from 34-060(8)]

- (1) LRAPA may approve alternative emission controls for VOC and NO_x emissions in a Standard ACDP or LRAPA Title V Operating Permit for use within a single source such that a specific emission limit is exceeded, provided that:
 - (a) Such alternatives are not specifically prohibited by a rule or permit condition;
 - (b) Net total emissions for each regulated pollutant from all emissions units involved (i.e., "under the bubble") are not increased above the PSEL;
 - (c) The owner or operator of the source demonstrates the net air quality under 38-0520;

- (d) No other air contaminants including malodorous, toxic or hazardous pollutants are substituted;
 - (e) BACT and LAER, where required by a previously issued permit pursuant to LRAPA Title 38 (NSR), LRAPA Title 46 (NSPS), and LRAPA Title 44 (NESHAP), where required, are not relaxed;
 - (f) Specific emission limits are established for each emission unit involved (“under the bubble”) such that compliance with the PSEL can be readily determined;
 - (g) The owner or operator of the source applies for a permit or permit modification and such application is approved by LRAPA; and
 - (h) The emissions unit that reduces its emissions achieves the reductions by reducing its allowable emission rate, and not by reducing production, throughput, or hours of operation.
- (2) The permit will include a net total emissions limit on total emissions from all devices or emissions units involved (“under the bubble”).
- (3) Alternative emission controls, in addition to those allowed in subsection (1), may be approved by LRAPA and EPA as a source specific SIP amendment.

Section 32-8010

Particulate Matter Emissions Standards for Process Equipment						
Process lbs/hr	Emissions lbs/hr	Process lbs/hr	Emissions lbs/hr	Process lbs/hr	Emissions lbs/hr	
50	0.24	2300	4.44	7500	8.39	
100	0.46	2400	4.55	8000	8.71	
150	0.66	2500	4.64	8500	9.03	
200	0.85	2600	4.74	9000	9.36	
250	1.03	2700	4.84	9500	9.67	
300	1.20	2800	4.92	10000	10.00	
350	1.35	2900	5.02	11000	10.63	
400	1.50	3000	5.10	12000	11.28	
450	1.63	3100	5.18	13000	11.89	
500	1.77	3200	5.27	14000	12.50	
550	1.89	3300	5.36	15000	13.13	
600	2.01	3400	5.44	16000	13.74	
650	2.12	3500	5.52	17000	14.36	
700	2.24	3600	5.61	18000	14.97	
750	2.34	3700	5.69	19000	15.58	
800	2.43	3800	5.77	20000	16.19	
850	2.53	3900	5.85	30000	22.22	
900	2.62	4000	5.93	40000	28.30	
950	2.72	4100	6.01	50000	34.30	
1000	2.80	4200	6.08	60000	40.00	
1100	2.97	4300	6.15	70000	41.30	
1200	3.12	4400	6.22	80000	42.50	
1300	3.26	4500	6.30	90000	43.60	
1400	3.40	4600	6.37	100000	44.60	
1500	3.54	4700	6.45	120000	46.30	
1600	3.66	4800	6.52	140000	47.80	
1700	3.79	4900	6.60	160000	49.00	
1800	3.91	5000	6.67	200000	51.20	
1900	4.03	5500	7.03	1000000	69.00	
2000	4.14	6000	7.37	2000000	77.60	

Particulate Matter Emissions Standards for Process Equipment						
Process lbs/hr	Emissions lbs/hr	Process lbs/hr	Emissions lbs/hr	Process lbs/hr	Emissions lbs/hr	
2100	4.24	6500	7.71	6000000	92.70	
2200	4.34	7000	8.05			

Interpolation and extrapolation of emissions above a process weight of 6,000,000 pounds/ hour shall be accomplished by the use of this equation:

$$E = (55.0 \times P^{0.11}) - 40,$$

where: P = process weight in tons/ hour, and

E = emission rate in pounds/hour.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 33

PROHIBITED PRACTICES AND CONTROL OF SPECIAL CLASSES OF INDUSTRY

Section 33-005 Definitions

See individual sections for applicable definitions. The definitions in title 12 and in the individual sections in this title apply to this title. If the same term is defined in this title and title 12, the definition in this title applies to this title.

Section 33-045 Gasoline Tanks

Gasoline tanks with a capacity of 1500 gallons or more may not be installed without a permanent submerged fill pipe or other adequate vapor loss control device in any control area.

Section 33-060 Board Products Industries (Hardboard, Particleboard, Plywood, Veneer)

(1) Definitions

- "Baseline emissions rate" means a source's actual emissions rate during the baseline period, as defined in title 12, expressed as pounds of emissions per thousand square feet of finished product, on a 1/8" basis.
- "Tempering oven" means any facility used to bake hardboard following an oil treatment process.

(2) General Provisions

- (a) This section establishes minimum performance and emission standards for veneer, plywood, particleboard and hardboard manufacturing operations.
- (b) Emission limitations established herein are in addition to, and not in lieu of, general emission standards for visible emissions, fuel burning equipment, and refuse burning equipment, except as provided for in 33-060(3).
- (c) Each affected veneer, plywood, particleboard, and hardboard plant must proceed with a progressive and timely program of air pollution control. Each plant must, at the request of LRAPA, submit periodic reports in such form and frequency as directed to demonstrate the progress being made toward full compliance with 33-060(2) through (5).

(3) Veneer and Plywood Manufacturing Operations

(a) Veneer Dryers:

- (A) Consistent with 33-060(2)(a) through (c), it is the objective of this section to control

air contaminant emissions, including but not limited to condensable hydrocarbons, such that visible emissions from each veneer dryer are limited to a level which does not cause a characteristic "blue haze" to be observable.

- (B) No person may operate any veneer dryer such that visible air contaminants emitted from any dryer stack or emission point exceed:
 - (i) A daily average operating opacity of 10 percent on more than two days within any 12-month period, with the days separated from each other by at least 30 days, as measured by EPA Method 9; and
 - (ii) A maximum opacity of 20 percent at any time as measured by EPA Method 9.
- (C) Particulate emissions from wood-fired veneer dryers may not exceed:
 - (i) 0.75 pounds per 1000 square feet of veneer dried (3/8 inch basis) for units using fuel which has a moisture content equal to or less than 20 percent by weight on a wet basis as measured by ASTM D442-84;
 - (ii) 1.50 pounds per 1000 square feet of veneer dried (3/8 inch basis) for units using fuel which has a moisture content of greater than 20 percent by weight on a wet basis as measured by ASTM D442-84; or
 - (iii) 0.40 pounds per 1000 pounds of steam generated in boilers which exhaust gases to the veneer dryer.
- (D) Exhaust gases from fuel-burning equipment vented to the veneer dryer are exempt from 32-020 and 32-030.
- (E) Each veneer dryer must be maintained and operated at all times such that air contaminant generating processes and all contaminant control devices must be at full efficiency and effectiveness so that the emissions of air contaminants are kept at the lowest practicable levels.
- (F) No person may willfully cause or permit the installation or use of any means, such as dilution, which without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission which would otherwise violate this regulation.
- (G) Where effective measures are not taken to minimize fugitive emissions, LRAPA may require that the equipment or structures in which processing, handling and storage are done be tightly closed, modified, or operated in such a way that air contaminants are minimized, controlled, or removed before discharge to the open air.
- (H) LRAPA may require more restrictive emission limits than provided in subparagraphs (a)(A) and (a)(B) for an individual plant upon finding by the Board that the individual plant is located or is proposed to be located in a special problem area. The more restrictive emission limits for special problem areas may be established on the basis of allowable emission expressed in opacity, pounds per

hour, or total maximum daily emissions to the atmosphere, or a combination thereof.

- (b) Other Sources: No person shall cause to be emitted particulate matter from veneer and plywood mill sources, including but not limited to, sanding machines, saws, presses, barkers, hogs, chippers and other material size reduction equipment, process or space ventilation systems, and truck loading and unloading facilities in excess of a total from all sources within the plant site of an average hourly emission rate (pounds/hour) based on the maximum hourly production capacity of the facility times one (1.0) pound per 1000 square feet of production. Production is expressed in terms of 1000 square feet of plywood or veneer production on a 3/8 inch basis of finished product equivalent. The maximum hourly production capacity is the maximum production capacity for a typical operating shift divided by the number of hours in the operating shift.
- (c) Excepted from paragraph (b) are veneer dryers, fuel burning equipment and refuse burning equipment.
- (d) Compliance with the average hourly emission rate is determined by summing the emissions from the affected sources as determined by emission factor calculations or actual emissions data for a 24 hour period divided by 24.
- (e) Monitoring and Reporting: LRAPA may require any veneer dryer facility to establish an effective program for monitoring the visible air contaminant emissions from each veneer dryer emission point. The program must be reviewed and approved by LRAPA and must consist of the following:
 - (A) A specified minimum frequency for performing visual opacity determinations on each dryer emission point;
 - (B) All data obtained must be recorded on copies of a "Veneer Dryer Visual Emission Monitoring Form" provided by LRAPA or on an alternate form which is approved by LRAPA; and
 - (C) A specified period during which all records must be maintained at the plant site for inspection by authorized representatives of LRAPA.

(4) Particleboard Manufacturing Operations

- (a) Every person operating or intending to operate a particleboard manufacturing plant must enclose all truck dump and storage areas holding or intended to hold raw materials to prevent windblown particle emissions from these areas to be deposited upon property not under the ownership of said person.
- (b) The temporary storage of raw materials outside the regularly used areas of the plant site is prohibited unless the person who desires to temporarily store such raw materials notifies LRAPA and receives written approval for said storage:
 - (A) When authorized by LRAPA, temporary storage areas must be operated to prevent windblown particulate emissions from being deposited upon property not under the ownership of the person storing the raw materials.

- (B) Any temporary storage areas authorized by LRAPA may not be operated in excess of six (6) months from the date they are first authorized.
- (c) Any person who proposes to control windblown particulate emissions from truck dump and storage areas other than by enclosure must apply to LRAPA for authorization to utilize alternative controls. The application must describe in detail the plan proposed to control windblown particulate emissions and indicate on a plot plan the nearest location of property not under ownership of the applicant.
- (d) The combined particulate emissions from particleboard plant sources including, but not limited to, hogs, chippers and other material size reduction equipment, process or space ventilation systems, particle dryers, classifiers, presses, sanding machines and materials handling systems must not exceed a plant specific average hourly emission rate, pounds per hour, determined by multiplying the plant production capacity by three pounds per 1,000 square feet. The plant production capacity is the maximum production in terms of 1,000 square feet on a 3/4 inch basis of finished product for a typical operating shift divided by the number of hours in the operating shift.
- (e) Excepted from paragraph (d) are truck dump and storage areas, fuel burning equipment and refuse burning equipment.
- (f) Compliance with the average hourly emission rate is determined by summing the emissions from the affected sources as determined by emission factor calculations or actual emissions data for a 24 hour period divided by 24.

(5) Hardboard Manufacturing Operations

- (a) Every person operating or intending to operate a hardboard manufacturing plant must enclose all truck dump and storage areas holding or intended to hold raw materials to prevent windblown particle emissions from these areas to be deposited upon property not under the ownership of said person;
- (b) The temporary storage of raw materials outside the regularly used areas of the plant site is prohibited unless the person who desires to temporarily store such raw materials first notifies LRAPA and receives written approval:
 - (A) When authorized by LRAPA, temporary storage areas must be operated to prevent windblown particulate emissions from being deposited upon property not under the ownership of the person storing the raw materials;
 - (B) Any temporary storage areas authorized by LRAPA may not be operated in excess of six (6) months from the date they are first authorized.
- (c) Alternative Means of Control

Any person who desires to control windblown particulate emissions from truck dump and storage areas other than by enclosure must first apply to LRAPA for authorization to utilize alternative controls. The application must be submitted pursuant to LRAPA 34-035 and shall describe in detail the plan proposed to control windblown particulate emissions and indicate on a plot plan the nearest location of property not under

ownership of the applicant.

- (d) The combined particulate emissions from all emissions sources at the plant must not exceed a plant specific hourly average emission rate determined by multiplying the plant production capacity by one (1.0) pound per 1,000 square feet of production. The plant production capacity is the maximum production in terms of 1000 square feet on a 1/8 inch finished basis for a typical operating shift divided by the number of hours in the operating shift.
 - (e) Excepted from paragraphs (d) and (e) are truck dump and storage areas, fuel burning equipment and refuse burning equipment.
 - (f) Compliance with the average hourly emission rate is determined by summing the emissions from the affected sources as determined by emission factor calculations or actual emissions data for a 24 hour period divided by 24.
 - (g) No person may operate any hardboard tempering oven unless all gases and vapors emitted from said oven are treated in a fume incinerator capable of raising the temperature of said gases and vapors to at least 1500°F for 0.3 seconds or longer except that specific operating temperatures lower than 1500°F may be approved by LRAPA using the procedures in 40 CFR 63.2262 of the NESHAP for Plywood and Composite Wood Products.
- (6) **Testing and Monitoring:** All source tests must be done using the DEQ Source Sampling Manual.
- (a) Veneer dryers, wood particle dryers, fiber dryers and press/cooling vents must be tested using DEQ Method 7.
 - (b) Air conveying systems must be tested using DEQ Method 8.
 - (c) Fuel burning equipment must be tested using DEQ Method 5. When combusting wood fuel by itself or in combination with any other fuel, the emission results are corrected to 12% CO₂. When combusting fuels other than wood, the emission results are corrected to 50% excess air.

Section 33-065 Charcoal Producing Plants

- (1) No person may cause or permit the emission of particulate matter from charcoal producing plant sources including, but not limited to, charcoal furnaces (retorts), heat recovery boilers, after combustion chambers, and wood dryers using any portion of the charcoal furnace off-gases as a heat source, in excess of a total from all sources within the plant site of 10.0 pounds per ton of charcoal produced (as determined from the retort process) as an annual average.
- (2) Emissions from char storage, briquette making (excluding dryers using furnace off-gases), boilers not using charcoal furnace off-gases, and fugitive sources are excluded in determining compliance with subsection (1).
- (3) Charcoal producing plants as described in subsection (1) are exempt from the limitations of

32-030 which concern particulate emission concentrations.

- (4) LRAPA may require the installation and operation of instruments and recorders for measuring emissions and/or parameters which affect the emission of air contaminants from sources covered by this rule to ensure that the sources and the air pollution control equipment are operated at all times at their full efficiency and effectiveness so that the emission of air contaminants is kept at the lowest practicable level. The instruments and recorders must be periodically calibrated. The method and frequency of calibration must be approved in writing by LRAPA. The recorded information must be kept for a period of at least one year and shall be made available to LRAPA upon request.
- (5) The person responsible for the sources of particulate emissions must make or have made tests once every year to determine the type, quantity, quality and duration of emissions, and process parameters affecting emissions, in conformance with test methods of file with LRAPA. If this test exceeds the annual emission limitation then three (3) additional tests are required at three (3) month intervals with all four (4) tests being averaged to determine compliance with the annual standard. No single test may be greater than twice the annual average emission limitation for that source.
 - (a) Source testing must begin within 90 days of the date by which compliance is to be achieved for each individual emission source.
 - (b) These source testing requirements must remain in effect unless waived in writing by LRAPA upon adequate demonstration that the source is consistently operating at lowest practicable levels.

Section 33-070 Kraft Pulp Mills

(1) Definitions

- "BLS" means black liquor solids, dry weight.
- "Continuous Monitoring" means instrumental sampling of a gas stream on a continuous basis, excluding periods of calibration.
- "Daily arithmetic average" means the average concentration over the twenty-four hour period in a calendar day, as determined by continuous monitoring equipment or reference method testing. Any equivalent period must be approved first by EPA. Determinations based on EPA reference methods using the DEQ Source Sampling Manual consist of three (3) separate consecutive runs having a minimum sampling time of sixty (60) minutes each and a maximum sampling time of eight (8) hours each. The three values for concentration (ppm or grains/dscf) are averaged and expressed as the daily arithmetic average which is used to determine compliance with process weight limitations, grain loading or volumetric concentration limitations and to determine daily emission rate.
- "Dry standard 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 dry standard cubic foot.

- "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.
- "Lime kiln" means any production device in which calcium carbonate is thermally converted to calcium oxide.
- "Non-condensables" means gases and vapors, contaminated with TRS compounds, from the digestion and multiple-effect evaporation processes of a mill.
- "Operations" includes plant, mill or facility.
- "Other sources" as used in 33-070 means sources of TRS emissions in a kraft mill other than recovery furnaces, lime kilns smelt dissolving tanks, sewers, drains, and wastewater treatment facilities, including but not limited to:
 - A. Vents from knotters, brown stock washing systems, evaporators, blow tanks, blow heat accumulators, black liquor storage tanks, black liquor oxidation system, pre-steaming vessels, tall oil recovery operation; and
 - B. Any vent which is shown to contribute to an identified nuisance condition.
- "Production" as used in 33-070 means the daily amount of air-dried unbleached pulp, or equivalent, produced during the 24-hour period each calendar day, or LRAPA-approved equivalent period, and expressed in air-dried metric tons (admt) per day. The corresponding English unit is air-dried tons (adt) per day.
- "Recovery furnace" means the combustion device in which dissolved wood solids are incinerated and pulping chemicals recovered from the molten smelt. For 33-070, this term includes the direct contact evaporator, if present.
- "Recovery system" means the process by which all or part of the cooking chemicals may be recovered, and cooking liquor regenerated from spent cooking liquor, including evaporation, combustion, dissolving, fortification, and storage facilities associated with the recovery cycle.
- "Smelt dissolving tank vent" means the vent serving the vessel used to dissolve the molten smelt produced by the recovery furnace.

(2) Statement of Policy

Recent technological developments have enhanced the degree of malodorous emissions control possible for the kraft pulping process. While recognizing that complete malodorous and particulate emission control is not presently possible, consistent with the meteorological and geographical conditions in Oregon, it is hereby declared to be the policy of LRAPA to:

- (a) Require, in accordance with a specific program and time table for all sources at each operating mill, the highest and best practicable treatment and control of atmospheric emissions from kraft mills through the utilization of technically feasible equipment, devices, and procedures. Consideration will be given to the economic life of equipment which, when installed, complies with the highest and best practicable treatment requirement.
- (b) Require degrees and methods of treatment for major and minor emissions points that will minimize emissions of odorous gases and eliminate ambient odor nuisances.
- (c) Require effective monitoring and reporting of emissions and reporting of other data pertinent to air quality or emissions. LRAPA will use these data in conjunction with ambient air data and observation of conditions in the surrounding area to develop and revise emission and ambient air standards, and to determine compliance therewith.
- (d) Encourage and assist the kraft pulping industry to conduct a research and technological development program designed to progressively reduce kraft mill emissions, in accordance with a definite program, including specified objectives and time schedules.

(3) Emission Limitations

(a) Emission of Total Reduced Sulfur (TRS):

(A) Recovery Furnaces:

- (i) The emissions of TRS from each recovery furnace placed in operation before January 1, 1969, may not exceed 10 ppm and 0.15 kg/metric ton (0.30 pound/ton) of production as daily arithmetic averages;
- (ii) TRS emissions from each recovery furnace placed in operation after January 1, 1969, and before September 25, 1976, or any recovery furnace modified significantly after January 1, 1969, and before September 25, 1976, to expand production, must be controlled such that the emissions of TRS may not exceed 5 ppm and 0.075 kg/metric ton (0.150 pound/ton) production as daily arithmetic averages.

(B) Lime Kilns. Lime kilns must be operated and controlled such that emission of TRS may not exceed 20 ppm as a daily arithmetic average and 0.05 kg/metric ton (0.10 pound/ton) of production as a daily arithmetic average. This subparagraph applies to those sources where construction was initiated prior to September 25, 1976.

(C) Smelt Dissolving Tanks:

- (i) TRS emissions from each smelt dissolving tank may not exceed 0.0165 gram/kg BLS (0.033 pound/ton BLS) as a daily arithmetic average.

(D) Non-Condensables:

Non-condensables from digesters, multiple-effect evaporators and contaminated condensate stripping must be continuously treated to destroy TRS gases by thermal incineration in a lime kiln or incineration device capable of subjecting the non-

condensables to a temperature of not less than 650°C (1200°F) for not less than 0.3 second. An alternate device meeting the above requirements must be available in the event adequate incineration in the primary device cannot be accomplished. Venting of TRS gases during changeover must be minimized but in no case may the time exceed one hour.

(E) Other Sources:

- (i) The total emissions of TRS from other sources may not exceed 0.078 kg/metric ton (0.156 pound/ton) of production as a daily arithmetic average.
- (ii) Miscellaneous Sources and Practices. If LRAPA determines that sewers, drains, and anaerobic lagoons significantly contribute to an odor problem, a program for control will be required.

(b) Particulate Matter:

(A) Recovery Furnaces. The emissions of particulate matter from each recovery furnace stack may not exceed:

- (i) 2.0 kilograms per metric ton (4.0 pounds per ton) of production as a daily arithmetic average;
- (ii) 0.30 gram per dry standard cubic meter (0.13 grain per dry standard cubic foot) as a daily arithmetic average; and
- (iii) Thirty-five percent opacity for a period or periods aggregating more than thirty (30) minutes in any one hundred and eighty (180) consecutive minutes or more than sixty (60) minutes in any twenty four (24) consecutive hours (excluding periods when the facility is not operating).

(B) Lime Kilns. The emissions of particulate matter from each lime kiln stack may not exceed:

- (i) 0.50 kilogram per metric ton (1.00 pound per ton) of production as a daily arithmetic average;
- (ii) 0.46 gram per dry standard cubic meter (0.20 grain per dry standard cubic foot) as a daily arithmetic average; and
- (iii) The visible emission limitations in 33-070(3)(d).

(C) Smelt Dissolving Tanks. The emission of particulate matter from each smelt dissolving tank stack may not exceed:

- (i) A daily arithmetic average of 0.25 kilogram per metric ton (0.50 pound per ton) of production; and
- (ii) The visible emission limitations in 33-070(3)(d).

(D) Replacement of or modification or a rebuild of an existing particulate pollution

control device for which a capital expenditure of 50 percent or more of the replacement cost of the existing device is required, other than ongoing routine maintenance, after July 1, 1988 will result in more restrictive standards as follows:

(i) Recovery Furnaces.

- (I) The emission of particulate matter from each affected recovery furnace stack may not exceed 1.00 kilogram per metric ton (2.00 pounds per ton) of production as a daily arithmetic average; and
- (II) 0.10 gram per dry standard cubic meter (0.044 grain per dry standard cubic foot) as a daily arithmetic average.

(ii) Lime Kilns.

- (I) The emission of particulate matter from each affected lime kiln stack may not exceed 0.25 kilogram per metric ton (0.50 pound per ton) of production as a daily arithmetic average; and
- (II) 0.15 gram per dry standard cubic meter (0.067 grain per dry standard cubic foot) as a daily arithmetic average when burning gaseous fossil fuel; or
- (III) 0.50 kilogram per metric ton (1.00 pound per ton) of production as a daily arithmetic average; and
- (IV) 0.30 gram per dry standard cubic meter (0.13 grain per dry standard cubic foot) as a daily arithmetic average when burning liquid fossil fuel.

(iii) Smelt Dissolving Tanks. The emissions of particulate matter from each smelt dissolving tank vent stack may not exceed 0.15 kilogram per metric ton (0.30 pound per ton) of production as a daily arithmetic average.

(c) Sulfur Dioxide (SO₂). Emissions of sulfur dioxide from each recovery furnace stack may not exceed a 3-hour arithmetic average of 300 ppm on a dry-gas basis except when burning fuel oil. The sulfur content of fuel oil used may not exceed the sulfur content of residual and distillate oil established in 32-065(1) and (2), respectively.

(d) Emissions from each kraft mill source, with the exception of the mill's emissions attributable to a recovery furnace, may not equal or exceed 20 percent opacity for a period exceeding three (3) minutes in any one (1) hour.

(e) New Source Performance Standards. New or modified sources that commenced construction after September 24, 1976, are subject to each provision of this section and the New Source Performance Standards, 40 CFR part 60 subpart BB as adopted under 46-630, whichever is more stringent.

(4) More Restrictive Emission Limits

LRAPA may establish more restrictive emission limits than the numerical emission standards contained in 33-070(3) and maximum allowable daily mill site emission limits in kilograms

per day for an individual mill upon a finding by LRAPA that:

- (a) The individual mill is located or is proposed to be located in a special problem area or an area where ambient air standards are exceeded or are projected to be exceeded or where the emissions will have a significant impact in an area where the standards are exceeded; or
- (b) An odor or nuisance problem has been documented at any mill, in which case the TRS emission limits may be reduced below the regulatory limits; or LRAPA may require the mill to undertake an odor emission reduction study program; or
- (c) Other rules which are more stringent apply.

(5) Monitoring

- (a) (Reserved)
- (b) Total Reduced Sulfur (TRS). Each mill must monitor TRS continuously using the following:
 - (A) The monitoring equipment must determine compliance with the emission limits and reporting requirements established by these regulations, and must continuously sample and record concentrations of TRS;
 - (B) The sources monitored must include, but are not limited to, individual recovery furnaces and lime kilns. All sources must be monitored downstream of their respective control devices, in either the ductwork or the stack, in accordance with the DEQ Continuous Monitoring Manual;
 - (C) Unless otherwise authorized or required by permit, at least once per year, vents from other sources as required in 33-070(3)(a)(E), other sources, must be sampled to demonstrate the representativeness of the emissions of TRS using EPA Method 16, 16A, 16B or continuous emissions monitors. Sampling using these EPA methods must consist of three (3) separate consecutive runs of one hour each, using the DEQ Source Sampling Manual. Continuous emissions monitors must be operated for three consecutive hours in accordance with the DEQ Continuous Monitoring Manual. All results must be reported to LRAPA;
 - (D) Smelt dissolving tank vents must be sampled for TRS quarterly except that testing may be semi-annual when the preceding six source tests were less than 0.0124 gram/kg BLS (0.025 pound/ton BLS) using EPA Method 16, 16A, 16B or continuous emission monitors. Sampling using these EPA methods must consist of three (3) separate consecutive runs of one hour each using the DEQ Source Sampling Manual.
- (c) Particulate Matter.
 - (A) Each mill must sample the recovery furnace, lime kiln and smelt dissolving tank vent for particulate emissions as measured by EPA Method 5 or 17, using the DEQ Source Sampling Manual. Particulate matter emission determinations by EPA Method 5 must use water as the cleanup solvent instead of acetone, and

consist of the average of three separate consecutive runs having a minimum sampling time of 60 minutes each, a maximum sampling time of eight hours each, and a minimum sampling volume of 31.8 dscf each.

- (i) When applied to recovery furnace gases "dry standard 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%.
 - (ii) When applied to lime kiln gases "dry standard 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%.
 - (iii) The mill must demonstrate that oxygen concentrations are below the values in sub-subparagraphs (i) and (ii) or furnish oxygen levels and corrected data.
- (B) Each mill must provide continuous monitoring of opacity of emissions discharged to the atmosphere from each recovery furnace stack using the DEQ Continuous Monitoring Manual.
- (C) (Reserved)
- (D) Recovery furnace particulate source tests must be performed quarterly except that testing may be semi-annual when the preceding six (6) source tests were less than 0.225 gram/dscm (0.097 grain/dscf) for furnaces subject to 33-070(3)(b)(A)(i) or 0.075 gram/dscm (0.033 grain/dscf) for furnaces subject to 33-070(3)(b)(D)(i)(I).
- (E) Lime kiln source tests must be performed semi-annually.
- (F) Smelt dissolving tank vent source tests must be performed quarterly except that testing may be semi-annual when the preceding six (6) source tests were less than 0.187 kilogram per metric ton (0.375 pound per ton) of production.
- (d) Sulfur Dioxide (SO₂). Representative sulfur dioxide emissions from each recovery furnace must be determined at least once each month by the average of three (3) one-hour source tests using the DEQ Source Sampling Manual or from continuous emission monitors. If continuous emission monitors are used, the monitors must be operated for three consecutive hours using the DEQ Continuous Monitoring Manual.
- (e) Combined Monitoring. LRAPA may allow the monitoring for opacity of a combination of more than one emission stream if each individual emission stream has been demonstrated (with the exception of opacity) to be in compliance with all the emission limits of 33-070(3). LRAPA may establish more stringent emission limits for the combined emission stream.
- (f) New Source Performance Standards Monitoring. New or modified sources that are subject to the New Source Performance Standards, 40 CFR part 60, subpart BB, must conduct monitoring or source testing as required by Subpart BB. In addition, when these rules are more stringent than 40 CFR part 60 subpart BB, LRAPA may require some or all of the relevant monitoring in this subsection.

(6) Reporting

If required by LRAPA or required by permit, each mill must report data each calendar month by the last day of the subsequent month as follows:

- (a) Applicable daily average emissions of TRS gases expressed in parts per million of H₂S on a dry gas basis with oxygen concentrations, if oxygen corrections are required, for each source included in the approved monitoring program.
- (b) Daily average emissions of TRS gases in pounds of total reduced sulfur per equivalent ton of pulp processed, expressed as H₂S for each source included in the approved monitoring program.
- (c) Maximum daily 3-hour average emissions of SO₂ based on all samples collected from the recovery furnace, expressed as ppm, dry basis.
- (d) All daily average opacities for each recovery furnace stack where transmissometers are utilized.
- (e) All 6-minute average opacities from each recovery furnace stack that exceed 35 percent.
- (f) Daily average kilograms of particulate per equivalent metric ton (pounds of particulate per equivalent ton) of pulp produced for each recovery furnace stack.
- (g) Unless otherwise approved in writing, all periods of non-condensable gas bypass must be reported.
- (h) Each Kraft mill must furnish, upon request of LRAPA, such other pertinent data as LRAPA may require to evaluate the mill's emission control program.
- (i) Monitoring data reported must reflect actual observed levels corrected for oxygen, if required, and analyzer calibration.
- (j) Oxygen concentrations used to correct regulated pollutant data must reflect oxygen concentrations at the point of measurement of regulated pollutants.

(8) Chronic Upset Conditions

If LRAPA determines that an upset condition is chronic and correctable by installing new or modified process or control procedures or equipment, the owner or operator must submit to LRAPA a program and schedule to effectively eliminate the deficiencies causing the upset conditions. Such reoccurring upset conditions causing emissions in excess of applicable limits may be subject to civil penalty or other appropriate action.

Section 33-075 Hot Mix Asphalt Plants

(1) Definitions

- "Dusts" means minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing,

shoveling, conveying, covering, bagging, or sweeping.

- "Hot mix asphalt plants" 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.
- "Portable hot mix asphalt plants" means those hot mix asphalt plants which are designed to be dismantled and are transported from one job site to another job site.
- "Process weight " means the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "process weight per hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.
- "Special control areas" means any area designated in OAR 340-204-0070, title 29, and:
 - (A) Any incorporated city or within six (6) miles of the city limits of said incorporate city;
 - (B) Any area of Lane County within one (1) mile of any structure or building used for a residence;
 - (C) Any area of Lane County within two (2) miles straight-line distance or air miles of any paved public road, highway, or freeway having a total of two (2) or more traffic lanes.

(2) Control Facilities Required

- (a) No person may operate any hot mix asphalt plant, either portable or stationary, located within any area of Lane County outside special control areas unless all dusts and gaseous effluents generated by the hot mix asphalt plant are controlled by a control device or devices with a removal efficiency for particulate matter of at least 80 percent by weight. To determine compliance with this standard, the owner or operator must conduct a particulate matter source test using DEQ Method 5 at the inlet and outlet of the control device. If it is not feasible to conduct a particulate matter source test at the inlet to the control device, the owner or operator must provide documentation demonstrating that the control device is designed to meet the standard and prepare and implement an operation and maintenance plan for ensuring that the control device will have at least an 80 percent removal efficiency when operated.
- (b) No person may operate any hot mix asphalt plant, either portable or stationary, located within any special control area of Lane County without installing and operating systems or processes for the control of particulate emissions so as to comply with the emission limits established by the process weight table in 33-500, attached herewith and by

reference mad part of this rule. Compliance is determined using DEQ Method 5. All source tests must be done using the DEQ Source Sampling Manual.

- (c) Hot mix asphalt plants are subject to the emission limitations in 32-010, 32-015, and 46-535, as applicable.
- (d) If requested by LRAPA, the owner or operator must develop a fugitive emission control plan.

(3) Other Established Air Quality Limitations

The emission limits established under 33-075 are in addition to visible emission and other ambient air standards, established or to be established by the Board, unless otherwise provided by rule.

(4) Ancillary Sources of Emission--Housekeeping of Plant Facilities

- (a) Ancillary air contamination sources from a hot mix asphalt plant and its facilities which emit air contaminants into the atmosphere such as, but not limited to, the drier openings, screening and classifying system, hot rock elevator, bins, hoppers, and pug mill mixer, must be controlled at all times so as to maintain the highest possible level of air quality and the lowest possible discharge of air contaminants.
- (b) The handling of aggregate and truck traffic must be conducted at all times so as to minimize emissions into the atmosphere.

Section 33-080 Reduction of Animal Matter

(1) Control Facilities Required

- (a) A person may operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such article, machine, equipment or other contrivance are:
 - (A) Incinerated at temperatures of not less than 1200°F for a period of not less than 0.3 seconds; or
 - (B) Processed in such a manner determined by LRAPA to be equally, or more, effective for the purpose of air pollution control than subparagraph (A).
- (b) Any person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this section must provide, properly install and maintain in calibration, in good working order and in operation, devices as specified by LRAPA, for indicating temperature, pressure or other operating conditions.
- (c) For the purpose of this section, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.
- (d) The provisions of this section do not apply to any article, machine, equipment, or other contrivance used exclusively for the processing of food for human consumption.

(2) Monitoring of Reduction Facilities

(a) When requested by LRAPA for the purpose of formulating plans in conjunction with industries who are or may be sources of air pollution, and to investigate sources of air pollution, monitoring data must be submitted for plant operational periods and must include:

- (A) Continuous or at least hourly influent and effluent temperature readings on the condenser;
- (B) Continuous or at least hourly temperature readings on the after-burner;
- (C) Estimated weights of finished products processed in pounds per hour;
- (D) Hours of operation per day; and
- (E) A narrative description to accurately portray control practices, including the housekeeping measures employed.

(b) Except as otherwise required under the Oregon Public Records Law, ORS 192.410 to 192.505, when requested by the plant manager any information relating to processing or production must be kept confidential by LRAPA and may not be disclosed or made available to competitors or their representatives in the rendering industry.

(c) Whenever a breakdown of operating facilities occurs or unusual loads or conditions are encountered that cause or may cause release of excessive and malodorous gases or vapors, LRAPA must be immediately notified.

(3) Housekeeping of Plant and Plant Area. The plant facilities and premises are to be kept clean and free of accumulated raw material, products, and waste materials. The methods used for housekeeping must include, but not be limited to:

- (a) A washdown at least once each working day, of equipment, facilities and building interiors that come in contact with raw or partially processed material, with steam or hot water and detergent or equivalent additive;
- (b) Storage of all solid wastes in covered containers, and daily disposal in an incinerator or fill, approved by LRAPA, or by contract with a company or municipal department providing such service; and
- (c) Disposal of liquid and liquid-borne waste in a manner approved by LRAPA.

(4) Applicability. Section 33-080 shall apply in all areas of Lane County which are within city limits or within two miles of the boundaries of incorporated cities.

Section 33-500 Particulate Matter Emissions Standards for Process Equipment

Particulate Matter Emissions Standards for Process Equipment

Process lbs/hr	Emissions lbs/hr	Process lbs/hr	Emissions lbs/hr	Process lbs/hr	Emissions lbs/hr
50	0.24	2300	4.44	7500	8.39
100	0.46	2400	4.55	8000	8.71
150	0.66	2500	4.64	8500	9.03
200	0.85	2600	4.74	9000	9.36
250	1.03	2700	4.84	9500	9.67
300	1.20	2800	4.92	10000	10.00
350	1.35	2900	5.02	11000	10.63
400	1.50	3000	5.10	12000	11.28
450	1.63	3100	5.18	13000	11.89
500	1.77	3200	5.27	14000	12.50
550	1.89	3300	5.36	15000	13.13
600	2.01	3400	5.44	16000	13.74
650	2.12	3500	5.52	17000	14.36
700	2.24	3600	5.61	18000	14.97
750	2.34	3700	5.69	19000	15.58
800	2.43	3800	5.77	20000	16.19
850	2.53	3900	5.85	30000	22.22
900	2.62	4000	5.93	40000	28.30
950	2.72	4100	6.01	50000	34.30
1000	2.80	4200	6.08	60000	40.00
1100	2.97	4300	6.15	70000	41.30
1200	3.12	4400	6.22	80000	42.50
1300	3.26	4500	6.30	90000	43.60
1400	3.40	4600	6.37	100000	44.60
1500	3.54	4700	6.45	120000	46.30
1600	3.66	4800	6.52	140000	47.80
1700	3.79	4900	6.60	160000	49.00
1800	3.91	5000	6.67	200000	51.20
1900	4.03	5500	7.03	1000000	69.00
2000	4.14	6000	7.37	2000000	77.60
2100	4.24	6500	7.71	6000000	92.70
2200	4.34	7000	8.05		

Interpolation and extrapolation of emissions above a process weight of 6,000,000 pounds/ hour shall be accomplished by the use of this equation:

$$E = (55.0 \times P^{0.11}) - 40,$$

where: P = process weight in tons/ hour, and

E = emission rate in pounds/hour.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 34

STATIONARY SOURCE NOTIFICATION REQUIREMENTS

Section 34-005 Definitions

The definitions in title 12 and title 29 and this section apply to this title. If the same term is defined in this section and title 12 or title 29, the definition in this section applies to this title.

Section 34-010 Applicability

- (1) This title applies to air contaminant sources, to stationary sources, and to modifications of existing portable sources that are required to have permits under title 37.
- (2) Except as provided in subsection (2), 34-010 and 34-034 through 34-038 apply to the following:
 - (a) All new sources not otherwise required to obtain a permit under title 37 or OAR 340 division 218. Sources that are required to submit a permit application under title 37 or OAR 340 division 218 are not required to submit a Notice of Construction application under this rule;
 - (b) Modifications at existing sources, including sources that have permits under title 37 or OAR 340 218; and
 - (c) All sources that use air pollution control devices used to comply with emissions limits, or used to avoid the requirement to obtain an LRAPA Title V Operating Permit (OAR 340 division 218) or Major NSR or Type A State NSR (LRAPA title 38) requirements, or MACT standards (LRAPA title 44).
- (3) 34-010 and 34-034 through 34-038 do not apply to the following sources:
 - (a) Agricultural operations or equipment that is exempted by 12-020;
 - (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 limited to barbecues, house painting, maintenance, and groundskeeping;
 - (d) Portable sources, except modifications of portable sources that have permits under title 37 or OAR 340 division 218; and
 - (e) Categorically insignificant activities as defined in title 12 unless they are 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 stationary sources must provide in a reasonably timely manner any and all information that LRAPA reasonably requires 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 34-016 Records; Maintaining and Reporting

- (1) When notified by LRAPA, any person owning or operating a source within the state must keep and maintain written records of the nature, type, and amounts of emissions from such source and other information LRAPA may require in order to determine whether the source is in compliance with applicable emission rules, limitations, or control measures.
- (2) The records must be prepared in the form of a report and submitted to LRAPA on an annual, semi-annual, or more frequent basis, as requested in writing by LRAPA. Submittals must be filed at the end of the first full period after the LRAPA's notification to such persons owning or operating a stationary air contaminant source of these recordkeeping requirements. Unless otherwise required by rule or permit, semi-annual periods are January 1 to June 30, and July 1 to December 31. A more frequent basis for reporting may be required due to noncompliance or if necessary to protect human health or the environment.
- (3) The required reports must be completed on forms approved by LRAPA and submitted within 30 days after the end of the reporting period, unless otherwise authorized by permit.
- (4) All reports and certifications submitted to LRAPA must accurately reflect the monitoring, record keeping and other documentation held or performed by the owner or operator.
- (5) The owner or operator of any source required to obtain a permit under title 37 or OAR 340 division 218 must retain records of all required monitoring data and supporting information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. For the owner or operator of a source permitted under title 37, this requirement took effect on July 1, 2015.

34-017 Enforcement; Credible Evidence

Notwithstanding any other provisions contained in any applicable requirement, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any such applicable requirements.

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).
- (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 must 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;
 - (d) it shall give its users the chance to obtain a business advantage over competitors not having the information; and
 - (e) It must not be emissions data.

Registration

Section 34-025 Registration in General

- (1) Any air contaminant source which is not subject to the Air Contaminant Discharge Permits, LRAPA title 37, or the Oregon Title V Operating Permits, OAR division 218, must register with LRAPA upon request pursuant to 34-030(1) through (4).

- (2) The following sources that are certified through an LRAPA approved environmental certification program and subject to an Area Source NESHAP may register with LRAPA pursuant to 34-030 in lieu of obtaining a permit in accordance with 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 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 sources registered pursuant to subsection (2) must pay the applicable fees in title 37 Table 2 by March 1 of each year:
 - (a) Failure to pay fees. Registration is automatically 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 sources registered pursuant to subsection (2) must maintain records required by the approved environmental performance program under subsection (3). The records must be kept on site and in a form suitable and readily available for expeditious inspection and review.
- (6) The owner or operator of an air contaminant source that is subject to a federal NSPS or NESHAP in 40 CFR part 60 or 40 CFR part 63 and that is not located at a source that is required to obtain a permit under title 37 (Air Contaminant Discharge Permits) or OAR 340 division 218 (Oregon Title V Operating Permits), must register and maintain registration with LRAPA pursuant to section 34-030 if requested in writing by LRAPA (or by EPA at LRAPA's request).
- (7) Revocation. LRAPA may revoke a registration if a source fails to meet any requirement in 34-030.

Section 34-030 Registration Requirements and Re-Registration and Maintaining Registration

- (1) Registration pursuant to 34-025 shall be completed within thirty (30) days following the mailing date of the request by LRAPA.
- (2) Registration must be made on forms furnished by LRAPA and completed by the owner, lessee of the source, or agent. If a form is not available from LRAPA, the registrant may provide the information using a format approved by LRAPA.
- (3) In order to obtain registration pursuant to 34-025(1), 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 devices under present or anticipated operating conditions; and
 - (i) any other information requested by LRAPA.
- (4) In order to obtain registration pursuant to 34-025(2) the following information must be submitted by a registrant:
- (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) Information demonstrating that the air contaminant source is operating in compliance with all applicable state and federal rules and regulations, as requested by LRAPA;
 - (e) Information demonstrating that the source is certified through an approved environmental certification program;
 - (f) A signed statement that the submitted information is true, accurate, and complete. This signed statement must state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete; and
 - (g) Any other information requested by LRAPA.
- (5) In order to obtain registration pursuant to 34-025(6), the following information must be submitted by a registrant:
- (a) Name, address and nature of business or institution;
 - (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 air contaminant source subject to regulation;

- (e) Identification of the applicable regulation;
 - (f) Confirmation that approval to construct and operate the air contaminant source was obtained in accordance with 34-010 and 34-034 through 34-038;
 - (g) Confirmation that the air contaminant source is operating in compliance with all applicable state rules and regulations, including but not limited to section 32-010 (visible air contaminant limitations) and 32-020 or 32-030 (grain loading standards);
 - (h) Confirmation that the air contaminant source is operating in compliance with all applicable federal rules and regulations, including but not limited to 40 CFR part 60 and part 63 standards and work practice requirements, such as routine tune-up for boilers; and
 - (i) Any other information requested by LRAPA.
- (6) 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.
 - (7) Any changes in any of the factual data reported under subsection (3) or (4) shall be reported to LRAPA, at which time re-registration may be required on forms furnished by LRAPA.
 - (8) 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, in which case the person must not have had their registration terminated or revoked since the change in ownership.
 - (9) If a registered air contaminant source is sold or transferred, the sale or transfer must be reported to LRAPA by either the former owner or the new owner within 30 days of the date of sale or transfer. The new owner of the registered air contaminant source must register the air contaminant source within 30 days of the date of sale or transfer in accordance with subsections (2) and (4).

Notice of Construction and Approval of Plans

Section 34-034 Requirements for Construction

- (1) New sources. No person is allowed to construct, install, or establish a new source that will cause an increase in any regulated pollutant emissions without first notifying LRAPA in writing.
- (2) Modifications to existing 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 Devices. No person is allowed to construct or modify any air pollution control device without first notifying LRAPA in writing.

Section 34-035 Types of Construction/Modification Changes

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

- (1) Type 1 changes include construction or modification of sources or air pollution control devices where such a change meets the criteria in paragraphs (a) through (f):
 - (a) Would not increase emissions from the source above the PSEL by more than the de minimis emission level defined in title 12 for sources required to have a permit;
 - (b) Would not increase emissions from the source above the netting basis by more than or equal to the SER;
 - (c) Would not increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or process at the source by more than the de minimis emission levels defined in LRAPA title 12;
 - (d) Would not be used to establish a federally enforceable limit on the potential to emit;
 - (e) Would not require a TACT determination under 32-008 or a MACT determination under 44-0200; and
 - (f) Is not required to obtain a permit under title 37.
- (2) Type 2 changes include construction or modification of stationary sources or air pollution control devices where such a change meets the criteria in paragraphs (a) through (f):
 - (a) Would not increase emissions from the source above the PSEL by more than the de minimis emission level defined in title 12 for sources required to have a permit;
 - (b) Would not increase emissions from the source above the netting basis by more than or equal to the SER;
 - (c) Would not increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than or equal to the SER;
 - (d) Would not be used to establish a federally enforceable limit on the potential to emit;
 - (e) Would not require a TACT determination under 32-008 or a MACT determination under 44-130; and

Is not required to obtain a permit under title 37.
- (3) Type 3 changes include construction or modification of stationary sources or air pollution control devices where such a change does not qualify as a Type 4 change under subsection (4) and:
 - (a) Would increase emissions from the source above the PSEL by more than the de minimis emission level defined in title 12 before applying unassigned emissions or emissions reduction credits available to the source but less than the SER after applying unassigned

emissions or emissions reduction credits available to the source for sources required to have a permit;

- (b) Would increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than the SER but are not subject to 42-0041(3)(b) or 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 32-008 or a MACT determination under 44-130.
- (4) Type 4 changes include construction or modification of stationary sources or air pollution control devices where such a change or changes would increase emissions from the source above the PSEL, after applying unassigned emissions or emissions reduction credits available to the source, or netting basis of the source by more than the SER.

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 device. 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 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 devices and facilities and their relationship to the production process;
 - (k) Estimated efficiency of air pollution control devices 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 devices 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 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) The owner or operator must notify LRAPA of any corrections and revisions to the plans and specifications upon becoming aware of the changes.
 - (4) Where a permit issued in accordance with 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 the construction or modification 10 calendar days after LRAPA receives the notice required in 34-036 or on the date that LRAPA approves the proposed construction in writing, whichever is sooner, 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 calendar days after LRAPA receives the notice required in 34-036 or on the date that LRAPA approves the proposed construction in writing, whichever is sooner, unless LRAPA notifies the owner or operator in writing that the proposed construction or modification is not a Type 2 change.
 - (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 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 title 37 before proceeding with the construction or modification.

Type 4 changes may also be subject to title 38, NSR requirements.

- (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, device, activity, process, or air pollution control device 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 request a contested case hearing within 20 days from the date of mailing the order. The request must be in writing, state the grounds for hearing, and be mailed to the Director. The hearing will be conducted pursuant to the applicable provisions in title 14.

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 device unless otherwise allowed by subsection (2) or (3) or under the applicable ACDP or Oregon Title V Operating Permit programs (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 37-0020, Type 1 and 2 changes may be operated without further approval subject to the conditions of LRAPA's approval to construct provided in accordance with 34-037.
 - (A) Approval to operate does not relieve the owner of the obligation of complying with applicable requirements that may include but are not limited to the general opacity standards in 32-010 and general particulate matter standards in 32-015 and 32-030.
 - (B) If required by LRAPA as a condition of the approval to construct or at any other time in accordance with 34-030, the owner or operator must conduct testing or monitoring to verify compliance with applicable requirements. All required testing must be performed in accordance with section.
 - (C) The owner or operator must register the air contaminant source with LRAPA if required as a condition of the approval to construct or at any other time in accordance with 34-030.

- (b) For new sources that are required to obtain an ACDP in accordance with 37-0020, the ACDP, which allows operation, is required before operating the newly constructed equipment.
- (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).

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 34-180 Authority to Implement

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

Section 34-190 Definitions

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

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

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

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 35

STATIONARY SOURCE TESTING AND MONITORING

Section 35-0010 Definitions

The definitions in LRAPA title 12, 29-0010, OAR 340-204-0100 and this section apply to this title. If the same term is defined in this section and LRAPA title 12 or OAR 340-204-0100 or 29-0010, the definition in this section applies to this title.

Sampling, Testing and Measurement

Section 35-0110 Applicability

Sections 35-0110 through 35-0160 apply to all stationary sources in Lane County. Stationary source includes portable sources that are required to have permits under title 37.

Section 35-0120 Program

- (1) As part of its coordinated program of air quality control and preventing and abating air pollution, LRAPA may:
 - (a) Require the owner or operator of a stationary source to determine the type, quantity, quality, and duration of the emissions from any air contamination source;
 - (b) Require full reporting in writing of all test procedures and signed by the person or persons responsible for conducting the tests;
 - (c) Require continuous monitoring of specified air contaminant emissions or parameters and periodic regular reporting of the results of such monitoring.
- (2) LRAPA may require an owner or operator of a source to provide emission testing facilities as follows:
 - (a) Sampling ports, safe sampling platforms, and access to sampling platforms adequate for test methods applicable to such source; and
 - (b) Utilities for sampling and testing equipment.
- (3) Testing must be conducted in accordance with the DEQ's Source Sampling Manual, the DEQ's Continuous Monitoring Manual, or an applicable EPA Reference Method unless LRAPA, if allowed under applicable federal requirements:
 - (a) Specifies or approves minor changes in methodology in specific cases;

- (b) Approves the use of an equivalent or alternative method as defined in title 12;
- (c) Waives the testing requirement because the owner or operator has satisfied LRAPA that the affected facility is in compliance with applicable requirements; or
- (d) Approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors.

Section 35-0130 Stack Heights and Dispersion Techniques

- (1) 40 CFR parts 51.100(ff) through 51.100(kk), 51.118, 51.160 through 51.166, concerning stack heights and dispersion techniques, are adopted and incorporated herein. The federal rule generally prohibits the use of excessive stack height and certain dispersion techniques when calculating compliance with ambient air quality standards. The rule forbids neither the construction and actual use of excessively tall stacks, nor the use of dispersion techniques. It only forbids their use in noted calculations. The rule generally applies as follows: Stacks 65 meters high or greater that were constructed after December 31, 1970, and major modifications made after December 31, 1970 to existing plants with stacks 65 meters high or greater which were constructed before that date are subject to this rule. Certain stacks at federally owned, coal-fired steam electric generating units constructed under a contract awarded before February 8, 1974 are exempt. Any dispersion technique implemented after December 31, 1970 at any plant is subject to this rule. However, if the plant's total allowable emissions of sulfur dioxide are less than 5,000 tons per year, then certain dispersion techniques to increase final exhaust gas plume rise may be used when calculating compliance with ambient air quality standards for sulfur dioxide:
- (2) Where found in the federal rule, the following terms apply:
 - (a) "Reviewing agency" means DEQ, LRAPA, or EPA, as applicable;
 - (b) "Authority administering the State Implementation Plan" means DEQ, LRAPA, or EPA;
 - (c) The "procedures" referred to in 40 CFR 51.164 are LRAPA's Major NSR procedures (38-0010 through 38-0070 and 38-0050 through 38-0540 of LRAPA rules), and the review procedures for new, or modifications to, minor sources, at LRAPA's review procedures for new or modified minor sources (34-0200 to 34-0220, 38-0010 through 38-0038, or 38-0200 through 38-0270 and 38-0500 through 38-0540).
 - (d) "The state" or "state, or local control agency" as referred to in 40 CFR 51.118, means DEQ or LRAPA;
 - (e) "Applicable state implementation plan" and "plan" refer to the DEQ's or LRAPA's programs and rules, as approved by EPA, or any regulations promulgated by EPA (see 40 CFR part 52, subpart MM).

Section 35-0140 Methods

- (1) Any sampling, testing, or measurement performed pursuant to this title must conform to methods contained in the DEQ's Source Sampling Manual or to recognized applicable standard methods approved in advance by LRAPA.
- (2) LRAPA may approve an equivalent or alternative method as defined in title 12.

Section 35-0150 LRAPA Testing

Instead of asking for tests and sampling of emissions from the owner or operator of a source LRAPA may conduct such tests alone or in conjunction with the owner or operator. If LRAPA conducts the testing or sampling, the agency will provide a copy of the results to the owner or operator.

Compliance Assurance Monitoring

Section 35-0200 Purpose and Applicability

- (1) The purpose of 35-0200 through 35-0280 is to require, as part of the issuance of a permit under title V of the FCAA, improved or new monitoring at those emissions units where monitoring requirements do not exist or are inadequate to meet the requirements of 35-0200 through 35-0280. Except for backup utility units that are exempt under paragraph (2)(b), the requirements of 35-0200 through 35-0280 apply to a regulated pollutant-specific emissions unit at a major source that is required to obtain an LRAPA Title V Operating Permit if the unit meets all of the following criteria:
 - (a) The unit is subject to an emission limitation or standard for the applicable regulated pollutant (or a surrogate thereof), other than an emission limitation or standard that is exempt under paragraph (2)(a);
 - (b) The unit uses a control device to achieve compliance with any such emission limitation or standard; and
 - (c) The unit has potential pre-control device emissions of the applicable regulated pollutant that are equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source. For purposes of this subsection, "potential pre-control device emissions" has the same meaning as "potential to emit," as defined in title 12, except that emission reductions achieved by the applicable control device are not taken into account.
- (2) Exemptions:
 - (a) Exempt emission limitations or standards. The requirements of 35-0200 through 35-0280 do not apply to any of the following emission limitations or standards:

- (A) Emission limitations or standards proposed by the Administrator after November 15, 1990 pursuant to section 111 or 112 of the FCAA;
 - (B) Stratospheric ozone protection requirements under title VI of the FCAA;
 - (C) Acid Rain Program requirements pursuant to sections 404, 405, 406, 407(a), 407(b), or 410 of the FCAA;
 - (D) Emission limitations or standards or other applicable requirements that apply solely under an emissions trading program approved or promulgated by the Administrator under the FCAA that allows for trading emissions within a source or between sources;
 - (E) An emissions cap that meets the requirements specified in 40 CFR 70.4(b)(12), 71.6(a)(13)(iii), or title 42 (Stationary Source Plant Site Emission Limits);
 - (F) Emission limitations or standards for which a Title V Operating Permit specifies a continuous compliance determination method, as defined in title 12. The exemption does not apply if the applicable compliance method includes an assumed control device emission reduction factor that could be affected by the actual operation and maintenance of the control device. For example a certain surface coating line is controlled by an incinerator whose continuous compliance is determined by calculating emissions on the basis of coating records and an assumed control device efficiency factor based on an initial performance test. In this example, 35-0200 through 35-0280 apply to the control device and capture system, but not to the remaining elements of the coating line, such as raw material usage.
- (b) Exemption for backup utility power emissions units. The requirements of 35-0200 through 35-0280 do not apply to a utility unit, as defined in 40 CFR 72.2, that is municipally owned if the owner or operator provides documentation in a Title V Operating Permit application that:
- (A) The utility unit is exempt from all monitoring requirements in 40 CFR part 75 including the appendices thereto;
 - (B) The utility unit is operated solely for providing electricity during periods of peak electrical demand or emergency situations and will be operated consistent with that purpose throughout the LRAPA Title V Operating Permit term. The owner or operator must provide historical operating data and relevant contractual obligations to document that this criterion is satisfied; and
 - (C) The actual emissions from the utility unit, based on the average annual emissions over the last three calendar years of operation or such shorter time period that is available for units with fewer than three years of operation, are less than 50 percent of the amount in tons per year required for a source to be classified as a major source and are expected to remain so.

Section 35-0210 Monitoring Design Criteria

- (1) General criteria. To provide a reasonable assurance of compliance with emission limitations or standards for the anticipated range of operations at a pollutant-specific emissions unit, monitoring under 35-0200 through 35-0280 must meet the following general criteria:
 - (a) The owner or operator must design the monitoring to obtain data for one or more indicators of emission control performance for the control device, any associated capture system and, if necessary to satisfy paragraph (1)(b), processes at a regulated pollutant-specific emissions unit. Indicators of performance may include, but are not limited to, direct or predicted emissions, including visible emissions or opacity, process and control device parameters that affect control device and capture system efficiency or emission rates, or recorded findings of inspection and maintenance activities conducted by the owner or operator;
 - (b) The owner or operator must establish an appropriate range or designated condition for the selected indicator such that operation within the ranges provides a reasonable assurance of ongoing compliance with emission limitations or standards for the anticipated range of operating conditions. Such range or condition must reflect the proper operation and maintenance of the control device and associated capture system, in accordance with applicable design properties, for minimizing emissions over the anticipated range of operating conditions at least to the level required to achieve compliance with the applicable requirements. The reasonable assurance of compliance will be assessed by maintaining performance within the indicator range or designated condition. The ranges must be established in accordance with the design and performance requirements in this rule and documented in accordance with the requirements in 35-0220. If necessary to assure that the control device and associated capture system can satisfy this criterion, the owner or operator must monitor appropriate process operational parameters such as total throughput where necessary to stay within the rated capacity for a control device. In addition, unless specifically stated otherwise by an applicable requirement, the owner or operator must monitor indicators to detect any bypass of the control device or capture system to the atmosphere, if such bypass can occur based on the design of the regulated pollutant-specific emissions unit;
 - (c) The design of indicator ranges or designated conditions may be:
 - (A) Based on a single maximum or minimum value if appropriate, e.g., maintaining condenser temperatures a certain number of degrees below the condensation temperature of the applicable compound being processed or at multiple levels that are relevant to distinctly different operating conditions e.g., high versus low load levels;
 - (B) Expressed as a function of process variables, e.g., an indicator range expressed as minimum to maximum pressure drop across a venturi throat in a particulate control scrubber;
 - (C) Expressed as maintaining the applicable parameter in a particular operational status or designated condition, e.g., position of a damper controlling gas flow to the atmosphere through a by-pass duct;
 - (D) Established as interdependent between more than one indicator.

- (2) Performance criteria. The owner or operator must design the monitoring to meet the following performance criteria:
- (a) Specifications that provide for obtaining data that are representative of the emissions or parameters being monitored such as detector location and installation specifications, if applicable;
 - (b) For new or modified monitoring equipment, verification procedures to confirm the operational status of the monitoring prior to the date by which the owner or operator must conduct monitoring under 35-0200 through 35-0280 as specified in 35-0250(1). The owner or operator must consider the monitoring equipment manufacturer's requirements or recommendations for installation, calibration, and start-up operation;
 - (c) Quality assurance and control practices that are adequate to ensure the continuing validity of the data. The owner or operator must consider manufacturer recommendations or requirements applicable to the monitoring in developing appropriate quality assurance and control practices;
 - (d) Specifications for the frequency of the monitoring, the data collection procedures that will be used (e.g., computerized data acquisition and handling, alarm sensor, or manual log entries based on gauge readings), and, if applicable, the period over which discrete data points will be averaged for the purpose of determining whether an excursion or exceedance has occurred:
 - (A) At a minimum, the owner or operator must design the period over which data are obtained and, if applicable, averaged consistent with the characteristics and typical variability of the regulated pollutant-specific emissions unit including the control device and associated capture system. Such intervals must be commensurate with the time period over which a change in control device performance that would require actions by owner or operator to return operations within normal ranges or designated conditions is likely to be observed;
 - (B) For all regulated pollutant-specific emissions units with the potential to emit, calculated including the effect of control devices, the applicable regulated air pollutant in an amount equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source, for each parameter monitored, the owner or operator must collect four or more data values equally spaced over each hour and average the values, as applicable, over the applicable averaging period as determined in accordance with subparagraph (2)(d)(A). LRAPA may approve a reduced data collection frequency based on information presented by the owner or operator concerning the data collection mechanisms available for a particular parameter for the particular regulated pollutant-specific emissions unit e.g., integrated raw material or fuel analysis data, noninstrumental measurement of waste feed rate or visible emissions, use of a portable analyzer or an alarm sensor;
 - (C) For other regulated pollutant-specific emissions units, the frequency of data collection may be less than the frequency specified in subparagraph (2)(d)(B), but the monitoring must include some data collection at least once per 24-hour period e.g., a daily inspection of a carbon adsorber operation in conjunction with a weekly or monthly check of emissions with a portable analyzer.

- (3) Evaluation factors. In designing monitoring to meet the requirements in subsections (1) and (2), the owner or operator must take into account site-specific factors including the applicability of existing monitoring equipment and procedures, the ability of the monitoring to account for process and control device operational variability, the reliability and latitude built into the control technology, and the level of actual emissions relative to the compliance limitation.
- (4) Special criteria for the use of continuous emission, opacity or predictive monitoring systems:
- (a) If a continuous emission monitoring system (CEMS), continuous opacity monitoring system (COMS), or predictive emission monitoring system (PEMS) is required by other authority under the FCAA or state or local law, the owner or operator must use such system to satisfy the requirements of 35-0200 through 35-0280;
 - (b) The use of a CEMS, COMS, or PEMS that satisfies any of the following monitoring requirements satisfies the general design criteria in subsections (1) and (2). However, a COMS may be subject to the criteria for establishing indicator ranges under subsection (1):
 - (A) Section 51.214 and Appendix P of 40 CFR part 51;
 - (B) Section 60.13 and Appendix B of 40 CFR part 60;
 - (C) Section 63.8 and any applicable performance specifications required pursuant to the applicable subpart of 40 CFR part 63;
 - (D) 40 CFR part 75 (July 1, 2000);
 - (E) Subpart H and Appendix IX of 40 CFR part 266; or
 - (F) If an applicable requirement does not otherwise require compliance with the requirements listed in subparagraphs (4)(b)(A) through (E), comparable requirements and specifications established by LRAPA.
 - (c) The owner or operator must design the monitoring system subject to subsection (4) to:
 - (A) Allow for reporting exceedances (or excursions if applicable to a COMS used to assure compliance with a particulate matter standard), consistent with any period for reporting of exceedances in an underlying requirement. If an underlying requirement does not contain a provision for establishing an averaging period for the reporting of exceedances or excursions, the criteria used to develop an averaging period in paragraph (2)(d) applies; and
 - (B) Provide an indicator range consistent with subsection (1) for a COMS used to assure compliance with a particulate matter standard. If an opacity standard applies to the regulated pollutant-specific emissions unit, such limit may be used as the appropriate indicator range unless the opacity limit fails to meet the criteria in subsection (1) after considering the type of control device and other site-specific factors applicable to the regulated pollutant-specific emissions unit.

Section 35-0220 Submittal Requirements

- (1) The owner or operator must submit to LRAPA monitoring plans that satisfy the design requirements in 35-0210. The submission must include the following information:
 - (a) The indicators to be monitored to satisfy 35-0210(1)(a) and (b);
 - (b) The ranges or designated conditions for such indicators, or the process by which such indicator ranges or designated conditions will be established;
 - (c) The performance criteria for the monitoring to satisfy 35-0210(2); and
 - (d) If applicable, the indicator ranges and performance criteria for a CEMS, COMS or PEMS pursuant to 35-0210(4).
- (2) As part of the information submitted, the owner or operator must submit a justification for the proposed elements of the monitoring plans. If the performance specifications proposed to satisfy 35-0210(2)(b) or (c) include differences from manufacturer recommendations, the owner or operator must explain the reasons for the differences. The owner or operator also must submit any data supporting the justification and may refer to generally available sources of information used to support the justification such as generally available air pollution engineering manuals, or EPA or LRAPA publications on appropriate monitoring for various types of control devices or capture systems. To justify the appropriateness of the monitoring elements proposed, the owner or operator may rely in part on existing applicable requirements that establish the monitoring for the applicable regulated pollutant-specific emissions unit or a similar unit. If an owner or operator relies on presumptively acceptable monitoring, no further justification for the appropriateness of that monitoring should be necessary other than an explanation of the applicability of such monitoring to the unit in question, unless data or information is brought forward to rebut the assumption. Presumptively acceptable monitoring includes:
 - (a) Presumptively acceptable or required monitoring approaches, established by LRAPA in a rule that constitutes part of the applicable implementation plan required pursuant to title I of the Act, that are designed to achieve compliance with 35-0200 through 35-0280 for particular regulated pollutant-specific emissions units;
 - (b) Continuous emission, opacity, or predictive emission monitoring systems that satisfy applicable monitoring requirements and performance specifications contained in 35-0210(d);
 - (c) Excepted or alternative monitoring methods allowed or approved pursuant to 40 CFR part 75;
 - (d) Monitoring included for standards exempt from 35-0200 through 35-0280 pursuant to 35-0200(2)(a)(A) through (F) to the extent such monitoring is applicable to the performance of the control device and associated capture system for the regulated pollutant-specific emissions unit; and
 - (e) Presumptively acceptable monitoring methods identified in guidance by EPA.

- (3)(a) Except as provided in subsection (4), the owner or operator must submit control device and process and capture system, if applicable operating parameter data obtained during the conduct of the applicable compliance or performance test conducted under conditions specified by the applicable rule. If the applicable rule does not specify testing conditions or only partially specifies test conditions, the performance test generally must be conducted under conditions representative of maximum emissions potential under anticipated operating conditions at the regulated pollutant-specific emissions unit. Such data may be supplemented by engineering assessments and manufacturer's recommendations to justify the indicator ranges (or, if applicable, the procedures for establishing such indicator ranges). Emission testing is not required to be conducted over the entire indicator range or range of potential emissions;
- (b) The owner or operator must document that no changes to the regulated pollutant-specific emissions unit, including the control device and capture system, have taken place that could result in a significant change in the control system performance or the selected ranges or designated conditions for the indicators to be monitored since the performance or compliance tests were conducted.
- (4) If existing data from unit-specific compliance or performance testing specified in subsection (3) are unavailable, the owner or operator:
- (a) Must submit a test plan and schedule for obtaining such data in accordance with subsection (5); or
- (b) May submit indicator ranges (or procedures for establishing indicator ranges) that rely on engineering assessments and other data, if the owner or operator demonstrates that factors specific to the type of monitoring, control device, or pollutant-specific emissions unit make compliance or performance testing unnecessary to establish indicator ranges at levels that satisfy the criteria in 35-0210(1).
- (5) If the monitoring plans submitted by the owner or operator require installation, testing, or other necessary activities before conducting the monitoring for purposes of 35-0200 through 35-0280, the owner or operator must include an implementation plan and schedule for installing, testing and performing any other appropriate activities before conducting the monitoring. The implementation plan and schedule must provide for conducting the monitoring as expeditiously as practicable after LRAPA approves the monitoring plans in the LRAPA Title V Operating Permit pursuant to 35-0240. In no case may the schedule for completing installation and beginning operation of the monitoring exceed 180 days after approval of the permit.
- (6) If a control device is common to more than one regulated pollutant-specific emissions unit, the owner or operator may submit monitoring plans for the control device and identify the regulated pollutant-specific emissions units affected and any process or associated capture device conditions that must be maintained or monitored in accordance with 35-0210(1) rather than submit separate monitoring plans for each regulated pollutant-specific emissions unit.
- (7) If a single regulated pollutant-specific emissions unit is controlled by more than one control device that is similar in design and operation, the owner or operator may submit monitoring plans that apply to all the control devices and identify the control devices affected and any process or associated capture device conditions that must be maintained or monitored in accordance with 35-0210(1) rather than submit a separate description for each control device.

Section 35-0230 Deadlines for Submittals

- (1) Large regulated pollutant-specific emissions units. For all regulated pollutant-specific emissions units with the potential to emit the applicable regulated air pollutant in an amount equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source, the owner or operator must submit the information required under 35-0220 at the following times:
 - (a) The owner or operator must submit information as part of an application for an initial LRAPA Title V Operating Permit if, by that date, the application either:
 - (A) Has not been filed, or
 - (B) Has not yet been determined to be complete by LRAPA.
 - (b) The owner or operator must submit information as part of an application for a significant permit revision under OAR 340-218-0180, but only with respect to those regulated pollutant-specific emissions units for which the proposed permit revision applies;
 - (c) The owner or operator must submit any information not submitted under the deadlines set forth in paragraphs (1)(a) and (b) as part of the application for the renewal of an LRAPA Title V Operating Permit.
- (2) Other regulated pollutant-specific emissions units. For all other regulated pollutant-specific emissions units subject to 35-0220 through 35-0280 and not subject to subsection (1), the owner or operator must submit the information required under 35-0220 as part of an application for a renewal of an LRAPA Title V Operating Permit.
- (3) A permit reopening to require the submittal of information under this rule is not required by OAR 340-218-0200(1)(a)(A). If, however, an LRAPA Title V Operating Permit is reopened for cause by EPA or LRAPA pursuant to OAR 340-218-0200(1)(a)(C), (D), or (E), the applicable agency may require the submittal of information under this rule for those pollutant-specific emissions units that are subject to 35-0200 through 35-0280 and that are affected by the permit reopening.
- (4) Until LRAPA approves monitoring plans that satisfy the requirements of 35-0200 through 35-0280, the owner or operator is subject to the requirements of OAR 340-218-0050(3)(a)(C).

Section 35-0240 Approval of Monitoring Plans

- (1) Based on an application that includes the information submitted in accordance with 35-0230, LRAPA will approve the monitoring plans submitted by the owner or operator by confirming that the plans satisfy the requirements in 35-0210.
- (2) LRAPA may condition its approval on the owner or operator collecting additional data on the indicators to be monitored for a regulated pollutant-specific emissions unit, including required compliance or performance testing, to confirm that the monitoring will provide data sufficient

to satisfy the requirements of 35-0200 through 35-0280 and to confirm the appropriateness of an indicator range or designated condition proposed to satisfy 35-0210(1)(b) and (c) and consistent with the schedule in 35-0220(4).

- (3) If LRAPA approves the proposed monitoring, LRAPA will establish one or more permit terms or conditions that specify the required monitoring in accordance with OAR 340-218-0050(3)(a). At a minimum, the permit will specify:
 - (a) The approved monitoring approach that includes all of the following:
 - (A) The indicator to be monitored (such as temperature, pressure drop, emissions, or similar parameter);
 - (B) The means or device to be used to measure the indicator (such as temperature measurement device, visual observation, or CEMS); and
 - (C) The performance requirements established to satisfy 35-0210(2) or (4), as applicable.
 - (b) The means by which the owner or operator will define an exceedance or excursion for purposes of responding to and reporting exceedances or excursions under 35-0250 and 35-0260. The permit will specify the level at which an excursion or exceedance will be deemed to occur, including the appropriate averaging period associated with such exceedance or excursion. For defining an excursion from an indicator range or designated condition, the permit may either include the specific value or condition at which an excursion occurs, or the specific procedures that will be used to establish that value or condition. If the latter, the permit will specify appropriate notice procedures for the owner or operator to notify LRAPA upon any establishment or reestablishment of the value;
 - (c) The obligation to conduct the monitoring and fulfill the other obligations specified in 35-0250 through 35-0270;
 - (d) If appropriate, a minimum data availability requirement for valid data collection for each averaging period, and, if appropriate, a minimum data availability requirement for the averaging periods in a reporting period.
- (4) If the monitoring proposed by the owner or operator requires installation, testing or final verification of operational status, the LRAPA Title V Operating Permit will include an enforceable schedule with appropriate milestones for completing such installation, testing, or final verification consistent with the requirements in 35-0220(5).
- (5) If LRAPA disapproves the proposed monitoring, the following applies:
 - (a) The draft or final permit will include, at a minimum, monitoring that satisfies the requirements of OAR 340-218-0050(3)(a)(C);
 - (b) The draft or final permit will include a compliance schedule for the owner or operator to submit monitoring plans that satisfy 35-0210 and 35-0220. In no case may the owner or operator submit revised monitoring more than 180 days from the date of issuance of the draft or final permit; and

- (c) If the owner or operator does not submit the monitoring plans in accordance with the compliance schedule contained in the draft of final permit or if LRAPA disapproves the proposed monitoring plans, the owner or operator is not in compliance with 35-0200 through 35-0280, unless the source owner or operator successfully challenges the disapproval.

Section 35-0250 Operation of Approved Monitoring

- (1) Commencement of operation. The owner or operator must conduct the monitoring required under 35-0200 through 35-0280 upon issuance of an LRAPA Title V Operating Permit that includes such monitoring, or by any later date specified in the permit pursuant to 35-0240(4).
- (2) Proper maintenance. The owner or operator must at all times maintain the monitoring equipment, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.
- (3) Continued operation. Except for monitoring malfunctions, associated repairs, and required quality assurance or control activities including, as applicable, calibration checks and required zero and span adjustments, the owner or operator must conduct all monitoring in continuous operation or must collect data at all required intervals at all times that the regulated pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities cannot be used for purposes of 35-0200 through 35-0280, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The owner or operator must use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.
- (4) Response to excursions or exceedances:
- (a) Upon detecting an excursion or exceedance, the owner or operator must restore operation of the regulated pollutant-specific emissions unit including the control device and associated capture system to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response must include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance other than those caused by excused startup or shutdown conditions. Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action, such as through response by a computerized distribution control system, or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable;
- (b) Determination of whether the owner or operator has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process;

- (c) Documentation of need for improved monitoring. After LRAPA approves the monitoring plans under 35-0200 through 35-0280, if the owner or operator identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not indicate an excursion or exceedance while providing valid data, or if the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the owner or operator must promptly notify LRAPA and, if necessary, submit a proposed modification to the LRAPA Title V Operating Permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.

Section 35-0260 Quality Improvement Plan (QIP) Requirements

- (1) Based on the results of a determination made under 35-0250(4)(b), the Administrator or LRAPA may require the owner or operator to develop and implement a QIP. Consistent with 35-0240(3)(c), the LRAPA Title V Operating Permit may specify an appropriate threshold, such as an accumulation of exceedances or excursions exceeding 5 percent duration of a pollutant-specific emissions unit's operating time for a reporting period, for requiring the implementation of a QIP. The threshold may be set at a higher or lower percent or may rely on other criteria for purposes of indicating whether a regulated pollutant-specific emissions unit is being maintained and operated in a manner consistent with good air pollution control practices.
- (2) Elements of a QIP:
- (a) The owner or operator must maintain a written QIP, if required, and have it available for inspection;
 - (b) The plan initially must include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the owner or operator must modify the plan to include procedures for conducting one or more of the following actions, as appropriate:
 - (A) Improved preventive maintenance practices;
 - (B) Process operation changes;
 - (C) Appropriate improvements to control methods;
 - (D) Other steps appropriate to correct control performance;
 - (E) More frequent or improved monitoring only in conjunction with one or more steps under subparagraphs (A) through (D) above.
- (3) If a QIP is required, the owner or operator must develop and implement a QIP as expeditiously as practicable and notify LRAPA if the period for completing the improvements contained in the QIP exceeds 180 days from the date on which the need to implement the QIP was determined.

- (4) Following implementation of a QIP, upon any subsequent determination pursuant to 35-0250(4)(b) the Administrator or LRAPA may require that an owner or operator make reasonable changes to the QIP if the QIP is found to have:
 - (a) Failed to address the cause of the control device performance problems; or
 - (b) Failed to provide adequate procedures for correcting control device performance problems as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.
- (5) Implementation of a QIP does not excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the FCAA.

Section 35-0270 Reporting and Recordkeeping Requirements

(1) General reporting requirements:

- (a) On and after the date specified in 35-0250(1) by which the owner or operator must conduct monitoring that meets the requirements of 35-0200 through 35-0280, the owner or operator must submit monitoring reports to LRAPA in accordance with OAR 340-218-0050(3)(c);
- (b) A report for monitoring under OAR 340-218-0200 through 340-218-0280 must include, at a minimum, the information required under OAR 340-218-0050(3)(c) and the following information, as applicable:
 - (A) Summary information on the number, duration and cause including unknown cause of excursions or exceedances, as applicable, and the corrective actions taken;
 - (B) Summary information on the number, duration and cause including unknown cause for monitor downtime incidents, other than downtime associated with zero and span or other daily calibration checks; and
 - (C) A description of the actions taken to implement a QIP during the reporting period as specified in 35-0260. Upon completion of a QIP, the owner or operator must include in the next summary report documentation that the implementation of the plan has been completed and has reduced the likelihood of similar levels of excursions or exceedances occurring.

(2) General recordkeeping requirements:

- (a) The owner or operator must comply with the recordkeeping requirements specified in OAR 340-218-0050(3)(b). The owner or operator must maintain records of monitoring data, performance data, corrective actions taken, any written quality improvement plan required pursuant to 35-0260 and any activities undertaken to implement a quality improvement plan, and other supporting information required by 35-0200 through 35-0280 such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions;

- (b) Instead of paper records, the owner or operator may maintain records on alternative media, such as microfilm, computer files, magnetic tape disks, or microfiche, if the use of such alternative media allows for expeditious inspection and review and does not conflict with other applicable recordkeeping requirements.

Section 35-0280 Savings Provisions

Nothing in 35-0200 through 35-0280:

- (1) Excuses the owner or operator of a source from complying with any existing emission limitation or standard, or with any existing monitoring, testing, reporting, or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the FCAA. The requirements of 35-0200 through 35-0280 may not be used to justify the approval of monitoring less stringent than the monitoring required under separate legal authority. Nor are they intended to establish minimum requirements for the purpose of determining the monitoring to be imposed under separate authority under the FCAA, including monitoring in permits issued pursuant to title I of the FCAA.;
- (2) Restricts or abrogates the authority of the Administrator or LRAPA to impose additional or more stringent monitoring, recordkeeping, testing, or reporting requirements on any owner or operator of a source under any provision of the FCAA, including but not limited to sections 114(a)(1) and 504(b), or state law, as applicable;
- (3) Restricts or abrogates the authority of the Administrator LRAPA to take any enforcement action under the FCAA for any violation of an applicable requirement or of any person to take action under section 304 of the FCAA.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 36

EXCESS EMISSIONS

Following the reporting and recordkeeping prescribed herein or approval of procedures for startup, shutdown or maintenance shall not absolve sources from enforcement action for conditions resulting in excess emissions.

Section 36-001 General Policy and Discussion

- (1) Emissions of air contaminants in excess of applicable standards or permit conditions are unauthorized and are subject to enforcement action, pursuant to 36-010 through 36-030. These rules apply to any source which emits air contaminants in violation of any applicable air quality rule or permit condition, including but not limited to excess emissions resulting from the breakdown of air pollution control devices or operating equipment, process upset, startup, shutdown, or scheduled maintenance. Sources that do not emit air contaminants in excess of any applicable air quality rule or permit condition are not subject to the recordkeeping and reporting requirements in title 36. Emissions in excess of applicable standards are not excess emissions if the standard is in an NSPS or NESHAP and the NSPS or NESHAP exempts startups, shutdowns and malfunctions as defined in the applicable NSPS or NESHAP.
- (2) The purpose of these rules is to:
 - (a) Require that, where applicable, the owner or operator immediately report all excess emissions to LRAPA;
 - (b) Require owner or operator to submit information and data regarding conditions which resulted or could result in excess emissions;
 - (c) Identify criteria for LRAPA to use in determining whether it will take enforcement action against an owner or operator for an excess emission; and
 - (d) Provide owners and operators of sources with LRAPA Title V Operating Permits an affirmative defense to a penalty action when noncompliance with technology-based limits is due to an emergency pursuant to 36-040.

Section 36-005 Definitions

The following definitions are relevant for the purposes of title 36, only. Additional definitions can be found in title 12, "Definitions."

- (4) "Large Source", as used in this title, means any stationary source required to maintain a Title V Operating Permit or whose actual emissions or potential controlled emissions while operating full time at the design capacity are equal to or exceed 100 tons per year of any regulated air pollutant other than GHG.
- (7) "Small Source" means any stationary source with a Basic, General, Simple or Standard ACDP.

Section 36-010 Planned Startup and Shutdown

- (1) This section applies to any source where startup or shutdown of a production process or system may result in excess emissions and:
 - (a) Which is a major source; or
 - (b) Which is in a non-attainment or maintenance area for the regulated pollutant which may constitute excess emissions; or
 - (c) From which LRAPA requires the application in subsection (2).
- (2) The owner or operator must obtain prior LRAPA authorization of startup and shutdown procedures. The owner or operator must submit to LRAPA a written application for approval of new procedures or modifications to existing procedures. The application must be submitted in time for LRAPA to receive it at least seventy-two (72) hours prior to the first occurrence of a startup or shutdown event to which the procedures apply. The application must:
 - (a) Explain why the excess emissions during startup and shutdown will not be avoidable;
 - (b) Identify the specific production process or system causing the excess emissions;
 - (c) Identify the nature of the air contaminants likely to be emitted, and estimate the amount and duration of the excess emissions; and
 - (d) Identify specific procedures to be followed that will minimize excess emissions at all times during startup and shutdown.
- (3) LRAPA will approve the procedures if it determines that they are consistent with good pollution control practices, will minimize emissions during such period to the extent practicable, and that no adverse health impact on the public will occur. The owner or operator must record all excess emissions in the excess emissions log as required in 36-025(3). Approval of the procedures does not shield the owner or operator from an enforcement action, but LRAPA in determining whether a penalty action is appropriate will consider whether the procedures were followed.

- (4) Once LRAPA approves startup/shutdown procedures, the owner or operator does not have to notify LRAPA of a planned startup or shutdown event unless it results in excess emissions.
- (5) When notice is required by subsection (4), it must be made in accordance with 36-020(1)(a).
- (6) The owner or operator is subject to the requirements under All Other Excess Emissions in 36-020 if the owner or operator fails to obtain LRAPA approval of startup and shutdown procedures in accordance with subsection (2).
- (7) LRAPA may revoke or require modifications to previously approved procedures at any time by written notification to the owner or operator.
- (8) No startup or shutdown that may result in excess emissions associated with the approved procedures in subsection (3) are allowed during any period in which an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency has been declared, or during an announced yellow or red woodstove advisory period within areas designated by LRAPA as PM_{2.5} or PM₁₀ nonattainment areas.

Section 36-015 Scheduled Maintenance

- (1) If the owner or operator anticipates that scheduled maintenance of air contaminant sources or air pollution control devices may result in excess emissions, the owner or operator must obtain prior LRAPA authorization of procedures that will be used to minimize excess emissions. Application for approval of procedures associated with scheduled maintenance shall be submitted and received by LRAPA in writing at least seventy-two (72) hours prior to the event, and shall include the following:
 - (a) The reasons explaining the need for maintenance, including but not limited to: why the maintenance activity is necessary; why it would be impractical to shut down the source operation during the maintenance activity; if applicable, why air pollution control devices must be by-passed or operated at reduced efficiency during the maintenance activity; and why the excess emissions could not be avoided through better scheduling for maintenance or through better operation and maintenance practices;
 - (b) Identification of the specific production or emission control device or system to be maintained;
 - (c) Identification of the nature of the air contaminants likely to be emitted during the maintenance period, and the estimated amount and duration of the excess emissions, including measures such as the use of overtime labor and contract services and equipment that will be taken to minimize the length of the maintenance period; and
 - (d) Identification of specific procedures to be followed which will minimize excess emissions at all times during the scheduled maintenance.
- (2) LRAPA will approve the procedures if it determines that they are consistent with good pollution control practices, will minimize emissions during such period to the extent

practicable, and that no adverse health impact on the public will occur. The owner or operator must record all excess emissions in the excess emissions log as required in 36-025(3). Approval of the above procedures does not shield the owner or operator from an enforcement action, but LRAPA will consider whether the procedures were followed in determining whether an enforcement action is appropriate.

- (3) Once maintenance procedures are approved, owners or operators are not required to notify LRAPA of a scheduled maintenance event unless it results in excess emissions.
- (4) When required by subsection (3), notification must be made in accordance with 36-020(1)(a).
- (5) LRAPA may revoke or require modifications to previously approved procedures at any time by written notification to the owner or operator.
- (6) No scheduled maintenance associated with the approved procedures in subsection (2) that is likely to result in excess emissions may occur during any period in which an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency has been declared, or during an announced yellow or red woodstove advisory period, in areas determined by LRAPA as PM_{2.5} or PM₁₀ nonattainment areas.
- (7) The owner or operator is subject to the requirements under All Other Excess Emissions in 36-020 if the owner or operator fails to obtain LRAPA approval of maintenance procedures in accordance with section (1).

Section 36-020 All Other Excess Emissions

- (1) For all other excess emissions not addressed in 36-010, 36-015, or 36-040, the following requirements apply:
 - (a) The owner or operator of a large source, as defined by 36-005(4), must immediately notify LRAPA the first onset per calendar day of any excess emissions event, unless otherwise specified by a permit condition.
 - (b) The owner or operator, of a small source, as defined by 36-005(7), need not immediately notify LRAPA of excess emissions events 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 36-025.
- (2) During any period of excess emissions, LRAPA may require that an owner or operator immediately reduce or cease operation of the equipment or facility until such time as the condition causing the excess emissions has been corrected or brought under control. LRAPA will consider the following factors:
 - (a) Whether potential risk to the public or environment exists;

- (b) Whether any Air Pollution Alert, Warning, Emergency, or yellow or red woodstove curtailment period exists;
 - (c) Whether shutdown could result in physical damage to the equipment or facility, or cause injury to employees; or
 - (d) Whether continued excess emissions were avoidable.
- (3) If there is an on-going period of excess emissions, the owner or operator must cease operation of the equipment or facility no later than forty-eight (48) hours after the beginning of the excess emission period, if the condition causing the emissions is not corrected within that time. The owner or operator does not have to cease operation if LRAPA approves procedures to minimize excess emissions until the condition causing the excess emissions is corrected or brought under control. Approval of these procedures will be based on the following information supplied to the LRAPA:
- (a) The reasons why the condition causing the excess emissions cannot be corrected or brought under control, including equipment availability and difficulty of repair or installation; and
 - (b) Information as required in 36-010(2)(b), (c) and (d) or 36-015(1)(b), (c), and (d) as appropriate.
- (4) LRAPA will approve the procedures if it determines that they are consistent with good pollution control practices, will minimize emissions during such period to the extent practicable, and that no adverse health impact on the public will occur. The owner or operator must record all excess emissions in the excess emission log as required in 36-025(3). At any time during the period of excess emissions LRAPA may require the owner or operator to cease operation of the equipment or facility in accordance with subsection (2). Approval of these procedures does not shield the owner or operator from an enforcement action, but LRAPA will consider whether the procedures were followed in determining whether enforcement action is appropriate.

Section 36-025 Reporting and Recordkeeping Requirements

- (1) For any excess emissions event at a source with an LRAPA Title V Operating Permit and for any other source as required by permit, the owner or operator shall, submit a written excess emission report for each calendar day of the event. If required, this report shall be submitted within fifteen (15) days of the date of the event and shall include the following:
- (a) The date and time of the beginning of the excess emissions event and the duration or best estimate of the time until return to normal operation;
 - (b) The date and time the owner or operator notified LRAPA of the event;
 - (c) The equipment involved;
 - (d) Whether the event occurred during startup, shutdown, maintenance, or as a result of a breakdown, malfunction, or emergency;

- (e) Steps taken to mitigate emissions and corrective actions taken;
 - (f) The magnitude and duration of each occurrence of excess emissions during the course of an event and the increase over normal rates or concentrations as determined by continuous monitoring or a best estimate, supported by operating data and calculations;
 - (g) The final resolution of the cause of the excess emissions; and
 - (h) Where applicable, evidence supporting any claim that emissions in excess of technology-based limits were due to an emergency pursuant to 36-040.
- (2) Based on the severity of the event, LRAPA may specify a shorter time period for report submittal.
 - (3) All owners or operators must keep an excess emissions log of all planned and unplanned excess emissions. The log shall include all pertinent information as required in subsection (1) and shall be kept by the owner or operator for five (5) calendar years.
 - (4) At each annual reporting period specified in a permit, or sooner if LRAPA requires, the owner or operator must submit:
 - (a) A copy of the excess emission log entries for the reporting period, unless previously submitted in accordance with subsection (1); and
 - (b) Where applicable, current procedures to minimize emissions during startup, shutdown, or maintenance, as outlined in 36-010 and 36-015. The owner or operator must specify in writing whether these procedures are new, modified, or have already been approved by LRAPA.

Section 36-030 Enforcement Action Criteria

In determining whether to take enforcement action for excess emissions, LRAPA considers, based upon information submitted by the owner or operator, the following:

- (1) Whether the owner or operator met the notification, recordkeeping, and reporting requirements of 36-020 and 36-025;
- (2) Whether during the period of the excess emissions event the owner or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other permit requirements;
- (3) Whether the owner or operator took appropriate remedial action;

- (4) Whether the owner or operator followed procedures approved by LRAPA for startup, shut-down, or scheduled maintenance at the time of the excess emissions;
- (5) Whether any federal New Source Performance Standard (NSPS) or National Emission Standard for Hazardous Air Pollutants (NESHAP) applies and whether the excess emission event caused a violation of the federal standard;
- (6) Whether the excess emissions event was due to an emergency; and
- (7) Whether the event was due to the owner's or operator's negligent or intentional operation. For LRAPA to find that an incident of excess emissions is not due to the owner's or operator's negligent or intentional operation, LRAPA may ask the owner or operator to demonstrate that all of the following conditions were met:
 - (a) The process or handling equipment and the air pollution control device were at all times maintained and operated in a manner consistent with good practice for minimizing emissions;
 - (b) Repairs or corrections were made in an expeditious manner when the operator(s) knew or should have known that emission limits were being or were likely to be exceeded. Expeditious manner may include such activities as use of overtime labor or contract labor and equipment that would reduce the amount and duration of excess emissions; and
 - (c) The event was not one in a recurring pattern of incidents that indicate inadequate design, operation, or maintenance.

Section 36-040 Emergency as an Affirmative Defense for Title V Permitted Sources

- (1) An emergency constitutes an affirmative defense to penalty actions due to non-compliance with technology-based emission limits in an LRAPA Title V Operating Permit if the owner or operator notifies LRAPA immediately of the emergency condition and provides and demonstrates through properly signed, contemporaneous operating logs, excess emission logs, or other relevant evidence that:
 - (a) An emergency occurred and caused the excess emissions;
 - (b) The cause of the emergency;
 - (c) The facility was at the time being properly operated;
 - (d) During the occurrence of the emergency, the owner or operator took all reasonable steps to minimize levels of excess emissions; and
 - (e) The notification to LRAPA contained a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.
- (2) The owner or operator seeking to establish the occurrence of an emergency has the burden of proof by a preponderance of the evidence.

- (3) This provision is in addition to any emergency or any other excess emissions provisions contained in any applicable requirement.

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) pursuant to ORS 468A.040 through 468A.060 and related statutes for sources of air contaminants.

Section 37-0020 Applicability and Jurisdiction

- (1) This title applies to all sources referred to in 37-8010 Table 1. This title also applies to Oregon Title V Operating Permit program sources when an ACDP is required by OAR 340-218-0020 or 38-0010. Sources referred to in 37-8010 Table 1 are subject to fees set forth in 37-8020 Table 2.
- (2) Sources in any one of the categories in 37-8010 Table 1 (Table 1) must obtain a permit. If a source meets the requirements of more than one of the source categories and the source is not eligible for a Basic ACDP or a General ACDP that has been authorized by LRAPA, then the source must obtain a Simple or Standard ACDP. Source categories are not listed in alphabetical order.
 - (a) The commercial and industrial sources in Table 1, Part A must obtain a Basic ACDP under 37-0056 unless the source chooses to obtain a General, Simple or Standard ACDP. For purposes of 37-8010 Table 1, Part A, 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.
 - (b) Sources in any one of the categories in Table 1, Part B must obtain one of the following unless otherwise allowed in Table 1, Part B:
 - (A) A General ACDP, if one is available for the source classification and the source qualifies for a General ACDP under 37-0060;
 - (B) A Simple ACDP under 37-0064; or

- (C) A Standard ACDP under 37-0066 if the source fits one of the criteria of Table 1, Part C or does not qualify for a Simple ACDP.
- (c) Sources in any one of the categories in Table 1, Part C must obtain a Standard ACDP under the procedures set forth in 37-0066.
- (3) No person may construct, install, establish, develop or operate any air contaminant source which is listed in 37-8010 Table 1 without first obtaining an Air Contaminant Discharge Permit (ACDP) from DEQ or LRAPA and keeping a copy onsite at all times, unless otherwise deferred from the requirement to obtain an ACDP in paragraph (1)(b) or LRAPA has granted an exemption from the requirement to obtain an ACDP under paragraph (1)(e). No person may continue to operate an air contaminant source if the ACDP expires, or is terminated or revoked; except as provided in 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 DEQ and LRAPA. DEQ or LRAPA, depending 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, DEQ will be responsible for issuing the permit, unless the source applies initially to be permitted to operate only in Lane County, then LRAPA will be responsible for issuing the permit.
- (b) An air contaminant source required to obtain an ACDP or ACDP Attachment pursuant to a NESHAP under title 44 or NSPS under title 46 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 ACDP 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 twelve months.
- (c) Deferrals of LRAPA and/or DEQ permitting requirements do not relieve an air contaminant source from the responsibility of complying with the federal NESHAP or NSPS requirements.
- (d) 37-0060(1)(b)(A), 37-0062(2)(b)(A), 37-0064(4)(a), and 37-0066(3)(a), do not relieve a permittee from the responsibility of complying with federal NESHAP or NSPS requirements that apply to the source even if LRAPA has not incorporated such requirements into the permit.
- (e) LRAPA may exempt a source from the requirement to obtain an ACDP if it determines that the source is subject to only procedural requirements, such as notification that the source is affected by an NSPS or NESHAP.

- (4) No person may construct, install, establish, or develop any source that will be subject to the Oregon Title V Operating Permit program without first obtaining an ACDP from LRAPA.
- (5) No person may modify any source that has been issued an ACDP without first complying with the requirements of 34-010 and 34-035 through 34-038.
- (6) No person may modify any source required to have an ACDP such that the source becomes subject to the Oregon Title V Operating Permit program without complying with the requirements of 34-010 and 34-035 through 34-038.
- (7) No person may increase emissions above the PSEL by more than the de minimis 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 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 34-035 at sources subject to the Oregon Title V Operating Permit program requirements.

(2) General ACDP. A General ACDP is a permit for a category of sources for which individual permits are unnecessary in order to protect the environment, as determined by LRAPA. 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 and:

- (a) The source meets the qualifications specified in the General ACDP;
- (b) LRAPA determines that the source has not had ongoing, recurring, 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 37-8010 must, at a minimum, 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) Owners and operators of sources and activities listed in Table 1, Part B of 37-8010 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. Any source required to obtain a Simple ACDP may obtain a Standard ACDP. 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:

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

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

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

(D) The location of the source; and

(E) The compliance history of the source.

(b) 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 regulated pollutants emitted at more than the de minimis emission level in accordance with 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) Applicability

(A) The owner or operator of a source listed in Table 1, Part C of 37-8010 must obtain a Standard ACDP.

(B) The owner or operator of a source listed in Table 1, Part B of 37-8010 that does not qualify for a General ACDP or Simple ACDP must obtain a Standard ACDP.

(C) The owner or operator of a source not required to obtain a Standard ACDP may obtain a Standard ACDP.

(b) 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 PSEL levels, whichever are applicable, as specified in 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.

Section 37-0030 Definitions

The definitions in title 12, 29-0010 and this section apply to this title. If the same term is defined in this section and title 12, the definition in this section applies to this title.

(1) “Basic technical modification” includes, but is not limited to changing source test dates if the equipment is not being operated, and similar changes.

(2) “Complex technical modification” includes, but is not limited to incorporating a complex new compliance method into a permit, adding a complex compliance method or monitoring for an emission point or control device not previously addressed in a permit, adding a complex new applicable requirement into a permit due to a change in process or change in rules, and similar changes.

(3) “Moderate technical modification” includes, but is not limited to adding a 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, incorporating NSPS and NESHAP requirements, and similar changes.

(4) “Non-technical modification” means name changes, change of ownership, correction of typographical errors and similar administrative changes.

(5) “Simple technical modification” includes, but is not limited to modifying a compliance method to use different emission factors or process parameters, changing reporting dates or frequency, and similar changes.

Section 37-0040 Application Requirements

(1) New Permits.

(a) 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 devices under present or anticipated operating conditions;

(J) Where the operation or maintenance of air pollution control devices 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 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;

(L) Any information required by titles 38 and 40, including but not limited to control technology and analysis, air quality impact analysis; and information related to offsets and net air quality benefit, if applicable; and

(M) Any other information requested by LRAPA.

(b) Applications for new permits must be submitted at least 60 days prior to when a permit is needed. When preparing an application, the applicant should also consider the timelines provided in paragraph (2)(b), as well as 38-0030, permit applications subject to NSR, to allow LRAPA adequate time to process the application and issue a permit before it is needed.

(2) Renewal Permits. Except for Short Term Activity ACDPs, any person required to renew an existing permit must submit the information identified in subsection (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 subsection (1) only for those changes.

(a) 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.

(b) The owner or operator must submit an application for renewal of the existing permit by no later than:

(A) 30 days prior to the expiration date of a Basic ACDP;

(B) 120 days prior to the expiration date of a Simple ACDP; or

(C) 180 days prior to the expiration date of a Standard ACDP.

(c) LRAPA must receive an application for reassignment to General ACDPs and attachments within 30 days prior to expiration of the General ACDPs or attachment.

(3) Permit Modifications. For Simple and Standard ACDP modifications, the applicant must provide the information in subsection (1) relevant to the requested changes to the permit and a list of any new requirements applicable to those changes. When preparing an application, the applicant should also consider the timelines provided in paragraph (2)(b), as well as 38-0030, permit applications subject to NSR, to allow LRAPA adequate time to process the application and issue a permit before it is needed.

(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.

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

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

(7) A copy of permit applications subject to Major NSR under title 38, including all supplemental and supporting information, must also be submitted directly to the EPA.

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

(9) Once an application is deemed complete by LRAPA, all applications must submit the appropriate fees invoiced by LRAPA as specified in Table 2 of 37-8020.

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

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

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

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

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

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

Section 37-0052 Construction ACDP

(1) Purpose. A Construction ACDP is a permit for approval of Type 3 construction or modification changes as specified in 34-035 and 34-037. The Construction ACDP includes requirements for the construction or modification of stationary sources or air pollution control devices 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 37-0040 and provide the information specified in 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 37-8020.
- (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 if required by 38-0030(4);
 - (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 devices;
 - (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) Oregon Title V Permit Program 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 that LRAPA provide public notice in accordance with title 31 as a Category III permit action.

(b) For sources subject to the Oregon 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 title 31 to allow the Construction ACDP to be incorporated into the LRAPA Title V Operating Permit at a later date by an administrative amendment provided the requirements of paragraph (1)(b) are met.

(c) Issuance of a modified Construction ACDP requires the following public notice, as applicable:

(A) Public notice as a Category I permit action under title 31 for non-technical modifications and basic and simple technical modifications; or

(B) Public notice as a Category II permit action under title 31 for Non-NSR/PSD moderate and complex technical modifications.

(6) Construction ACDPs may not be renewed.

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 subsection (2).

(2) Fees. Applicants for a Short Term Activity ACDP must pay the fees in Table 2 of 37-8020.

(3) Permit content:

(a) A Short Term Activity ACDP must include conditions that ensure adequate protection of property and preservation of public health, welfare, and resources.

(b) A Short Term Activity ACDP may not include a PSEL for any air contaminants discharged as a result of the permitted activity.

(c) A Short Term Activity ACDP will automatically terminate 60 days from the date of issuance and may not be renewed.

(4) Permit issuance public notice procedures. A Short Term Activity ACDP requires public notice as a Category I permit action under title 31.

Section 37-0056 Basic ACDPs

- (1) Application requirements. Any person requesting a Basic ACDP must submit an application according to 37-0040 and provide the information specified in 37-0040(1).
- (2) Fees. Applicants for a new Basic ACDP must pay the fees in Table 2 of 37-8020.
- (3) Permit content:
 - (a) A Basic ACDP will contain only the most significant and relevant rules applicable to the source.
 - (b) A Basic ACDP may not contain a PSEL;
 - (c) A Basic ACDP will require that 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 public notice procedures. A Basic ACDP requires public notice as a Category I permit action according to title 31.

Section 37-0060 General Air Contaminant Discharge Permits

- (1) Applicability.
 - (a) LRAPA may issue a General ACDP under the following circumstances:
 - (A) There are multiple sources that involve the same or substantially similar types of operations;
 - (B) All requirements applicable to the covered operations can be contained in a General ACDP;
 - (C) The emission limitations, monitoring, recordkeeping, reporting and other enforceable conditions are the same for all operations covered by the General ACDP; and
 - (D) The regulated pollutants emitted are of the same type for all covered operations.
 - (b) Permit content. Each General ACDP must include the following:

(A) All relevant requirements for the operations covered by the General ACDP, excluding any federal requirements not adopted by the Board

(B) Generic PSEs for all regulated pollutants emitted at more than the de minimis emission level in accordance with title 42;

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

(D) A permit expiration date not to exceed 10 years from the date of issuance.

(c) Permit issuance public notice procedures: A new General ACDP requires public notice as a Category III permit action according to title 31. A reissued General ACDP or a modification to a General ACDP requires public notice as a Category II permit action according to title 31.

(d) LRAPA will retain all General ACDPs on file and make them available for public review at LRAPA.

(2) Source assignment:

(a) Application requirements. Any person requesting that a source be assigned to a General ACDP must submit a written application according to section 37-0040 that includes the information in 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 37-8020. The fee class for each General ACDP is Fee Class One unless otherwise specified as follows:

(A) Hard chrome platers – Fee Class Three;

(B) Decorative chrome platers– Fee Class Four;

(C) Halogenated solvent degreasers -- batch cold – Fee Class Two;

(D) Perchloroethylene dry cleaners – Fee Class Six;

(E) Asphalt plants – Fee Class Three;

(F) Rock crushers – Fee Class Two;

(G) Ready-mix concrete – Fee Class One;

(H) Sawmills, planing mills, millwork, plywood manufacturing and veneer drying – Fee Class Three;

(I) Boilers – Fee Class Two;

(J) Crematories – Fee Class One;

(K) Coffee roasters – Fee Class One;

(L) Bulk gasoline plants – Fee Class One;

(M) Electric power generators – Fee Class Two;

(N) Clay ceramics – Fee Class One;

(O) Secondary nonferrous metals – Fee Class One;

(P) Gasoline dispensing facilities -- stage I – Fee Class Five;

(Q) Wood preserving – Fee Class Four;

(R) Metal fabrication and finishing – Fee Class Two;

(S) Plating and polishing – Fee Class One;

(T) Paint stripping – Fee Class One;

(U) Motor vehicle and mobile equipment surface coating operations – Fee Class One;

(V) Aluminum, copper, and nonferrous foundries – Fee Class Two;

(W) Paints and allied products manufacturing – Fee Class Two; and

(X) Emergency generators and firewater pumps, if a permit is required – Fee Class Two.

(c) Source assignment procedures:

(A) Assignment of a source to a General ACDP is subject to public notice in accordance with title 31 for Category I permit actions.

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

(C) Assignments to General ACDPs and attachment terminate when the General ACDP or the attachment expires or is modified, terminated or revoked.

(D) 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 according to 37-0062, otherwise the source must obtain a Simple or Standard ACDP.

(E) A source requesting to be assigned to a General ACDP Attachment, in accordance with 37-0062, for a source category in a higher annual fee class than the General ACDP to which the source is currently assigned, 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 assign all existing General ACDP permit holders to the new General ACDP.

(4) Rescission. LRAPA may rescind an individual source's assignment to a General ACDP if the source no longer meets the requirements of the permit. In such case, the source must submit an application within 60 days for a Simple or Standard ACDP upon notification by LRAPA of LRAPA's intent to rescind the General ACDP. Upon issuance of the Simple or Standard ACDP, or if the source fails to submit an application for a Simple or Standard ACDP, LRAPA will rescind the source's assignment to the General ACDP.

Section 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 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:

(A) There are multiple sources that involve the same or substantially similar types of operations;

(B) All requirements applicable to the covered operations can be contained in a General ACDP Attachment;

(C) The emission limitations, monitoring, recordkeeping, reporting and other enforceable conditions are the same for all operations covered by the General ACDP Attachment;

(D) The regulated pollutants emitted are of the same type for all covered operations. If a General ACDP and a General ACDP Attachment 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:

(A) All relevant requirements for the operations covered by the General ACDP Attachment, excluding any federal requirements not adopted by the Board;

(B) Testing, monitoring, recordkeeping, and reporting requirements necessary to ensure compliance with the applicable emissions limits and standards; and

(C) An attachment expiration date not to exceed 10 years from the date of issuance.

(c) Attachment issuance public notice procedures: A General ACDP Attachment requires public notice as a Category II permit action according to title 31.

(d) LRAPA will retain all General ACDP Attachments on file and make them available for public review.

(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. Applicants must pay the fees in Table 2 of 37-8020 for each assigned General ACDP Attachment. The fee class for each General ACDP Attachment is Fee Class Five.

(c) Assignment procedures:

(A) Assignment to a General ACDP Attachment is a Category I permit action and is subject to the Category I public notice requirements according to title 31.

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

(C) Assignment to a General ACDP Attachment terminates when the General ACDP Attachment expires or is modified, terminated or revoked.

(D) 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 to which the source is currently assigned. Instead a source must be reassigned to the General ACDP for the source category in the higher annual fee class in accordance with 37-0060(2)(c)(E) 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 ACDPs

(1) Application Requirements. Any person requesting a new, modified, or renewed Simple ACDP must submit an application according to 37-0040.

(2) Fees. Applicants for a new or modified Simple ACDP must pay the fees set forth in Table 2 37-8020. Applicants for a new Simple ACDP must initially pay the High Annual Fee. Once the initial permit is issued, annual fees for Simple ACDPs will be assessed based on the following:

(a) Low Fee -- A source may qualify for the low fee if:

(A) The source is, or will be, permitted under only one of the following categories in 37-8010 Table 1, Part B:

(i) Category 6. Asphalt felt and coatings;

(ii) Category 12. Boilers and other fuel burning equipment (can be combined with category 25. Electric power generation);

(iii) Category 25. Electric power generation;

(iv) Category 30. Galvanizing & pipe coating;

(v) 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);

- (vi) Category 37. Gypsum products;
 - (vii) Category 50. Non-ferrous metal foundries 100 or more tons/year of metal charged;
 - (viii) Category 51. Organic or inorganic industrial chemical manufacturing;
 - (ix) Category 63. Secondary smelting and/or refining of ferrous and non-ferrous metals;
 - (x) Category 74. All other sources not listed in Table 1, 37-8010 that LRAPA determines an air quality concern exists including minor sources of HAPs not elsewhere classified or one which would emit significant malodorous emissions; or
 - (xi) Category 75. All other sources not listed in Table 1, 37-8010 (can be combined with category 25. Electrical power generation); or
- (B) The actual emissions from the calendar year immediately preceding the invoice date are less than five tons/year of PM₁₀ in a PM₁₀ nonattainment or maintenance area or PM_{2.5} in a PM_{2.5} nonattainment or maintenance area, and less than 10 tons/year for each criteria pollutant; and
- (C) The source is not creating a nuisance under title 49.
- (b) High Fee -- Any source required to have a Simple ACDP (37-8010 Table 1 Part B) that does not qualify for the low fee under paragraph (2)(a) 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 37-8020 Table 2. Late fees start upon issuance of the initial invoice. In this case, LRAPA will issue a new invoice specifying applicable fees.
- (3) Permit Content. Each Simple ACDP must include the following:
- (a) All relevant applicable requirements for source operation, including general ACDP conditions for incorporating generally applicable requirements, but excluding any federal requirements not adopted by the Board;
 - (b) Generic PSELS for all regulated pollutants emitted at more than the de minimis emission level in accordance with 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 public notice procedures:

(a) Issuance of a new or renewed Simple ACDP requires public notice as a Category II permit according to title 31.

(b) Issuance of a modification to a Simple ACDP requires one of the following procedures, as applicable:

(A) Public notice as a Category I permit action for non-technical basic and simple technical modifications according to title 31; or

(B) Public notice as a Category II permit action for moderate and complex technical modifications according to title 31.

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 37-0040 and include the following additional information as applicable:

(a) New or modified Standard ACDPs that are not subject to Major NSR, but have emissions increases above the significant emissions rate are subject to the requirements of State NSR. The application must include an analysis of the air quality and, for federal major sources only, the visibility impacts of the source or modification, 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 Major NSR, the application must include the following information as applicable:

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

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

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

- (2) Fees. Applicants for a Standard ACDP must pay the fees set forth in Table 2, 37-8020.
- (3) Permit content. Each Standard ACDP must include the following:
 - (a) All applicable requirements, including general ACDP conditions for incorporating generally applicable requirements but excluding any federal requirements not adopted by the Board;
 - (b) Source specific PSELs or Generic PSEL levels, whichever are applicable, under 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 under title 31 as follows:
 - (A) Public notice as a Category III permit action for permit actions that will increase allowed emissions but that are not a Major NSR or Type A State NSR permit actions under title 38, or as a Category II permit action if the permit will not increase allowed emissions.
 - (B) Public notice as a Category IV permit action for permit actions that are Major NSR or Type A NSR permit actions under title 38.
 - (b) Issuance of a modified Standard ACDP requires public notice under title 31 as follows:
 - (A) Public notice as a Category I permit action for non-technical modifications and basic and simple technical modifications.
 - (B) Public notice as a Category II permit action for moderate and complex technical modifications if there will be no increase in allowed emissions, or as a Category III permit action if there will be an increase in emissions;
 - (C) Public notice as a Category IV permit action for major modifications subject to NSR under title 38.

Section 37-0068 Simple and Standard ACDP Attachments

- (1) Purpose. This section allows LRAPA to add new requirements to existing Simple or Standard ACDPs by assigning the source to an ACDP Attachment issued under subsection (2). An ACDP Attachment would apply to an affected source until the new requirements are incorporated into

the source's Simple or Standard ACDP at the next permit renewal or at the time of permit modification.

(2) ACDP Attachment issuance procedures:

(a) An ACDP Attachment requires public notice as a Category II permit action under title 31, except that ACDP Attachments to Simple or Standard ACDPs require notice as Category I permit actions.

(b) LRAPA may issue an ACDP Attachment when there are multiple sources that are subject to the new requirements.

(c) Attachment content. Each ACDP Attachment must include the following:

(A) Testing, monitoring, recordkeeping, and reporting requirements necessary to ensure compliance with the applicable emissions limits and standards; and

(B) An attachment expiration date not to exceed 5 years from the date of issuance.

(3) Assignment to ACDP Attachment:

(a) A source is not a permittee under the ACDP Attachment until LRAPA assigns the ACDP Attachment to the source.

(b) The ACDP Attachment is removed from the Simple or Standard ACDP when the requirements of the ACDP Attachment are incorporated into the source's Simple or Standard ACDP at the time of renewal or modification.

(c) If an EPA, DEQ, or LRAPA action causes a source to be subject to the requirements in an ACDP Attachment, assignment to the ACDP Attachment is a LRAPA initiated modification to the Simple or Standard ACDP and the permittee is not required to submit an application or pay fees for the permit action. In such case, LRAPA would notify the permittee of the proposed permitting action and the permittee may object to the permit action if the permittee demonstrates that the source is not subject to the requirements of the ACDP Attachment.

Section 37-0070 Permitting a Source with Multiple Activities or Processes 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, 37-8010 may obtain a Standard ACDP, even if not otherwise required to obtain a Standard ACDP under this title.

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:

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

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

(b) If a timely and complete renewal application has been submitted, the existing permit will remain in effect until final action has been taken on the renewal application to issue or deny a permit.

(c) For a source operating under an ACDP or LRAPA Title V Operating 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 any of the paragraphs (2)(b) through (2)(d) may only be reinstated by the permittee by applying for a new permit. The permittee must also pay the applicable new source permit application fees in this title unless the owner or operator submits the renewal application within three months of the permit expiration date.

(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. LRAPA will provide notice of the intent to revoke the permit to the permittee under title 31. The notice will include the reasons why the permit will be revoked, and include an opportunity for the permittee to request a contested case hearing prior to the revocation. A permittee's written request for hearing must be received by LRAPA within 60 days from service of the notice on the permittee, and must state the grounds of the request. The hearing will be conducted as a contested case hearing under ORS 183.413 through 183.470 and title 14. The permit will continue in effect until the 60th day after service of the notice on the permittee, if the permittee does not timely request a hearing, or until a final order is issued if the permittee timely requests a hearing.

(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 under title 31. The notification will set forth the specific reasons for the revocation or refusal to renew and will provide an opportunity for the permittee to request a contested case hearing for review of the revocation or refusal to renew. A permittee's written request for hearing must be received by LRAPA within 90 days of service of the notice on the permittee and must state the grounds for the request. The hearing will be conducted as a contested case hearing under ORS 183.413 through 183.470 and title 14. 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. If a request for a hearing is timely received, the revocation or refusal to renew will remain in place until issuance of a final order.

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 contested case hearing within 20 days. 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 under ORS 183.413 through 183.470 and title 14. If a hearing is requested, the existing permit will remain in effect until after a final order is issued following the hearing. The permit issuance procedures will be conducted in accordance with 37-0056(4) for Basic ACDPs, 37-0064(5) for Simple ACDPs, and 37-0066(4) for Standard ACDPs.

Section 37-0090 Sources Subject to ACDPs and Fees

All air contaminant discharge sources listed in Table 1 37-8010 must obtain a permit from LRAPA and are subject to fees as set forth in Table 2 37-8020.

- (1) The fees in Table 2 37-8020 will increase by four (4) percent on July 1 of each year.

Section 37-0094 Temporary Closure

- (1) A permittee that temporarily suspends 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) LRAPA will prorate annual fees for temporary closure based on the length of the closure in a calendar year, but will not be less than one half of the regular annual fee for the source.

- (3) A sources who has received LRAPA approval for payment of the temporary closure fee must obtain authorization from LRAPA prior to resuming permitted activities. An owner or operator of the source must submit written notification, together with the prorated annual fee for the remaining months of the year, to LRAPA at least thirty (30) days before startup and specify in the notification the earliest anticipated startup date.

LANE REGIONAL AIR PROTECTION AGENCY

TABLE 1 - SECTION 37-8010

ACTIVITIES AND SOURCES

The following source categories must obtain a permit as required by Section 37-0020 Applicability

Part A: Basic ACDP

1. Reserved.
2. Boilers and other fuel-burning equipment (with or without #2 diesel oil back-up^{***}) of 2.0 or more MMBTU but less than 10 MMBTU/hour heat input.
3. Concrete manufacturing including redimix and CTB, both stationary and portable, more than 5,000 but less than 25,000 cubic yards per year output.
4. Crematory incinerators with less than 20 tons/year material input.
5. Prepared feeds for animals and fowl and associated grain elevators more than 1,000 tons/year but less than 10,000 tons/year throughput.
6. Rock, concrete or asphalt crushing both portable and stationary more than 5,000 tons/year but less than 25,000 tons/year crushed.
7. Surface coating operations whose actual or expected usage of coating materials is greater than 250 gallons/year, but less than 250 gallons/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 and/or plywood manufacturing and/or veneer drying of more than 5,000 but less than 25,000 board feet/maximum 8 hour finished product.
10. Coffee roasting, roasting less than 30 green tons per year.
11. Motor vehicle, mobile equipment and miscellaneous surface coating operations subject to an area source NESHAP under title 44 and using less than 20 gallons of coating per year excluding motor vehicle surface coating operations registered pursuant to 34-025(2).

Part B: General, Simple or Standard ACDP

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 manufacturing.
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. Lead-acid battery manufacturing and re-manufacturing.
11. Beet sugar manufacturing.
12. Boilers and other fuel burning equipment over 10 MMBTU/hour heat input.
13. Building paper and buildingboard mills.

14. Calcium carbide manufacturing.
15. Can or drum coating.
16. Cement manufacturing.
17. Cereal preparations and associated grain elevators 10,000 or more tons/year throughput.
18. Charcoal manufacturing.
19. Chlorine and alkali manufacturing.
20. Chrome plating (Decorative and Hard) and anodizing subject to a NESHAP under title 44.
21. Coffee roasting, roasting 30 or more tons per year.
22. Concrete manufacturing including redimix and CTB, both stationary and portable, 25,000 or more cubic yards per year output.
23. Crematory incinerators 20 or more tons/year material input.
24. Degreasing operations, halogenated solvent cleanings subject to a NESHAP under title 44.
25. Electrical power generation from combustion, excluding units used exclusively as emergency generators and units less than 500 kW.
26. Ethylene oxide sterilization.
27. Flatwood coating.
28. Flexographic or rotogravure printing.
29. Flour, blended and/or prepared and associated grain elevators 10,000 or more tons/year throughput.
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/year throughput.
35. Reserved.
36. Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries 100 or more tons/year metal charged, not elsewhere identified.
37. Gypsum products manufacturing.
38. Hardboard manufacturing, including fiberboard.
39. Incinerators with two or more tons per day capacity.
40. Lime manufacturing.
41. Reserved
42. Magnetic tape manufacturing.
43. Manufactured home, mobile home, and recreational vehicle manufacturing.
44. Marine vessel petroleum loading and unloading.
45. Millwork manufacturing, including kitchen cabinets and structural wood members, 25,000 or more board feet/maximum 8 hour input.
46. Molded container manufacturing.
47. Motor coach manufacturing.
48. Natural gas and oil production and processing and associated fuel burning equipment.
49. Nitric acid manufacturing.
50. Nonferrous metal foundries 100 or more tons/year 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/year of each criteria pollutant are not required to have an ACDP.
52. Reserved.
53. Particleboard manufacturing, including strandboard, flakeboard, and waferboard.

54. Perchloroethylene dry cleaning operations subject to an area source NESHAP under title 44, excluding perchloroethylene dry cleaning operations registered pursuant to 34-025(2).
55. Pesticide manufacturing 5,000 or more tons/year 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/year crushed.
62. Sawmills and/or planing mills 25,000 or more board feet/maximum 8 hour finished product.
63. Secondary smelting and/or refining of ferrous and nonferrous metals.
64. Seed cleaning and associated grain elevators 5,000 or more tons/year throughput.
65. Sewage treatment facilities employing internal combustion engines for digester gasses.
66. Soil remediation facilities, both stationary and portable.
67. Steel works, rolling and finishing mills.
68. Reserved.
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 board feet/maximum 8 hour input.
73. Wood preserving (including waterborne with actual or projected emissions of greater than 1 ton/year VOC and/or HAP).
74. All other sources, both stationary and portable, 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, both stationary and portable, not listed herein which would have actual emissions, if the source were to operate uncontrolled, of 5 or more tons per year of direct PM_{2.5} or PM₁₀ if located in a PM_{2.5} or PM₁₀ nonattainment or maintenance area, or 10 or more tons per year of any single criteria pollutant if located in any part of Lane County.
76. Aluminum, copper, and other nonferrous foundries subject to an area source NESHAP under title 44.
77. Ferroalloy production facilities subject to an area source NESHAP under title 44.
78. Metal fabrication and finishing operations subject to an area source NESHAP under title 44.
79. Motor vehicle and mobile equipment surface coating operations subject to an area source NESHAP under title 44, 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 under title 44.
81. Paint and allied products manufacturing subject to an area source NESHAP under title 44.
82. Plating and polishing operations subject to an area source NESHAP under title 44.
83. Fiberglass lay-up and/or reinforced plastic composites production.

84. Chemical manufacturing facilities that do not transfer liquids containing organic HAP listed in Table 1 of 40 CFR part 63 subpart VVVVVV to tank trucks or railcars and are not subject to emission limits in Table 2, 3, 4, 5, 6, or 8 of 40 CFR part 63 subpart VVVVVV.
85. Stationary internal combustion engines if:
 - a. For emergency generators and firewater pumps, the aggregate engine horsepower rating is greater than 30,000 horsepower; or
 - b. For any individual non-emergency or non-fire pump engine, the engine is subject to 40 CFR part 63, subpart ZZZZ and is rated at 500 horsepower or more, excluding two stroke lean burn engines, engines burning exclusively landfill or digester gas, and four stroke engines located in remote areas; or
 - c. For any individual non-emergency engine, the engine is subject to 40 CFR part 60, subpart IIII and:
 - A. The engine has a displacement of 30 liters or more per cylinder; or
 - B. The engine has a displacement of less than 30 liters per cylinder and is rated at 500 horsepower or more and the engine and control device are either not certified by the manufacturer to meet the NSPS or not operated and maintained according to the manufacturer's emission-related instructions; or
 - d. For any individual non-emergency engine, the engine is subject to 40 CFR part 60, subpart JJJJ and is rated at 500 horsepower or more and the engine and control device are either not certified by the manufacturer to meet the NSPS or not operated and maintained according to the manufacturer's emission-related instructions.
86. Pathological waste incinerators.
87. Clay ceramics manufacturing subject to an area source NESHAP under title 44.
88. Secondary nonferrous metals processing subject to an Area Source NESHAP under title 44.

Part C: Standard ACDP

1. Incinerators for PCBs, other hazardous wastes, or both.
2. All sources that LRAPA determines have emissions that constitute a nuisance.
3. All sources electing to maintain the source's netting basis.
4. All sources that request a PSEL equal to or greater than the SER for a regulated pollutant.
5. All sources having the potential to emit more than 100 tons or more of any regulated pollutant, except GHG, in a year.
6. All sources having the potential to emit more than 10 tons or more of a single hazardous air pollutant in a year.
7. All sources having the potential to emit more than 25 tons or more of all hazardous air pollutants combined in a year.

Notes:

** 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.

*** "back-up" means less than 10,000 gallons of fuel per year

For more information contact:

Lane Regional Air Protection Agency
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LANE REGIONAL AIR PROTECTION AGENCY

TABLE 2 - SECTION 37-8020

AIR CONTAMINANT DISCHARGE PERMIT

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

a. Short Term Activity ACDP	\$ 3,826
b. Basic ACDP	\$ 153
c. Assignment to General ACDP*	\$ 1,530
d. Simple ACDP	\$ 7,652
e. Construction ACDP	\$ 12,243
f. Standard ACDP	\$ 15,303
g. Standard ACDP (Major NSR or Type A State NSR)	\$ 53,560

*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 date 12/1* for 1/1 to 12/31 of the following year)

a. Short Term Activity ACDP	\$ NA
b. Basic ACDP	\$ 460
c. General ACDP	
(A) Fee Class One	\$ 918
(B) Fee Class Two	\$ 1,654
(C) Fee Class Three	\$ 2,388
(D) Fee Class Four	\$ 460
(E) Fee Class Five	\$ 153
(F) Fee Class Six	\$ 312
(G) Attachment	\$ 153
d. Simple ACDP	
(A) Low Fee	\$ 2,448
(B) High Fee	\$ 4,897
e. Standard ACDP	\$ 9,794
f. Greenhouse Gas reporting, as required by OAR 340, Division 215	12.5% of the applicable annual fee in Part 2

* LRAPA may extend the payment due date for dry cleaners or gasoline dispensing facilities until March 1st.

Part 3. Specific Activity Fees:

a. Non-Technical Permit Modification	\$ 153
b. Non-PSD/NSR Basic Technical Permit Modification	\$ 460
c. Non-PSD/NSR Simple Technical Permit Modification	\$ 1,530
d. Non-PSD/NSR Moderate Technical Permit Modification	\$ 7,652
e. Non-PSD/NSR Complex Technical Permit Modification	\$ 15,303
f. Major NSR or Type A State NSR Permit Modification	\$ 53,560
g. Modeling Review (outside Major NSR or Type A State NSR)	\$ 7,652
h. Public Hearing at Source's Request	\$ 3,061
i. LRAPA MACT Determination	\$ 7,652
j. Compliance Order Monitoring ¹	\$ 153/month
<p>1. This is a 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.</p>	

Part 4. Late Fees:

- a. 8-30 days late 5%
- b. 31-60 days late 10%
- c. 61 or more days late 20%

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 \$39.
- 2. Motor vehicle surface coating operations registered pursuant to 34-025 must pay \$264 per year.
- 3. Dry cleaners using perchloroethylene registered pursuant to 34-025 must pay \$198 per year.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 38

NEW SOURCE REVIEW

Section 38-0010 Applicability, General Prohibitions, General Requirements, and Jurisdiction

- (1) Except as provided in paragraph (c), the owner or operator of a source undertaking one of the following actions must comply with the applicable Major New Source Review requirements of 38-0010 through 38-0070 and 38-0500 through 38-0540 for such actions prior to construction or operation:
 - (a) In an attainment, unclassified or sustainment area:
 - (A) Construction of a new federal major source;
 - (B) Major modification at an existing federal major source; or
 - (C) Major modification at an existing source that will become a federal major source because emissions of a regulated pollutant are increased to the federal major source level or more.
 - (b) In a nonattainment, reattainment or maintenance area:
 - (A) Construction of a new source that will emit 100 tons per year or more of the nonattainment, reattainment or maintenance pollutant;
 - (B) A major modification for the nonattainment, reattainment or maintenance pollutant, at an existing source that emits 100 tons per year or more of the nonattainment, reattainment or maintenance pollutant; or
 - (C) A major modification for the nonattainment, reattainment or maintenance pollutant, at an existing source that will increase emissions of the nonattainment, reattainment or maintenance pollutant to 100 tons per year or more.
 - (c) The owner or operator of a source is subject to Prevention of Significant Deterioration for GHGs under 38-0070 if the owner or operator is first subject to 38-0070 for a pollutant other than GHGs, and the source meets the criteria in subparagraph (A) or (B);
 - (A) The source is a new source which will emit GHGs at a rate equal to or greater than the SER; or
 - (B) The source is an existing source which is undertaking a major modification for GHGs.

- (2) Except as provided in paragraph (c), the owner or operator of a source that is undertaking an action that is not subject to Major NSR under subsection (1) and is one of the actions identified in paragraphs (a) or (b) must comply with the applicable State New Source Review requirements of 38-0010 through 38-0038, 38-0245 through 38-0270 and 38-0500 through 38-0540 for such action prior to construction or operation.
- (a) In a nonattainment, reattainment or maintenance area:
 - (A) Construction of a new source that will have emissions of the nonattainment, reattainment or maintenance pollutant equal to or greater than the SER; or
 - (B) Major modification for the nonattainment, reattainment or maintenance pollutant, at an existing source that will have emissions of the nonattainment, reattainment or maintenance pollutant equal to or greater than the SER over the netting basis.
 - (b) In any designated area, for actions other than those identified in paragraph (a):
 - (A) Construction of a new source that will have emissions of a regulated pollutant equal to or greater than the SER; or
 - (B) Increasing emissions of a regulated pollutant to an amount that is equal to or greater than the SER over the netting basis.
 - (c) GHGs are not subject to State NSR.
 - (d) Type A and Type B State NSR: State NSR actions are categorized as follows:
 - (A) Actions under paragraph (a), and actions for which the source must comply with 38-0245(2), are categorized as Type A State NSR actions; and
 - (B) Actions under paragraph (b) are categorized as Type B State NSR unless the source must comply with 38-0245(2).
- (3) The owner or operator of a source subject to subsection (1) or (2) must apply this division based on the type of designated area where the source is located for each regulated pollutant, taking the following into consideration:
- (a) The source may be subject to this title for multiple pollutants;
 - (b) Some pollutants, including but not limited to NO_x, may be subject to multiple requirements in this title both as pollutants and as precursors to other pollutants;

- (c) Every location in the state carries an area designation for each criteria pollutant and the entire state is treated as an unclassified area for regulated pollutants that are not criteria pollutants; and
 - (d) Designated areas may overlap.
- (4) Where this title requires the owner or operator of a source to conduct analysis under or comply with a section in title 40, the owner or operator must complete such work in compliance with 40-0030 and 40-0040.
 - (5) Owners and operators of all sources may be subject to other LRAPA rules, including, but not limited to, Notice of Construction and Approval Plans (34-034 through 34-038), ACDPs (LRAPA title 37), Title V permits (OAR 340 division 218), Highest and Best Practicable Treatment and Control Required (32-005 through 32-009), 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), as applicable.
 - (6) An owner or operator of a source that meets the applicability criteria of subsections (1) or (2) may not begin actual construction, continue construction or operate the source without complying with the requirements of this title and obtaining an air contaminant discharge permit (ACDP) issued by LRAPA authorizing such construction or operation.

Section 38-0020 Definitions

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

Section 38-0025 Major Modification

- (1) Except as provided in subsections (3) and (4), "major modification" means a change at a source described in subsection (2) for any regulated pollutant subject to NSR since the later of:
 - (a) The baseline period for all regulated pollutants except PM_{2.5};
 - (b) May 1, 2011 for PM_{2.5}; or
 - (c) The most recent Major or Type A State NSR action for that regulated pollutant.
- (2) Description of a major modification:
 - (a) Any physical change or change in the method of operation of a source that results in emissions described in subparagraphs (A) and (B):

- (A) A PSEL or actual emissions that exceed the netting basis by an amount that is equal to or greater than the SER; and
- (B) The accumulation of emission increases due to all physical changes and changes in the method of operation that is equal to or greater than the SER. For purposes of this paragraph, emission increases shall be calculated as follows: For each unit with a physical change or change in the method of operation occurring at the source since the later of the dates in paragraphs (1)(a) through (1)(c) as applicable for each pollutant, subtract the unit's portion of the netting basis from its post-change potential to emit taking into consideration any federally enforceable limits on potential to emit. Emissions from categorically insignificant activities, aggregate insignificant emissions, and fugitive emissions must be included in the calculations.

(b) For purposes of this section:

- (A) "The unit's portion of the netting basis" means the portion of the netting basis assigned to or associated with the unit in question, taking into consideration the following, as applicable:
 - (i) The unit's portion of the netting basis when the netting basis is established under 42-0046(2); and
 - (ii) Any adjustments under 42-0046(3) that affect the unit's portion of the netting basis.
- (B) Emission increases due solely to increased use of equipment or facilities that existed or were permitted or approved to construct in accordance with LRAPA title 34 during the applicable baseline period are not included, except if the increased use is to support a physical change or change in the method of operation.
- (C) If a portion of the netting basis or PSEL or both was set based on PTE because the source had not begun normal operations but was permitted or approved to construct and operate, that portion of the netting basis or PSEL or both must be excluded until the netting basis is reset as specified in 42-0046(3)(d) and 42-0051(3).

(3) "Major modification" means any change including production increases, at a source that obtained a permit to construct and operate after the applicable baseline period but has not undergone Major NSR or Type A State NSR, that meets the criteria in paragraphs (a) or (b):

- (a) The change would result in a PSEL increase of the de minimis level or more for any regulated pollutant at a federal major source in attainment, unclassified or sustainment areas; or
- (b) The change would result in a PSEL increase of the de minimis level or more for the sustainment, nonattainment, reattainment or maintenance pollutant if the source

emits such pollutant at the SER or more in a sustainment, nonattainment, reattainment, or maintenance area.

- (c) This subsection does not apply to PM_{2.5} and greenhouse gases.
 - (d) Changes to the PSEL solely due to the availability of more accurate and reliable emissions information are exempt from being considered an increase under this section.
- (4) Major modifications for ozone precursors or PM_{2.5} precursors also constitute major modifications for ozone and PM_{2.5}, respectively.
 - (5) Except as provided in subsections (1), (3), and (4), the following are not major modifications:
 - (a) Increases in hours of operation or production rates that would cause emission increases above the levels allowed in a permit but would not involve a physical change or change in method of operation of the source.
 - (b) Routine maintenance, repair, and replacement of components.
 - (c) 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.
 - (d) Use of alternate fuel or raw materials, that were available during, and that the source would have been capable of accommodating in the baseline period.
 - (6) When more accurate or reliable emissions information becomes available, a recalculation of the PSEL, netting basis, and increases/decreases in emissions must be performed to determine whether a major modification has occurred.

NOTE: This rule was moved verbatim from title 12 and amended.

Section 38-0030 New Source Review Procedural Requirements

- (1) Information Required. The owner or operator of a source subject to Major NSR or State NSR must submit all information LRAPA needs to perform any analysis or make any determination required under this title and title 40. The information must be in writing on forms supplied or approved by LRAPA and include the information required to apply for a permit or permit modification under:
 - (a) Title 37 for Major NSR or Type A State NSR action; or
 - (b) Title 37 or OAR 340 division 218, whichever is applicable, for Type B State NSR actions.
- (2) Application Processing:
 - (a) For Type B State NSR, LRAPA will review applications and issue permits using the procedures in title 37 or OAR 340 division 218, whichever is applicable.

- (b) For Major NSR and Type A State NSR:
 - (A) Notwithstanding the requirements of 37-0040(11), within 30 days after receiving an ACDP permit application to construct, or any additional information or amendment to such application, LRAPA will advise the applicant whether the application is complete or if there is any deficiency in the application or in the information submitted. For purposes of this section, an application is complete as of the date on which LRAPA received all required information;
 - (B) Upon determining that an application is complete, LRAPA will undertake the public participation procedures in title 31 for a Category IV permit action; and
 - (C) LRAPA will make a final determination on the application within twelve months after receiving a complete application.
- (3) An owner or operator that obtained approval of a project under this division must obtain approval for a revision to the project according to the permit application requirements in this title and title 37 or OAR 340 division 218, whichever is applicable, prior to initiating the revision. If construction has commenced, the owner or operator must temporarily halt construction until a revised permit is issued. The following are considered revisions to the project that would require approval:
 - (a) A change that would increase permitted emissions;
 - (b) A change that would require a re-evaluation of the approved control technology; or
 - (c) A change that would increase air quality impacts.
- (4) For Major NSR and Type A State NSR permit actions, an ACDP that approves construction must require construction to commence within 18 months of issuance. Construction approval terminates and is invalid if construction is not commenced within 18 months after LRAPA issues such approval, or by the deadline approved by LRAPA in an extension under subsection (5). Construction approval also terminates and is invalid 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. An ACDP may approve a phased construction project with separate construction approval dates for each subsequent phase and, for purposes of applying this section, the construction approval date for the second and subsequent phases will be treated as the construction approval issuance date.
- (5) For Major NSR and Type A State NSR permit actions, LRAPA may grant for good cause two 18-month construction approval extensions as follows:
 - (a) Except as provided in paragraph (i), for the first extension, the owner or operator must submit an application to modify the permit that includes the following:

- (A) A detailed explanation of why the source could not commence construction within the initial 18-month period; and
 - (B) Payment of the simple technical permit modification fee in 37-8020 Part 3.
- (b) Except as provided in paragraph (i), for the second extension, the owner or operator must submit an application to modify the permit that includes the following for the original regulated pollutants subject to Major NSR or Type A State NSR:
- (A) A detailed explanation of why the source could not commence construction within the second 18-month period;
 - (B) A review of the original LAER or BACT analysis for potentially lower limits and a review of any new control technologies that may have become commercially available since the original LAER or BACT analysis;
 - (C) A review of the air quality analysis to address any of the following:
 - (i) All ambient air quality standards and PSD increments that were subject to review under the original application;
 - (ii) Any new competing sources or changes in ambient air quality since the original application was submitted;
 - (iii) Any new ambient air quality standards or PSD increments for the regulated pollutants that were subject to review under the original application; and
 - (iv) Any changes to EPA approved models that would affect modeling results since the original application was submitted, and
 - (D) Payment of the moderate technical permit modification fee plus the modeling review fee in 37-8020 Part 3.
- (c) Except as provided in paragraph (i), the permit will be terminated 54 months after it was initially issued if construction does not commence during that 54-month period. If the owner or operator wants approval to construct beyond the termination of the permit, the owner or operator must submit an application for a new Major NSR or Type A State NSR permit.
- (d) If construction is commenced prior to the date that construction approval terminates, the permit can be renewed or the owner or operator may apply for a Title V permit as required in OAR 340-218-0190;
- (e) To request a construction approval extension under paragraph (a) or (b), the owner or operator must submit an application to modify the permit at least 30 days but not more than 90 days prior to the end of the current construction approval period.
- (f) Construction may not commence during the period from the end of the preceding construction approval to the time LRAPA approves the next extension.

- (g) LRAPA will make a proposed permit modification available using the following public participation procedures in title 31:
 - (A) Category II for an extension that does not require an air quality analysis; or
 - (B) Category III for an extension that requires an air quality analysis.
 - (h) LRAPA will grant a permit modification extending the construction approval for 18 months from the end of the first or second 18-month construction approval period, whichever is applicable, if:
 - (A) Based on the information required to be submitted under paragraph (a) or (b), LRAPA determines that the proposed source will continue to meet NSR requirements; and
 - (B) For any extension, the area impacted by the source has not been redesignated to sustainment or nonattainment prior to the granting of the extension.
 - (i) If the area where the source is located is redesignated to sustainment or nonattainment before any extension is approved, the owner or operator must demonstrate compliance with the redesignated area requirements if the source is subject to Major NSR or Type A State NSR for the redesignated pollutant, and must obtain the appropriate permit or permit revision before construction may commence. The new permit or permit revision under this subsection will be considered to start a new initial 18-month construction approval period.
- (6) Approval to construct does not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state or federal law;
- (7) Sources that are subject to OAR 340 division 218, LRAPA Title V Permits, are subject to the following:
- (a) Except as provided in paragraph (b), approval to construct a source under an ACDP issued under title 37 authorizes construction and operation of the source, until the later of:
 - (A) One year from the date of initial startup of operation of the major source or major modification; or
 - (B) 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.
 - (b) Where an existing LRAPA Title V Operating Permit would prohibit construction or change in operation, the owner or operator must obtain a Title V permit revision

before commencing the construction, continuing the construction or making the change in operation.

Section 38-0034 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 source subject to Major NSR or Type A State NSR must comply with the control technology requirements in the applicable subsection, but are exempt from the remaining requirements of the applicable sections provided that the source subject to Major NSR or Type A State NSR would not impact a Class I area or an area with a known violation of an ambient air quality standard or a PSD increment.

NOTE: This rule was moved verbatim from section 38-0080 and amended.

Section 38-0038 Fugitive and Secondary Emissions

For sources subject to Major NSR or Type A State NSR, 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 subject to Major NSR or Type A State NSR. Once a source is subject to Major NSR or Type A State NSR, secondary emissions also become subject to the air quality impact analysis requirements in this title and LRAPA title 40.

NOTE: This rule was moved verbatim from section 38-0100 and amended.

Section 38-0040 Review of Sources Subject to Major NSR or Type A State NSR for Compliance With Regulations

The owner or operator of a source subject to Major NSR or Type A State NSR must demonstrate the ability of the proposed source or modification to comply with all applicable air quality requirements of LRAPA.

Major New Source Review

Section 38-0045 Requirements for Sources in Sustainment Areas

Within a designated sustainment area, a source subject to Major NSR must meet the requirements listed below for each sustainment pollutant:

- (1) 38-0070; and
- (2) Net Air Quality Benefit: Satisfy 38-0510 and 38-0520 for ozone sustainment areas or 38-0510 and 38-0530(2) and (4) for non-ozone sustainment areas, whichever is applicable, unless the source can demonstrate that the impacts are less than the significant impact levels at all receptors within the sustainment area.

Section 38-0050 Requirements for Sources in Nonattainment Areas

Within a designated nonattainment area, and when referred to this rule by other rules in this title, a source subject to Major NSR must meet the requirements listed below for each nonattainment pollutant:

- (1) Lowest Achievable Emission Rate (LAER). The owner or operator of the source must apply 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 to the following:
 - (A) Each emissions unit that emits the nonattainment pollutant or precursor(s) and is not included in the most recent netting basis established for that pollutant; and
 - (B) Each emission unit that emits the nonattainment pollutant or precursor(s) and is included in the most recent netting basis and contributed to the emissions increase calculated in 38-0025(2)(a)(B) for the nonattainment pollutant or precursor.
 - (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 Major NSR application, LRAPA will consider technical feasibility of retrofitting required controls provided:
 - (A) The physical change or change in the method of operation at a unit that contributed to the emissions increase calculated in 38-0025(2)(a)(B) was made in compliance with Major NSR requirements in effect when the change was made, and
 - (B) No limit will be relaxed that was previously relied on to avoid Major NSR.
 - (d) Physical changes or changes in the method of operation to individual emission units that contributed to the emissions increase calculated in 38-0025(2)(a)(B) but that increased the potential to emit less than 10 percent of the SER are exempt from this section unless:
 - (A) They are not constructed yet;
 - (B) They are part of a discrete, identifiable, larger project that was constructed within the previous 5 years and that resulted in emission increases equal to or greater than 10 percent of the SER; or

- (C) They were constructed without, or in violation of, LRAPA's approval.
- (2) Air Quality Protection:
- (a) Air Quality Analysis: The owner or operator of a federal major source must comply with 40-0050(4) and 40-0070.
 - (b) Net Air Quality Benefit: The owner or operator of the source must satisfy 38-0510 and 38-0520 for ozone nonattainment areas or 38-0510 and 38-0530(2) and (4) for non-ozone nonattainment areas, whichever is applicable.
- (3) Sources Impacting Other Designated Areas: The owner or operator of any source that will have a significant impact on air quality in a designated area other than the one the source is locating in must also meet the following requirements, as applicable:
- (a) The owner or operator of any source that emits an ozone precursor (VOC or NO_x) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0520 for ozone designated areas.
 - (b) The owner or operator of any source that emits any criteria pollutant, other than NO_x as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0540 for designated areas other than ozone designated areas.
- (4) The owner or operator of the source must:
- (a) Evaluate alternative sites, sizes, production processes, and environmental control techniques for the proposed source or major modification and demonstrate that benefits of the proposed source or major modification will significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification.
 - (b) Demonstrate that all federal 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 FCAA.

Section 38-0055 Requirements for Sources in Reattainment Areas

Within a designated reattainment area, a source subject to Major NSR must meet the requirements listed below for each reattainment pollutant:

- (1) 38-0050, treating the reattainment pollutant as a nonattainment pollutant for that rule; and

- (2) The owner or operator must demonstrate that it will not cause or contribute to a new violation of an ambient air quality standard or PSD increment in title 50 by conducting the analysis under 40-0050.

Section 38-0060 Requirements for Sources in Maintenance Areas

Within a designated nonattainment area, a source subject to Major NSR must meet the requirements listed below for each maintenance pollutant:

- (1) 38-0070; and
- (2) Net Air Quality Benefit: Except for sources described in subsection (7), the owner or operator of the source must satisfy one of the requirements listed below:
 - (a) 38-0510 and 38-0520 for ozone maintenance areas or 38-0510 and 38-0530(3) and (4) for non-ozone maintenance areas, whichever is applicable;
 - (b) Demonstrate that the source or modification will not cause or contribute to an air quality impact in excess of the impact levels in 50-055 or OAR 340-202-0225 by performing the analysis specified in 40-0045; or
 - (c) Obtain an allocation from a growth allowance. The requirements of this subsection may be met in whole or in part in an ozone or carbon monoxide maintenance area with an allocation by LRAPA from a growth allowance, if available, under the applicable maintenance plan in the SIP adopted by the Board and EQC and approved by EPA.
- (3) Sources Impacting Other Designated Areas: The owner or operator of any source that will have a significant impact on air quality in a designated area other than the one the source is locating in must also meet the following requirements, as applicable:
 - (a) The owner or operator of any source that emits an ozone precursor (VOC or NO_x) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0520 for ozone designated areas.
 - (b) The owner or operator of any source that emits any criteria pollutant, other than NO_x as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0540 for designated areas other than ozone designated areas.
- (4) 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 source must comply with the LAER requirement in 38-0050(1) in lieu of the BACT requirement in subsection (1); and
 - (b) The source must comply with the net air quality benefit requirement in paragraph (2)(a) and may not apply the alternatives provided in paragraphs (2)(b) and (2)(c).
- (5) Pending Redesignation Requests. This section 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 38-0050 or 38-0055, whichever is applicable.

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

Within a designated attainment or unclassified area, and when referred to this section by other sections in this title, a source that is subject to Major NSR for any regulated pollutant, other than nonattainment pollutants and reattainment pollutants, must meet the requirements listed below for each such pollutant, except that GHGs are only subject to subsection (2):

- (1) Air Quality Monitoring:
 - (a) Preconstruction Air Quality Monitoring:
 - (A) 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 for each regulated pollutant subject to this rule except as allowed by subparagraph (B).
 - (i) The analysis must include continuous air quality monitoring data for any regulated pollutant subject to this rule that may be emitted by the source or modification, except for volatile organic compounds.
 - (ii) The data must relate to the year preceding receipt of the complete application and must have been gathered over the same time period.
 - (iii) 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 PSD increment.
 - (iv) When PM₁₀/PM_{2.5} preconstruction monitoring is required by this section, at least four months of data must be collected, including the season LRAPA judges to have the highest PM₁₀/PM_{2.5} levels.

PM₁₀/PM_{2.5} must be measured using 40 CFR part 50, Appendices J and L. In some cases, a full year of data will be required.

- (v) The owner or operator must submit a written preconstruction air quality monitoring plan at least 60 days prior to the planned beginning of monitoring. The applicant may not commence monitoring under the plan until LRAPA approves the plan in writing.
 - (vi) Required air quality monitoring must comply with 40 CFR part 58 Appendix A, "Quality Assurance Requirements for SLAMS, SPMs and PSD Air Monitoring" and with other methods on file with LRAPA.
 - (vii) With LRAPA's approval, the owner or operator may use representative or conservative background concentration data in lieu of conducting preconstruction air quality monitoring if the source demonstrates that such data is adequate to determine that the source would not cause or contribute to a violation of an ambient air quality standard or any applicable PSD increment.
- (B) LRAPA may exempt the owner or operator of a proposed source or modification from preconstruction monitoring for a specific regulated 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 the general background concentration of the regulated pollutant within the source impact area, as defined in title 40, are less than the following significant monitoring concentrations:
- (i) Carbon monoxide; 575 ug/m³, 8 hour average;
 - (ii) Nitrogen dioxide; 14 ug/m³, annual average;
 - (iii) PM₁₀; 10 ug/m³, 24 hour average;
 - (iv) PM_{2.5}; 0 ug/m³, 24-hour average;
 - (v) Sulfur dioxide; 13 ug/m³, 24 hour average;
 - (vi) Ozone; Any net increase of 100 tons/year or more of VOCs from a source requires an ambient impact analysis, including the gathering of ambient air quality data unless the existing representative monitoring data shows maximum ozone concentrations are less than 50 percent of the ozone ambient air quality standards based on a full season of monitoring;

- (vii) Lead; 0.1 ug/m³, 24 hour average;
- (viii) Fluorides; 0.25 ug/m³, 24 hour average;
- (ix) Total reduced sulfur; 10 ug/m³, 1 hour average;
- (x) Hydrogen sulfide; 0.04 ug/m³, 1 hour average;
- (xi) Reduced sulfur compounds; 10 ug/m³, 1 hour average.

(b) Post-construction Air Quality Monitoring: LRAPA may require post-construction ambient air quality monitoring as a permit condition to establish the effect of actual emissions, other than volatile organic compounds, on the air quality of any area that such emissions could affect.

(2) Best Available Control Technology (BACT). For a source under the applicability criteria in 38-0010(1)(a)(A), the owner or operator must apply BACT for each regulated pollutant emitted at or above a significant emission rate (SER). For a source under the applicability criteria in 38-0010(1)(a)(B) or (C), BACT applies to each regulated pollutant that is emitted at or above a SER over the netting basis and meets the criteria of major modification in 38-0025.

- (a) For a major modification, the requirement for BACT applies to the following:
 - (A) Each emissions unit that emits the regulated pollutant or precursor(s) and is not included in the most recent netting basis established for that regulated pollutant; and
 - (B) Each emissions unit that emits the regulated pollutant or precursor(s) and is included in the most recent netting basis and contributed to the emissions increase calculated in 38-0025(2)(a)(B) for the regulated pollutant.
- (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 Major NSR application, any additional cost of retrofitting required controls may be considered provided:
 - (A) The change was made in compliance with Major NSR requirements in effect at the time the change was made, and

- (B) No limit is being relaxed that was previously relied on to avoid Major NSR.
- (d) Modifications to individual emissions units that have an emission increase, calculated per 38-0025(2)(a)(B), that is less than 10 percent of the SER are exempt from this section unless:
 - (A) They are not constructed yet;
 - (B) 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 SER; or
 - (C) They were constructed without, or in violation of, LRAPA's approval.
- (3) Air Quality Protection:
 - (a) Air Quality Analysis:
 - (A) The owner or operator of the source comply with 40-0050 and 40-0060 for each pollutant for which emissions will exceed the netting basis by the SER or more due to the proposed source or modification.
 - (B) The owner or operator of a federal major source must comply with 40-0050(4) and 40-0070.
 - (b) For increases of direct PM_{2.5} or PM_{2.5} precursors equal to or greater than the SERs, 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.
 - (c) The owner or operator of the source must demonstrate that it will not cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact level under 40-0050(1).
- (4) Sources Impacting Other Designated Areas: The owner or operator of any source that will have a significant impact on air quality in a designated area other than the one the source is locating in must also meet the following requirements, as applicable:
 - (a) The owner or operator of any source that emits an ozone precursor (VOC or NO_x) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0520 for ozone designated areas.

- (b) The owner or operator of any source that emits any criteria pollutant, other than NO_x as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0540 for designated areas other than ozone designated areas.

NOTE: Subsection (1) of this section was moved verbatim from 40-0050(4) and amended.

State New Source Review

Section 38-0245 Requirements for Sources in Sustainment Areas

Within a designated sustainment area, a source subject to State NSR must meet the following requirements for each sustainment pollutant:

- (1) Air Quality Protection: The owner or operator must comply with paragraph (a) or (b):
 - (a) Air Quality Analysis: The owner or operator must comply with 40-0050(1) and (2) and 40-0060 for each regulated pollutant for which emissions will exceed the netting basis by the SER or more due to the proposed source or modification. For increases of direct PM_{2.5} or PM_{2.5} precursors equal to or greater than the SER, 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; or
 - (b) Net Air Quality Benefit: The owner or operator of the source must satisfy the requirements of subparagraph (A), (B), or (C), as applicable:
 - (A) For ozone sustainment areas, 38-0510 and 38-0520;
 - (B) For sources located in non-ozone sustainment areas, that will emit 100 tons per year or more of the sustainment pollutant, 38-0510 and 38-0530(2) and (4);
 - (C) For sources located in non-ozone sustainment areas, that will emit less than 100 tons per year of the sustainment pollutant, 38-0510 and 38-0530(3) and (4).
- (2) If the owner or operator complied with paragraph (1)(b) and the increase in emissions is the result of the construction of a major source, or a major modification, then the owner or operator must apply BACT under 38-0070(2).
- (3) The owner or operator of a federal major source must comply with 40-0050(4) and 40-0070.

- (4) The owner or operator must demonstrate that it will not cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact level under 40-0050(1).
- (5) Sources Impacting Other Designated Areas: The owner or operator of any source that will have a significant impact on air quality in a designated area other than the one the source is locating in must also meet the following requirements, as applicable:
 - (a) The owner or operator of any source that emits an ozone precursor (VOC or NO_x) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0520 for ozone designated areas.
 - (b) The owner or operator of any source that emits any criteria pollutant, other than NO_x as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0540 for designated areas other than ozone designated areas.

Section 38-0250 Requirements for Sources in Nonattainment Areas

Within a designated nonattainment area, a source subject to State NSR must meet the following requirements for each nonattainment pollutant:

- (1) If the increase in emissions is the result of the construction of a major source, or a major modification, the owner or operator must apply BACT under 38-0070(2).
- (2) Air Quality Protection:
 - (a) Air Quality Analysis: An air quality analysis is not required except that the owner or operator of a federal major source must comply with 40-0050(4) and 40-0070.
 - (b) Net Air Quality Benefit: The owner or operator of the source must satisfy the requirements of subparagraph (A), (B), or (C), as applicable:
 - (A) For ozone nonattainment areas, 38-0510 and 38-0520;
 - (B) For sources located in non-ozone nonattainment areas, that will emit 100 tons per year or more of the nonattainment pollutant, 38-0510 and 38-0530(2) and (4);
 - (C) For sources located in non-ozone nonattainment areas, that will emit less than 100 tons per year of the nonattainment pollutant, 38-0510 and 38-0530(3) and (4).

- (3) Sources Impacting Other Designated Areas: The owner or operator of any source that will have a significant impact on air quality in a designated area other than the one the source is locating in must also meet the following requirements, as applicable:
- (a) The owner or operator of any source that emits an ozone precursor (VOC or NO_x) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0520 for ozone designated areas.
 - (b) The owner or operator of any source that emits any criteria pollutant, other than NO_x as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0540 for designated areas other than ozone designated areas.

Section 38-0255 Requirements for Sources in Reattainment Areas

Within a designated reattainment area, a source subject to State NSR must comply with the requirements in 38-0260 for each reattainment pollutant treating the reattainment pollutant as a maintenance pollutant for that rule, except that 38-0260(2)(b)(C) and (4) are not applicable unless LRAPA has approved a contingency plan for the reattainment area.

Section 38-0260 Requirements for Sources in Maintenance Areas

Within a designated maintenance area, a source subject to State NSR must meet the following requirements for each maintenance pollutant:

- (1) If the increase in emissions is the result of the construction of a major source, or a major modification, the owner or operator of the source must apply BACT under 38-0070(2).
- (2) Air Quality Protection: The owner or operator of the source must satisfy the requirements of either paragraphs (a), (c), and (d) or of paragraphs (b), (c) and (d):
 - (a) Air Quality Analysis: The owner or operator of the source must comply with 40-0050(1) and (2), and 40-0060 for each regulated pollutant for which emissions will exceed the netting basis by the SER or more due to the proposed source or modification. For emissions increases of direct PM_{2.5} or PM_{2.5} precursors equal to or greater than the SER, 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) Net Air Quality Benefit: The owner or operator of the source must satisfy the requirements of subparagraph (A), (B) or (C), as applicable:

- (A) 38-0510 and 38-0520 for ozone maintenance areas or 38-0510 and 38-0530(3) and (4) for non-ozone maintenance areas, whichever is applicable;
 - (B) Demonstrate that the source or modification will not cause or contribute to an air quality impact equal to or greater than the impact levels in 50-055 or OAR 340-202-0225 by performing the analysis specified in 40-0045; or
 - (C) Obtain an allocation from a growth allowance. The requirements of this section may be met in whole or in part in an ozone or carbon monoxide maintenance area with an allocation by LRAPA from a growth allowance, if available, under the applicable maintenance plan in the SIP adopted by the Board and EQC and approved by EPA.
- (c) The owner or operator of a federal major source must comply with 40-0050(4) and 40-0070.
- (d) The owner or operator of the source must demonstrate that it will not cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact level under 40-0050(1).
- (3) Sources Impacting Other Designated Areas: The owner or operator of any source that will have a significant impact on air quality in a designated area other than the one the source is locating in must also meet the following requirements, as applicable:
- (a) The owner or operator of any source that emits an ozone precursor (VOC or NO_x) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0520 for ozone designated areas.
 - (b) The owner or operator of any source that emits any criteria pollutant, other than NO_x as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under 38-0510 and OAR 38-0540 for designated areas other than ozone designated areas.
- (4) Contingency Plan Requirements. If the contingency plan in an applicable maintenance plan is implemented due to a violation of an ambient air quality standard, this section applies in addition to other requirements of this rule until the EQC adopts a revised maintenance plan and EPA approves it as a SIP revision.
- (a) The source must comply with the LAER requirement in 38-0050(1) in lieu of the BACT requirement in subsection (1); and

- (b) The owner or operator must comply with subparagraph (2)(b)(A).

Section 38-0270 Requirement for Sources in Attainment and Unclassified Areas

Within a designated attainment or unclassified area, a source subject to State NSR must meet the following requirements for each attainment pollutant:

(1) Air Quality Protection:

- (a) Air Quality Analysis: The owner or operator of the source must comply with 40-0050(1) and (2) and 40-0060 for each regulated pollutant other than GHGs for which emissions will exceed the netting basis by the SER or more due to the proposed source or modification.
- (b) For increases of direct PM_{2.5} or PM_{2.5} precursors equal to or greater than the SER, the owner or operator of the source 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.
- (c) The owner or operator of a federal major source must comply with 40-0050(4) and 40-0070.
- (d) The owner or operator of the source must demonstrate that it will not cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact level under 40-0050(1).

(2) Sources Impacting Other Designated Areas: The owner or operator of any source that will have a significant impact on air quality in a designated area other than the one the source is locating in must also meet the following requirements, as applicable:

- (a) The owner or operator of any source that emits an ozone precursor (VOC or NO_x) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0520 for ozone designated areas.
- (b) The owner or operator of any source that emits any criteria pollutant, other than NO_x as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0540 for designated areas other than ozone designated areas.

Net Air Quality Benefit Emission Offsets

Section 38-0500 Net Air Quality Benefit for Sources Locating Within or Impacting Designated Areas

38-0510 through 38-0540 are the requirements for demonstrating net air quality benefit using offsets.

Section 38-0510 Common Offset Requirements

The purpose of these rules is to demonstrate reasonable further progress toward achieving or maintaining the ambient air quality standards for sources locating within or impacting designated areas. A source may make such demonstration by providing emission offsets to balance the level of projected emissions by the source at the applicable ratios described in this division.

- (1) Unless otherwise specified in the rules, offsets required under this rule must meet the requirements of title 41, Emission Reduction Credits.
- (2) Except as provided in subsection (3), the emission reductions used as offsets must be of the same type of regulated pollutant as the emissions from the new source or modification. Sources of PM₁₀ must be offset with particulate in the same size range.
- (3) Offsets for direct PM_{2.5} may be obtained from NO₂ and SO₂ emissions as precursors to secondary PM_{2.5}. The interpollutant trading ratios for these emissions will be approved by LRAPA on a case by case basis. Offsets for SO₂ and NO₂ emissions from direct PM_{2.5} emissions will be determined in the same manner.
- (4) Offset ratios specified in these rules are the minimum requirement. All offsets obtained by a source, including any that exceed the minimum requirement, may be used for the purpose of 38-0530(4).
- (5) Emission reductions used as offsets must meet at least one of the following criteria:
 - (a) They must be equivalent to the emissions being offset in terms of short term, seasonal, and yearly time periods to mitigate the effects of the proposed emissions; or
 - (b) They must address the air quality problem in the area, such as but not limited to woodstove replacements to address winter-time exceedances of short term PM_{2.5} standards.
- (6) If the complete permit application or permit that is issued based on that application is amended due to changes to the proposed project, the owner or operator may continue to use the original offsets and any additional offsets that may become necessary for the project provided that the changes to the project do not result in a change to the two digit Standard Industrial Classification (SIC) code associated with the source and that the offsets will continue to satisfy the offset criteria.

Section 38-0520 Requirements for Demonstrating a Net Air Quality Benefit for Ozone Areas

When directed by the Major NSR or State NSR sections or 42-0042, the owner or operator must comply with this section.

- (1) Offsets for VOC and NO_x are required if the source will be located within an ozone designated area or closer to the nearest boundary of an ozone designated area than the ozone impact distance as defined in subsection (2).
- (2) Ozone impact distance is the distance in kilometers from the nearest boundary of an ozone designated area within which a 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.
 - (A) For sources with complete permit applications submitted before January 1, 2003: $D = 30 \text{ km}$
 - (B) For sources with complete permit applications submitted on or after January 1, 2003: $D = (Q/40) \times 30 \text{ km}$
 - (C) 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 above the netting basis from the source being evaluated in tons per year.
 - (D) If a source is located closer than D from the nearest ozone designated area boundary, the source must obtain offsets under subsections (3) and (4). If the source is located at a distance equal to or greater than D from the nearest ozone designated area boundary, then the source is not required to obtain offsets.
 - (b) The Demonstration Method. An applicant may demonstrate to LRAPA that the source or proposed source would not have a material effect on an ozone designated area other than attainment or unclassified areas. 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 have a material effect on the designated area under high ozone conditions, the ozone impact distance is zero kilometers.
- (3) The required ratio of offsetting emissions reductions from other sources (offsets) to the emissions increase from the proposed source or modification (emissions) and the location of sources that may provide offsets is as follows:
 - (a) For new or modified sources locating within an ozone nonattainment area, the offset ratio is 1.1:1 (offsets: emissions). These offsets must come from sources within either the same designated nonattainment area as the new or modified source or from sources in

another ozone nonattainment area (with equal or higher nonattainment classification) that contributes to a violation of the ozone ambient air quality standards in the same ozone designated area as the new or modified source.

- (b) For new or modified sources locating within an ozone maintenance area, the offset ratio is 1.1:1 (offsets: emissions). These offsets may come from sources within either the maintenance area or from a source that is closer to the nearest maintenance area boundary than that source's ozone impact distance.
- (c) For new or modified sources locating outside the designated area not including attainment or unclassified areas, but closer than the ozone impact distance of the nearest boundary of the designated area, the offset ratio is 1:1 (offsets: emissions). These offsets may come from within either the designated area or from a source that is closer to the nearest maintenance area boundary than that source's ozone impact distance.
- (4) The amount of required offsets and the amount of provided offsets from contributing sources varies based on whether the proposed source or modification and the sources contributing offsets are located outside the ozone designated area other than attainment or unclassified areas. The required offsets and the provided offsets are calculated using either the formula method or the demonstration method, as follows, except that sources located inside an ozone nonattainment area must use the formula method.
 - (a) The Formula Method.
 - (A) Required offsets (RO) for new or modified sources are determined as follows:
 - (i) For sources with complete permit applications submitted before January 1, 2003: $RO = SQ$; and
 - (ii) For sources with complete permit applications submitted on or after January 1, 2003: $RO = (SQ \text{ minus } (SD \text{ multiplied by } 40/30))$
 - (B) Contributing sources may provide offsets (PO) calculated as follows:
 $PO = CQ \text{ minus } (CD \text{ multiplied by } 40/30)$
 - (C) 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 offsets (RO) by the ratio described in subsection (3).
 - (D) Definitions of factors used in paragraphs (A), (B) and (C) of this subsection:
 - (i) 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.
 - (ii) SQ (source quantity) is the source's emissions increase of NO_x or VOC in tons per year above the netting basis.
 - (iii) SD is the source distance in kilometers to the nearest boundary of the designated area except attainment or unclassified areas. SD is zero for sources located within the designated area except attainment or unclassified areas.

- (iv) PO is the provided offset from a contributing source and must be equal to or greater than zero;
- (v) CQ (contributing quantity) is the contributing source's emissions reduction in tons per year calculated as the contemporaneous pre-reduction actual emissions less the post-reduction allowable emissions from the contributing source (as provided in 41-0030(1)(b)).
- (vi) CD is the contributing source's distance in kilometers from the nearest boundary of the designated area except attainment of unclassified areas. For a contributing source located within the designated area except attainment or unclassified areas, 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. as the ratio described in subsection (3). 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.

(c) Offsets obtained for a previous PSEL increase that did not involve resetting the netting basis can be credited toward offsets currently required for a PSEL increase.

(5) 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.

NOTE: This rule was moved verbatim from 40-0010-10 and 11 and 40-0090-1 and amended.

Section 38-0530 Requirements for Demonstrating Net Air Quality Benefit for Non-Ozone Areas

(1) When directed by the Major NSR or State NSR rules or 42-0042, the owner or operator of the source must comply with subsections (2) through (6), as applicable. For purposes of this section, priority sources are sources identified under 29-0320 for the designated area.

(2) The ratio of offsets compared to the source's potential emissions increase is 1.2:1 (offsets:emissions). If the offsets include offsets from priority sources, the ratio will be decreased by the offsets obtained from priority sources as a percentage of the source's potential emissions increase. For example, if the owner or operator obtains offsets from priority sources equal to 10% of its potential emissions increase, then the offset ratio is reduced by 0.10, to 1.1:1. In no

event, however, will the offset ratio be less than 1.0:1, even if more than 20% of offsets are from priority sources.

(3) The ratio of offsets compared to the source's potential emissions increase is 1.0:1 (offsets:emissions), except as allowed by paragraph (a) or required by paragraph (b).

(a) For State NSR only, if the offsets include offsets from priority sources, the ratio will be decreased by the offsets obtained from priority sources as a percentage of the source's potential emissions increase. For example, if the owner or operator obtains offsets from priority sources equal to 20% of its potential emissions increase, then the offset ratio is reduced by 0.2, to 0.8:1. In no event, however, will the offset ratio be less than 0.5:1, even if more than 50% of offsets are from priority sources.

(4) Except as provided in subsections (5) and (6), the owner or operator must conduct an air quality analysis of the impacts from the proposed new emissions and comply with paragraphs (a) and (b) using the procedures specified in paragraphs (c) through (e):

(a) Demonstrate that the offsets obtained result in a reduction in concentrations at a majority of modeled receptors within the entire designated area; and

(b) Comply with subparagraph (A) or subparagraph (B):

(A) Demonstrate that the impacts from the emission increases above the source's netting basis are less than the Class II SIL at all receptors within the entire designated area; or

(B) Demonstrate that the impacts from the emission increases above the source's netting basis:

(i) Are less than the Class II SIL at an average of receptors within an area designated by LRAPA as representing a neighborhood scale, as specified in 40 CFR part 58, Appendix D, a reasonably homogeneous urban area with dimensions of a few kilometers that represent air quality where people commonly live and work in a representative neighborhood, centered on the LRAPA approved ambient monitoring sites; and

(ii) Plus the impacts of emission increases or decreases since the date of the current area designation of all other sources within the designated area or having a significant impact on the designated area, are less than 10 percent of the AAQS at all receptors within the designated area;

(c) The air quality analysis must comply with 40-0030 and 40-0040;

(d) The air quality analysis must use a uniform receptor grid over the entire modeled area for the analyses required in paragraphs (a) and (b). The spacing of the receptor grids will be determined by LRAPA for each analysis;

(e) For the purpose of paragraph (a) and subparagraph (b)(B):

(A) Subtract the priority source offsets from the new or modified source's emission increase if the priority sources identified are area sources. Area source emissions are spatially distributed

emissions that can be generated from activities such as, but not limited to, residential wood heating, unpaved road dust, and non-road mobile sources;

(B) If the source's emissions are not offset 100 percent by priority sources that are area sources, conduct dispersion modeling of the source's remaining emission increases after subtracting any priority source offsets allowed in subparagraph (A); and in addition, model all other sources with emission increases or decreases in or impacting the designated area since the date the area was designated, including offsets used for the proposed project, but excluding offsets from priority sources that are area sources; and

(C) If the source's emissions are offset 100 percent by priority sources that are area sources, no further analysis is required.

(5) Small scale local energy projects and any infrastructure related to that project located in the same area are not subject to the requirements in subsection (4) provided that the proposed source or modification would not cause or contribute to a violation of an ambient air quality standard or otherwise pose a material threat to compliance with air quality standards in a nonattainment area.

Section 38-0540 Sources in a Designated Area Impacting Other Designated Areas

(1) When directed by the Major and State NSR rules, the owner or operator of a source locating outside, but impacting any designated area other than an attainment or unclassified area must meet one of the following requirements:

(a) Obtain offsets sufficient to reduce impacts to less than the Class II SIL at all receptors within the designated area as demonstrated using an air quality analysis under title 40; or

(b) Meet the following Net Air Quality Benefit requirements for the designated area that is impacted by the source, as applicable:

(A) For sources subject to Major NSR for the pollutant for which the area is designated:

(i) A source impacting a sustainment area must meet the requirements of 38-0045(2);

(ii) A source impacting a nonattainment area must meet the requirements of 38-0050(2)(b);

(iii) A source impacting a reattainment area must meet the requirements of 38-0050(2)(b), treating the reattainment pollutant as a nonattainment pollutant for that rule; or

(iv) A source impacting a maintenance area must meet the requirements of 38-0060(2).

(B) For sources subject to State NSR for the pollutant for which the area is designated:

(i) A source impacting a sustainment area must meet the requirements of 38-0245(1)(b);

(ii) A source impacting a nonattainment area must meet the requirements of 38-0250(2)(b);

(iii) A source impacting a reattainment area must meet the requirements of 38-0260(2)(b) treating the reattainment pollutant as a maintenance pollutant for that rule; or

(iv) A source impacting a maintenance area must meet the requirements of 38-0260(2)(b).

(2) When directed by the Major NSR and State NSR rules, sources impacting any attainment and unclassified areas, but not directly subject to 38-0070 or 38-0270, must comply with 40-0050(1) and (2) for each regulated pollutant, other than GHGs, for which emissions will exceed the netting basis by the SER or more due to the proposed source or modification.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 40

AIR QUALITY ANALYSIS REQUIREMENTS

Section 40-0010 Purpose

- (1) This title contains the definitions and requirements for air quality analysis. This title does not apply unless a rule in another title refers to this title or a section in this title. For example, title 38 New Source Review, refers to provisions in this title for specific air quality analysis requirements.

Section 40-0020 Definitions

The definitions in LRAPA title 12, title 29, OAR 340-204-0010 and this section apply to this title. If the same term is defined in this section and LRAPA title 12, title 20, or OAR 340-204-0010, the definition in this section 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, 61, 62 and 63;
 - (b) The applicable SIP emissions limitation, including those with a future compliance date; or
 - (c) The emissions rate specified as a federally enforceable permit condition.
- (2) "Baseline concentration" means:
 - (a) The ambient concentration level for sulfur dioxide and PM₁₀ that existed in an area during the calendar year 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.

- (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 paragraphs (a) through (c).
- (3) “Baseline concentration year” means the calendar year used to determine the baseline concentration for a particular regulated pollutant in a particular designated area.
- (4) "Competing PSD increment consuming source impacts" means the total modeled concentration above the modeled Baseline Concentration resulting from increased and decreased emissions of all other sources since the baseline concentration year that are expected to cause a significant concentration gradient in the vicinity of the source. Determination of significant concentration gradient may take into account factors including but not limited to ROI formula, spatial distribution of existing emission sources, topography, and meteorology. Allowable Emissions may be used as a conservative estimate of increased emissions, in lieu of actual emissions, in this analysis.
- (5) “Competing AAQS source impacts” means total modeled concentrations of the subject pollutant resulting from allowable emissions of all other sources expected to cause a significant concentration gradient in the vicinity of the source or sources under consideration. Determination of significant concentration gradient may take into account factors including but not limited to ROI formula, spatial distribution of existing emission sources, topography, and meteorology.
- (6) “FLAG ” refers to the Federal Land Managers’ Air Quality Related Values Work Group Phase I Report -REVISED, published at 75 Federal Register 66125, October 27, 2010.
- (7) “General background concentration” means impacts from natural sources and unidentified sources that were not explicitly modeled, and may be determined based on either this as site-specific ambient monitoring or, with LRAPA approval, on 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) "Predicted maintenance area concentration" means the future year ambient concentration predicted by LRAPA in the applicable maintenance plan as follows:
- (a) [Reserved]
- (10) “Range of influence formula or “ROI formula” means the calculation of the distance in kilometers from the source impact area of the new or modified source to other emission sources that could impact that area. If there is no source impact area, the distance is calculated from the new or modified source. Any location that is closer to the source than the ROI may be considered to be “within the range of influence” of the source. The ROI formula is as follows:

(a) For PSD Class II and Class III areas, the Range of Influence formula of a competing source (in kilometers) is defined by:

$$(A) \text{ ROI (km)} = Q \text{ (tons/year)} / K \text{ (tons/year km)}.$$

(B) Definition of factors used in paragraph (a):

- (i) Maximum ROI is 50 km.
- (ii) Q is the emission rate of the potential competing source in tons per year.
- (iii) K (tons/year km) is a regulated pollutant specific constant as follows:
 - (I) For PM_{2.5}, PM₁₀, SO_x and NO_x, K = 5;
 - (II) For CO, K = 40; and
 - (III) For lead, K = 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.

(11) “Single source impact” means the modeled impacts from an increase in emissions of regulated pollutants from a source without including the impacts from other sources.

(12) “Source impact area” means an area, or locations, where predicted impacts from the source or modification equal or exceed the Class II significant 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)₂SO₄ is 0.2427 times the weight of (NH₄)₂SO₄ being deposited.

Section 40-0030 Procedural Requirements

When required to conduct an air quality analysis under this title:

- (1) The owner or operator of a source must submit a modeling protocol to LRAPA and have it approved before submitting a permit application; and
- (2) In addition to the requirements defined in 37-0040 for permit applications, the owner or operator of a source must submit all information necessary to perform any analysis or make any determination required under this title. Such information may include, but is not limited to:

(a) Emissions data for all existing and proposed emission points from the source or modification. This data must represent maximum emissions for the averaging

times by regulated pollutant consistent with the ambient air quality standards in Title 50 –Ambient Air Standards.

- (b) Stack parameter data, height above ground, exit diameter, exit velocity, and exit temperature, for all existing and proposed emission points from the source or modification,
- (c) 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
- (d) 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 the baseline concentration year, 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 title 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) ". 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 other than that specified in 40 CFR part 51, Appendix W is appropriate 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 EPA.

Section 40-0045 Requirements for Analysis in Maintenance Areas

Modeling: For determining compliance with the maintenance area impact levels established in 50-065 or OAR 340-202-0225, whichever is most recently adopted, the following methods must be used:

- (1) For each maintenance pollutant, a single source impact analysis is sufficient to show compliance with the maintenance area maximum impact levels if:
 - (a) The modeled impacts from emission increases equal to or greater than an SER 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 title 12, Table 1.

- (b) The owner or operator provides an assessment of factors that may impact the air quality conditions in the area showing that the SIL by itself is protective of the maintenance area impact levels. The assessment must take into consideration but is not limited to the emission increases and decreases since the baseline concentration year from other sources that are expected to cause a significant concentration gradient in the vicinity of the source. Determination of significant concentration gradient may take into account factors including but not limited to ROI formula, spatial distribution of existing emission sources, topography, and meteorology.
- (2) If the requirement in subsection (1) is not satisfied, the owner or operator of a proposed source or modification must complete a competing source analysis to demonstrate that modeled impacts from the proposed increased emissions plus competing source impacts, plus the predicted maintenance area concentration are less than the maintenance area impact levels in 50-065 or OAR 340-202-0225, whichever is most recently adopted, for all averaging times.
- (3) Any analyses performed under this section must be done in compliance with 40-0030 and 40-0040, as applicable.

Section 40-0050 Requirements for Analysis in PSD Class II and Class III Areas

Modeling: For determining compliance with the AAQS, PSD increments, and other requirements in PSD Class II and Class III areas, the following methods must be used:

- (1) For each regulated pollutant, a single source impact analysis is sufficient to show compliance with the AAQS and PSD increments if:
 - (a) The modeled impacts from emission increases equal to or greater than an SER above the netting basis due to the proposed source or modification being evaluated are less than the Class II significant impact levels specified in title 12, Table 1; and
 - (b) The owner or operator provides an assessment of factors that may impact the air quality conditions in the area to show that the SIL by itself ensures that the proposed source or modification will not cause or contribute to a new violation of an AAQS and PSD increment. The assessment must take into consideration but is not limited to the following factors:
 - (A) The background ambient concentration relative to the AAQS;
 - (B) The emission increases and decreases since the baseline concentration year from other sources that are expected to cause a significant concentration gradient in the vicinity of the source. Determination of significant concentration gradient may take into account factors including

but not limited to ROI formula, spatial distribution of existing emission sources, topography, and meteorology.

- (2) If the requirement in subsection (1) is not satisfied, the owner or operator of a proposed source or modification being evaluated must complete a competing source analysis as follows:
 - (a) For demonstrating compliance with the PSD Class II and III increments (as defined in 50-055, Table 1 or OAR 340-202-0210, whichever is more current), the owner or operator of the 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; and
 - (b) For demonstrating compliance with the AAQS, the owner or operator of the source must show that the total modeled impacts plus total competing source impacts plus general background concentrations are less than the AAQS for all averaging times.
- (3) The owner or operator of a source must also provide an analysis of:
 - (a) 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 SERs as defined in title 12, Table 2. Concentration and deposition modeling may also be required for sources emitting other compounds on a case-by-case basis; and
 - (b) 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) Any analyses performed under this section must be done in compliance with 40-0030 and 40-0040, as applicable.

Section 40-0060 Requirements for Demonstrating Compliance with Standards and Increments in PSD Class I Areas

For determining compliance with AAQS and PSD increments in PSD Class I areas, the following methods must be used:

- (1) Before Jan. 1, 2003, the owner or operator of a source 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 Jan. 1, 2003, the owner or operator of a source must meet the following requirements:
 - (a) For each regulated pollutant, a single source impact analysis is sufficient to show compliance with PSD increments if modeled impacts from emission increases equal to or greater than an SER above the netting basis due to the proposed source or modification being evaluated are demonstrated to be less than the Class I significant impact levels specified in title 12, Table I. If this requirement is not satisfied, the owner or operator must complete a competing source analysis to demonstrate that the increased source impacts above baseline concentration plus competing PSD increment consuming source impacts are less than the PSD Class I increments for all averaging times.
 - (b) For each regulated pollutant, a single source impact analysis is sufficient to show compliance with AAQS if modeled impacts from emission increases equal to or greater than an SER above the netting basis due to the proposed source or modification being evaluated are demonstrated to be less than the Class I significant impact levels specified in title 12, Table 1. If this requirement is not satisfied, the owner or operator must complete a competing source analysis to demonstrate compliance with the AAQS by showing that its total modeled impacts plus total modeled competing source impacts plus general background concentrations are less than the AAQS for all averaging times.
 - (c) The owner or operator also must demonstrate that the proposed source or modification will not cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact levels under paragraphs (a) and (c), in accordance with 50-055, Table 1 or OAR 340-202-0210, whichever is more current.
- (3) Any analyses performed under this section must be done in compliance with 40-0030 and 40-0040, as applicable.

Section 40-0070 Requirements for Demonstrating Compliance with Air Quality Related Values Protection

- (1) Sources that are not federal major sources are exempt from the requirements of this section.
- (2) When directed by title 38, the requirements of this section apply to each emissions unit that increases the actual emissions of a regulated pollutant above the portion of the netting basis attributable to that emissions unit.

(3) LRAPA must provide notice of permit applications involving AQRV analysis to EPA and Federal Land Managers as follows:

- (a) If a proposed major source or major modification could impact air quality related values, including visibility, deposition, and ozone impacts within a Class I area, LRAPA will provide written notice to 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. 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, 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 date that LRAPA sent the notice required by paragraph (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 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, of any federal mandatory Class I area. This adverse impact determination may be made even if there is no demonstration that a Class I PSD increment has been exceeded. If LRAPA agrees with the demonstration, it will not issue the permit.

(4) Visibility impact analysis requirements:

- (a) If title38 requires a visibility impact analysis, the owner or operator must demonstrate that the potential to emit any regulated pollutant at an SER 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 conduct a visibility analysis on the Columbia River Gorge National Scenic Area if it is affected by the source;

- (c) The owner or operator must submit all information necessary to perform any analysis or demonstration required by these rules.
 - (d) 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 of visibility in a Class I area will result. If LRAPA determines that significant impairment of visibility in a Class I area would result, it will not issue a permit for the proposed source.
- (5) In consultation with the Federal Land Managers under FLAG, LRAPA may require a plume blight analysis or regional haze analysis, or both.
- (6) Criteria for visibility impacts:
- (a) The owner or operator of a source, where required by title 38, is encouraged to demonstrate that its 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 significant impairment of visibility in a Class I area would result, it will not issue a permit for the proposed source.
- (7) Deposition modeling may be required for receptors in PSD Class I areas and the Columbia River Gorge National Scenic Area where visibility modeling is required. This may include, but is not limited to an analysis of nitrogen deposition and sulfur deposition.
- (8) Visibility monitoring:
- (a) If title 38 requires 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 if LRAPA requires visibility monitoring as a permit condition to establish the effect of the regulated pollutant on visibility conditions within the impacted Class I area.
- (9) Additional impact analysis: The owner or operator subject to 38-0060(2) or 38-0070(3) 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.

- (10) 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 must be used in this recommendation. Emission offsets may also be used. If the Federal Land Manager finds that significant impairment of visibility in a Class I area would result from the proposed activities and LRAPA agrees, LRAPA will not issue a permit for the proposed source.
- (11) Any analyses performed under this section must be done in compliance with 40-0030 and 40-0040, as applicable.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 41

EMISSION REDUCTION CREDITS

Section 41-0010 Applicability

This title applies to any person who wishes to create or bank an emission reduction credit in Lane County.

Section 41-0020 Definitions

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

Section 41-0030 Emission Reduction Credits

Any person who reduces emissions by implementing more stringent controls than required by a permit or an applicable regulation may create an emission reduction credit. Emission reduction credits must be created and banked within two years from the time of actual emission reduction.

- (1) Creating Emission Reduction Credits. Emission reductions can be considered credits if all of the following requirements are met:
 - (a) The reduction is permanent due to continuous overcontrol, curtailment or shutdown of an existing activity or device.
 - (b) The reduction is in terms of actual emissions reduced at the source. The amount of the creditable reduction is the difference between the contemporaneous (any consecutive 12 calendar month period during the prior 24 calendar months) pre-reduction actual (or allowable, whichever is less) emissions and the post-reduction allowable emissions from the subject activity or device.
 - (c) The reduction is either:
 - (A) Enforceable by LRAPA through permit conditions or rules adopted specifically to implement the reduction that make increases from the activity or device creating the reduction a violation of a permit condition, or
 - (B) The result of a physical design that makes such increases physically impossible.
 - (d) The reduction is surplus. Emission reductions must be in addition to any emissions used to attain or maintain AAQS in the SIP.

- (e) Sources in violation of air quality emission limitations may not create emission reduction credits from those emissions that are or were in violation of air quality emission limitations.
- (f) Hazardous emissions reductions required to meet the MACT standards at 40 CFR part 61 and part 63, including emissions reductions to meet the early reduction requirements of section 112(i)(5), are not creditable as emission reduction credits for purposes of Major NSR in nonattainment or reattainment areas. However, any emissions reductions that are in excess of or incidental to the MACT standards are not precluded from being credited as emission reduction credits as long as all conditions of a creditable emission reduction credit are met.

(2) Banking of Emission Reduction Credits.

- (a) The life of emission reduction credits may be extended through the banking process as follows:
 - (A) Emission reduction credits may be banked for ten (10) years from the time of actual emission reduction.
 - (B) Requests for emission reduction credit banking must be submitted within the 2-year (24 calendar month) contemporaneous time period immediately following the actual emission reduction. (The actual emission reduction occurs when the airshed experiences the reduction in emissions, not when a permit is issued or otherwise changed).
- (b) Banked emission reduction credits are protected during the banked period from rule required reduction, if LRAPA receives the emission reduction credit banking request before LRAPA submits a notice of a proposed rule or plan development action for publication of the new rule. LRAPA may reduce the amount of any banked emission reduction credit that is protected under this section, if LRAPA determines the reduction is necessary to attain or maintain an ambient air quality standard.
- (c) Emission reductions must be in the amount of ten (10) tons per year or more to be creditable for banking, except as follows:
 - (A) In the Oakridge nonattainment area, PM_{2.5} emission reductions must be at least 1 ton per year.
- (d) Emission reduction credits will not expire pending LRAPA taking action on a timely banking request unless the ten (10) year period available for banking expires.

(3) Using Emission Reduction Credits: Emission reduction credits may be used for:

- (a) Netting actions within the source that generated the credit, through a permit modification; or
 - (b) Offsets pursuant to the NSR program, title 38.
- (4) Emission reduction credits are considered used when a complete NSR permit application is received by LRAPA to apply the emission reduction credits to netting actions within the source that generated the credit, or to meet the offset and net air quality benefit requirements of the NSR program under 38-0500 through 38-0540.
- (5) Unused Emission Reduction Credits
- (a) Emission reduction credits that are not used, and for which LRAPA does not receive a request for banking within the contemporaneous time period, will become unassigned emissions for purposes of the PSEL and are no longer available for use as external offsets.
 - (b) Emission reduction credits that are not used prior to the expiration date of the credit will revert to the source that generated the credit and will be treated as unassigned emissions for purposes of the PSEL pursuant to 42-0055 and are no longer available for use as external offsets.
- (6) Emission Reduction Credit (ERC) Permit
- (a) LRAPA tracks ERC creation and banking through the permitting process. The holder of ERCs must maintain either an ACDP, Title V permit, or an ERC Permit.
 - (b) LRAPA issues ERC Permits for anyone who is not subject to the ACDP or Title V programs that requests an ERC or an ERC to be banked.
 - (c) An ERC permit will only contain conditions necessary to make the emission reduction enforceable and track the credit.
 - (d) Requests for emission reduction credit banking must be submitted in writing to LRAPA and contain the following documentation:
 - (A) A detailed description of the activity or device controlled or shut down;
 - (B) Emission calculations showing the types and amounts of actual emissions reduced, including pre-reduction actual emission and post-reduction allowable emission calculations;
 - (C) The date or dates of actual reductions;
 - (D) The procedure that will render such emission reductions permanent and enforceable;

- (E) Emission unit flow parameters including but not limited to temperature, flow rate and stack height;
 - (F) Description of short and long term emission reduction variability, if any.
- (e) Requests for emission reduction credit banking must be submitted to LRAPA within two years (24 months) of the actual emissions reduction. LRAPA must approve or deny requests for emission reduction credit banking before they are effective. In the case of approvals, LRAPA issues a permit to the owner or operator defining the terms of such banking. LRAPA insures the permanence and enforceability of the banked emission reductions by including appropriate conditions in permits and, if necessary, by recommending appropriate revisions to the SIP.
- (f) LRAPA provides for the allocation of emission reduction credits in accordance with the uses specified by the holder of the emission reduction credits. The holder of ERCs must notify LRAPA in writing when they are transferred to a new owner or site. Any use of emission reduction credits must be compatible with local comprehensive plans, statewide planning goals, and state laws and rules.

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, PSD 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 42-0035(5) and 42-0060, all ACDP and Title V sources are subject to PSELs for all regulated pollutants listed in the definition of SER in title 12. 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 quality standards;
 - (b) Assuring compliance with ambient air quality standards and PSD increments;
 - (c) Administering offset and banking programs; and
 - (d) Establishing the baseline for tracking the consumption of PSD Increments.
- (3) PSELs are not required for:
 - (a) Regulated 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 Basic ACDPs;

- (c) Hazardous air pollutants as listed in LRAPA title 44 Table 1; high-risk pollutants listed in 40 CFR 63.74; or accidental release substances listed in 40 CFR 68.130; or air toxics listed in OAR 340 division 246; except that PSELs are required for pollutants identified in this subsection that are also listed in the definition of SER, title 12.
- (4) PSELs may be generic PSELs, source specific PSELs set at the generic PSEL levels, or source specific PSELs set at source specific levels.
 - (a) A source with a generic PSEL cannot maintain a netting basis for that regulated pollutant.
 - (b) A source with a source specific PSEL that is set at the generic PSEL level may maintain a netting basis for that regulated pollutant provided the source is operating under a Standard ACDP or LRAPA Title V Operating permit.

Section 42-0030 Definitions

The definitions in LRAPA title 12, 29-0010 and this section apply to this title. If the same term is defined in this section and LRAPA title 12 or 29-0010, the definition in this section applies to this title.

Criteria for Establishing Plant Site Emission Limits

Section 42-0035 General Requirements for Establishing All PSELs

- (1) PSELs may not exceed limits established by any applicable federal or state regulation or by any specific permit conditions unless the source meets the specific provisions of 32-100 (Alternative Emission Controls).
- (2) LRAPA may change source specific PSELs at the time of a permit renewal, or if LRAPA modifies a permit pursuant to 37-0084, Agency Initiated Modifications, or OAR 340-218-0200, Reopenings, if:
 - (a) LRAPA determines errors were made in calculating the PSELs or more accurate and reliable data is available for calculating PSELs; or
 - (b) More stringent control is required by a rule adopted by the Board or EQC.
- (3) PSEL reductions required by rule, order or permit condition will be effective on the compliance date of the rule, order, or permit condition.

- (4) Annual PSELs apply on a rolling 12 consecutive month basis and limit the source's potential to emit.
- (5) PSELs do not include emissions from categorically insignificant activities. Emissions from categorically insignificant activities must be considered when determining Major NSR or Type A State NSR applicability under title 38.
- (6) PSELs must include aggregate insignificant emissions, if applicable.

NOTE: This rule was moved verbatim from 42-0043 and 42-0070 and amended.

Section 42-0040 Generic Annual PSEL

- (1) Sources with capacity less than the 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 regulated pollutant that will be emitted at less than the SER. The netting basis for a source with a generic PSEL is zero (0).
- (3) The netting basis for a source with a generic PSEL is zero for that regulated pollutant.

Section 42-0041 Source Specific Annual PSEL

- (1) For sources with potential to emit less than the SER that request a source specific PSEL, the source specific PSEL will be set equal to the generic PSEL level.
- (2) For sources with potential to emit greater than or equal to the SER, the source specific PSEL will be set equal to the source's potential to emit, netting basis or a level requested by the applicant, whichever is less, except as provided in subsection (3) or (4).
- (3) The initial source specific PSEL for PM_{2.5} for a source that was permitted on or before May 1, 2011 with potential to emit greater than or equal to the SER will be set equal to the PM_{2.5} fraction of the PM₁₀ PSEL in effect on May 1, 2011.
 - (a) Any source with a permit in effect on May 1, 2011 is eligible for an initial PM_{2.5} PSEL without being otherwise subject to 42-0041(4).
 - (b) For a source that had a permit in effect on May 1, 2011 but later needs to correct its PM₁₀ PSEL that was in effect on May 1, 2011 due to more accurate or reliable information, the corrected PM₁₀ PSEL will be used to correct the initial PM_{2.5} PSEL.
 - (A) Correction of a PM₁₀ PSEL will not by itself trigger 42-0041(4) for PM_{2.5}.

- (B) Correction of a PM₁₀ PSEL could result in further requirements for PM₁₀ in accordance with all applicable regulations.
- (c) If after establishing the initial PSEL for PM_{2.5} in accordance with this rule and establishing the initial PM_{2.5} netting basis in accordance with 42-0046, the PSEL is more than nine tons above the netting basis, any future increase in the PSEL for any reason would be subject to 42-0041(4).
- (4) If an applicant wants an annual PSEL at a rate greater than the netting basis, the applicant must, consistent with 42-0035:
- (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, demonstrate that the applicable Major NSR or State NSR requirements in title 38 have been satisfied, except that an increase in the PSEL for GHGs is subject to the requirements of NSR specified in 38-0010(1)(c) only if the criteria in 38-0010(1)(c) are met.
- (5) If the netting basis is adjusted in accordance with 42-0051(3), then the source specific PSEL is not required to be adjusted.
- (6) For sources that meet the criteria in paragraphs (a), (b) and (c), the requirements of 42-0041(4) do not immediately apply, but any future increase in the PSEL greater than or equal to the de minimis level for any reason is subject to 42-0041(4).
- (a) A PSEL is established or revised to include emissions from activities that both existed at a source and were defined as categorically insignificant activities prior to January 11, 2018;
- (b) The PSEL exceeds the netting basis by more than or equal to the SER solely as a result of a revision described in paragraph (a); and
- (c) The source would not have been subject to Major NSR or Type A State NSR under the applicable requirements of title 38 prior to January 11, 2018 if categorically insignificant activities had been considered.

Section 42-0042 Short Term PSEL

- (1) For sources located in areas with an established short term SER that is measured over an averaging period less than a full year, PSELs are required on a short term basis for those regulated 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 new and existing sources with potential to emit less than the short term SER, the short term PSEL will be set equal to the level of the short term generic PSEL.
 - (b) For existing sources with potential to emit greater than or equal to the short term SER, a short term PSEL will be set equal to the source's short term potential to emit or to the current permit's short term PSEL, whichever is less.
 - (c) For new sources with potential to emit greater than or equal to the short term SER, the initial short term PSEL will be set at the level requested by the applicant provided the applicant meets the requirements of paragraph (2)(b).
- (2) If a permittee requests an increase in a short term PSEL that will exceed the short term netting basis by an amount equal to or at a rate greater than the initial short term SER, the permittee must satisfy the requirements of paragraphs (a) or (b). In order to satisfy the requirements of paragraph (a) or (b), the short term PSEL increase must first be converted to an annual increase by multiplying the short term increase by 8,760 hours, 365 days, or 12 months, depending on the term of the short term PSEL.
- (a) Obtain offsets in accordance with the offset provisions for the designated area as specified in 38-0510 through 38-0530, as applicable; or
 - (b) Obtain an allocation from an available growth allowance in accordance with the applicable maintenance plan.
- (3) Once the short term PSEL is increased pursuant to subsection (2), the increased level becomes the basis initial for evaluating future increases in the short term PSEL.

Section 42-0046 Netting Basis

- (1) A netting basis will only be established for those regulated pollutants that could subject a source to NSR under title 38.
 - (a) The initial PM_{2.5} netting basis for a source that was permitted prior to May 1, 2011 will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.
 - (b) The initial greenhouse gas netting basis for a source will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.
- (2) A source's netting basis is established as specified in paragraph (a), (b), or (c) and will be adjusted according to subsection (3):

- (a) For all regulated pollutants except for PM_{2.5}, a source's initial netting basis is equal to the baseline emission rate.
 - (b) For PM_{2.5}, a source's initial netting basis is equal to the overall PM_{2.5} fraction of the PM₁₀ PSEL in effect on May 1, 2011 multiplied by the PM₁₀ netting basis in effect on May 1, 2011. LRAPA may increase the initial PM_{2.5} netting basis by not more than 5 tons to ensure that the PM_{2.5} PSEL does not exceed the PM_{2.5} netting basis by more than the PM_{2.5} SER.
 - (A) Any source with a permit in effect on May 1, 2011 is eligible for a PM_{2.5} netting basis without being otherwise subject to 42-0041(4).
 - (B) For a source that had a permit in effect on May 1, 2011 but later needs to correct its PM₁₀ netting basis that was in effect on May 1, 2011, due to more accurate or reliable information, the corrected PM₁₀ netting basis will be used to correct the initial PM_{2.5} netting basis.
 - (i) Correction of a PM₁₀ netting basis will not by itself trigger 42-0041(4) for PM_{2.5}.
 - (ii) Correction of a PM₁₀ netting basis could result in further requirements for PM₁₀ in accordance with all applicable regulations.
 - (c) A source's netting basis is zero for:
 - (A) Any regulated pollutant emitted from a source that first obtained a permits to construct and operate after the applicable baseline period for that regulated pollutant, and has not undergone NSR for that regulated pollutant except as provided in paragraph (2)(b) for PM_{2.5};
 - (B) Any regulated pollutant that has a generic PSEL in a permit; or
 - (C) Any source permitted as portable.
- (3) A source's netting basis will be adjusted as follows:
- (a) The netting basis will be reduced by any emission reductions required under a rule, order, or permit condition issued by the Board or LRAPA and required by the SIP or used to avoid any state (e.g., NSR) or federal requirements (e.g., NSPS, NESHAP), as of the effective date of the rule, order or permit condition;
 - (A) Netting basis reductions are effective on the effective date of the rule, order or permit condition that requires the reductions;
 - (B) Netting basis reductions may only apply to sources that are permitted, on the effective date of the applicable rule, order or permit condition, to operate the

affected devices or emissions units that are subject to the rule, order, or permit condition requiring emission reductions;

- (C) Netting basis reductions will include reductions for unassigned emissions for devices or emissions units that are affected by the rule, order or permit condition, if the shutdown or over control that created the unassigned emissions occurred within five years prior to the adoption of the rule, order or permit condition that required an emission reduction unless the unassigned emissions have been used for internal netting actions. This provision applies to emission reductions that have been placed in unassigned emissions or that are eligible to be placed in unassigned emissions but the permit that would place them in unassigned emissions has not been issued.
- (D) Netting basis reductions will not affect emission reduction credits established under title 41.
- (E) Netting basis reductions for the affected devices or emissions units will be determined consistent with the approach used to determine the netting basis prior to the regulatory action reducing the emissions. The netting basis reduction is the difference between the emissions calculated using the previous emission rate and the emission rate established by rule, order, or permit using appropriate conversion factors when necessary.
- (F) The netting basis reductions will not include emissions reductions achieved under 32-006, 32-007, or title 44;
 - (b) The netting basis will be reduced by any unassigned emissions that are reduced under 42-0055(3)(a);
 - (c) The netting basis will be reduced by the amount of emission reduction credits transferred off site in accordance with title 41;
 - (d) The netting basis will be reduced when actual emissions are reduced according to 42-0051(3);
 - (e) The netting basis will be increased by any of the following:
 - (A) For sources that obtained a permit on or after January 11, 2018, any emission increases approved through Major NSR or Type A State NSR action under title 38;
 - (B) For sources that obtained a permit prior to January 11, 2018, any emission increases approved through the NSR regulations in title 38 in effect at the time; or
 - (C) For sources where the netting basis was increased in accordance with the LRAPA PSD rules that were in effect prior to July 1, 2010, the netting basis may include emissions from emission units that were not subject to both an air quality analysis

and control technology requirements if the netting basis had been increased following the rules in effect at the time.

- (f) The netting basis will be increased by any emissions from activities previously classified as categorically insignificant prior to January 11, 2018, provided the activities existed during the baseline period or at the time of the last NSR permitting action that changed the netting basis under paragraph (e).
- (4) In order to maintain the netting basis, permittees must maintain either a Standard ACDP or an LRAPA Title V Operating Permit. A request to be assigned any other type of ACDP sets the netting basis at zero upon issuance of the other type of permit and remains at zero unless an increase is approved under paragraph (3)(e).
- (5) If a source relocates to a different site that LRAPA determines is within or affects the same airshed, 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.
- (6) A source's netting basis for a regulated pollutant with a revised definition will be corrected if the source is emitting the regulated pollutant at the time the definition is revised and the regulated pollutant is included in the source's netting basis.
- (7) Where EPA requires an attainment demonstration based on dispersion modeling, the netting basis must not be 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).

NOTE: This section was moved verbatim from title 12 and amended.

Section 42-0048 Baseline Period and Baseline Emission Rate

- (1) The baseline period used to calculate the baseline emission rate is either:
 - (a) For any regulated pollutant other than GHG and PM_{2.5}, 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 GHGs, any consecutive 12 calendar month period during calendar years 2000 through 2010.
 - (c) For a pollutant that becomes a regulated pollutant subject to title 38 after May 1, 2011, any consecutive 12 calendar month period within the 24 months immediately preceding the pollutant's designation as a regulated pollutant if a baseline period has not been defined for the regulated pollutant.
- (2) A baseline emission rate will only be established for those regulated pollutants subject to title 38.

- (3) A baseline emission rate will not be established for PM_{2.5}.
- (4) The baseline emission rate for GHGs, on a CO_{2e} basis, will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.
- (5) For a pollutant that becomes a regulated pollutant subject to title 38 after May 1, 2011, the initial baseline emission rate is the actual emissions of that regulated pollutant during the baseline period.
- (6) The baseline emission rate will be recalculated only under the following circumstances:
 - (a) For GHGs, if actual emissions are reset in accordance with 42-0051(3).
 - (b) If a material mistake or an inaccurate statement was made in establishing the production basis for the baseline emission rate;
 - (c) If a more accurate or reliable emission factor is available; or
 - (d) If emissions units that were previously not included in baseline emission rate must be included as a result of rule changes.
- (7) The baseline emission rate is not affected if emission reductions are required by rule, order, or permit condition.

NOTE: This section was moved verbatim from title 12 and amended.

Section 42-0051 Actual Emissions

- (1) A source's actual emissions as of the baseline period are the sum total of the actual emissions from each part of the source for each regulated pollutant. The actual emissions as of the baseline period will be determined to be:
 - (a) Except as provided in paragraphs (b) and (c) and subsection (2), the average rate at which the source actually emitted the regulated pollutant during normal source operations over an applicable baseline period;
 - (b) The source-specific mass emissions limit included in a source's permit that was effective on September 8, 1981 if such emissions are within 10% of the actual emissions calculated under paragraph (a); or
 - (c) The potential to emit of the source or part of a source as specified in subparagraphs (A) and (B). The actual emissions will be reset if required in accordance with subsection (3).

- (A) Any source or part of a source that had not begun normal operations during the applicable baseline period but was approved to construct and operate before or during the baseline period in accordance with LRAPA title 34, or 37, or was not required to obtain approval to construct and operate before or during the applicable baseline period; or
 - (B) Any source or part of a source that will emit greenhouse gases that had not begun normal operations prior to January 1, 2010, but was approved to construct and operate prior to January 1, 2011 in accordance with LRAPA title 34 or 37.
- (2) For any source or part of a source or any modification of a source or part of a source that had not begun normal operations during the applicable baseline period, but was approved to construct and operate in accordance with LRAPA title 34, 37 or 38, actual emissions of the source or part of the source equal the potential to emit of the source or part of the source on the date source or part of the source was approved to construct and operate.
- (3) For any source or part of a source whose actual emissions of greenhouse gases were determined pursuant to subparagraph (1)(c)(B), and for all other sources of all other regulated pollutants that are permitted in accordance with the Major NSR rules in title 38 on or after May 1, 2011, the potential to emit of the source or part of the source will be reset to actual emissions as follows:
- (a) Except as provided in paragraph (b), ten years from the end of the applicable baseline period under subparagraph (1)(c)(B) or ten years from the date the permit is issued under subsection (2), or an earlier time if requested by the source in a permit application involving public notice, LRAPA will reset actual emissions of the source or part of the source to equal the highest actual emission rate during any consecutive 12-month period during the ten year period or any shorter period if requested by the source. Actual emissions are determined as follows:
 - (A) The owner or operator must select a consecutive 12-month period and the same 12-month period must be used for all affected regulated pollutants and all affected devices or emissions units; and
 - (B) The owner or operator must determine the actual emissions during that 12-month period for each device or emissions unit that was subject to Major NSR or Type A State NSR action under title 38, or for which the baseline emission rate is equal to the potential to emit.
 - (b) LRAPA may extend the date of resetting by five additional years upon satisfactory demonstration by the source that construction is ongoing or normal operation has not yet been achieved.
 - (c) Any emission reductions achieved due to enforceable permit conditions based on 32-006 and 32-007 are not included in the reset calculation required in paragraph (a).

- (4) Regardless of the PSEL compliance requirements specified in a permit, actual emissions from a source or part of a source may be calculated for any given 12 consecutive month period using data that is considered valid and representative of the source's or part of a source's emissions. Actual emissions must be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

NOTE: This rule was moved verbatim from title 12 and amended.

Section 42-0055 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), unassigned emissions will be reduced to not more than the SER (LRAPA Title 12 – General Provisions and Definitions) on July 1, 2010 and at each permit renewal following that 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) An existing source may use unassigned emissions for internal netting to allow an emission increase in accordance with the permit.
 - (b) A source may not bank unassigned emissions or transfer them to another source.

- (c) A source may not use emissions that are removed from the netting basis, including emission reductions required by rule, order or permit condition under 42-0046(3)(a)(C), 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 regulated pollutant.

NOTE: This rule was moved verbatim from 42-0045 and amended.

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 requests that LRAPA:
 - (a) Establish a PSEL for combined HAPs emitted for purposes of determining emission fees as prescribed in OAR 340 division 220; or
 - (b) 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 32-100 do not apply to emissions of HAPs.

Section 42-0080 Plant Site Emission Limit Compliance

- (1) The permittee must monitor pollutant regulated 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 that will be used to determine 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. 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.
- (5) 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.
- (6) Regardless of the PSEL compliance requirements specified in a permit, actual emissions may be calculated in accordance with 42-0051(4).

Section 42-0090 Combining and Splitting Sources and Changing Primary SIC Code

- (1) Two or more sources may combine into one source if the criteria in paragraph (a) are met. When two or more sources combine into one source under this rule, the combined source is subject to the criteria in paragraph (b).
 - (a) Two or more sources may combine into one source only if all of the following criteria are met:
 - (A) All individual sources that are being combined must be located within or impact the same airshed; and
 - (B) The combined source must have the same primary 4-digit SIC code as at least one of the individual sources that are being combined.
 - (b) The combined source is regulated as one source, subject to the following:
 - (A) The combined source netting basis is the sum of the individual sources' netting basis, provided that the netting basis of any individual source being combined may only be included in the combined source's netting basis if that individual source has a primary or secondary 2-digit SIC code that is the same as the primary or a secondary 2-digit SIC code of the combined source.
 - (B) The simple act of combining sources, without an increase over the combined PSEL, does not subject the combined source to Major NSR or State NSR.
 - (C) 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 NSR until such time that the source requests an increase in the PSEL is requested or the source is modified. If a source requests an increase in the PSEL or the source is modified, LRAPA will evaluate whether NSR will be required.
- (2) When one source is split into two or more separate sources, or when a source changes its primary activity (primary 2-digit SIC code):
 - (a) The netting basis and SER may be transferred to one or more resulting source or sources only if:
 - (A) The primary 2-digit SIC code of the resulting source is the same as one of the primary or secondary 2-digit SIC codes that applied at the original source; or
 - (B) The resulting source and the original source have different primary 2-digit SIC codes but LRAPA determines the activities described by the two different primary 2-digit SIC codes are essentially the same.

- (b) The netting basis and the SER for the original source is split amongst the resulting sources as requested by the original permittee.
 - (c) The amount of the netting basis that is transferred to the resulting source or sources may not exceed the potential to emit of the existing devices or emissions units involved in the split.
 - (d) The split of netting basis and SER must either:
 - (A) Be sufficient to avoid NSR for each of the newly created sources; or
 - (B) The newly created source(s) that become subject to NSR must comply with the requirements of title 38 before beginning operation under the new arrangement.
- (3) The owner or operator of the source, device or emissions unit must maintain records of physical changes and changes in the method of operation occurring since the baseline period or most recent Major NSR or Type A State NSR action under title 38. These records must be included in any future evaluation under 38-0025 (major modification).

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 48

RULES FOR FUGITIVE EMISSIONS

Section 48-001 General Policy

In order to restore and maintain Lane County air quality in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the county, it is the policy of LRAPA to require the application of reasonable measures to minimize fugitive emissions to the greatest extent practicable.

Section 48-005 Definitions

The definitions in title 12, 29-0010 and this section apply to this title. If the same term is defined in this title and title 12 or 29-0010, the definition in this section applies to this title.

- (1) “Abate” means to eliminate the fugitive emissions 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.

Section 48-010 General Applicability

- (1) Except for agricultural activities which are exempted by state statute, this title apply to all sources of fugitive emissions within Lane County.
- (2) Examples of sources affected by these rules are:
 - (a) Construction activities including land clearing and topsoil disturbance;
 - (b) Demolition activities;
 - (c) Unpaved traffic areas and parking lots where there are nuisance conditions;
 - (d) Material handling and storage operations;
 - (e) Mining and yarding activities including access and haul roads;
 - (f) Storage piles of dusty materials;
 - (g) Manufacturing operations.

Section 48-015 General Requirements for Fugitive Emissions

- (1) No person shall cause, suffer, allow or permit any materials to be handled, transported, or stored; or a building, its appurtenances, or a road to be used, constructed, altered, repaired or demolished; or any equipment to be operated, without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, but are not limited to the following:
 - (a) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;
 - (b) Application of water or other suitable chemicals on unpaved roads, material stockpiles, and other surfaces which can create airborne dusts;
 - (c) Full or partial enclosure of materials stockpiles in cases where application of water or other suitable chemicals is not sufficient to prevent particulate matter from becoming airborne;
 - (d) Installation and use of hoods, fans and fabric filters to enclose and vent the handling of dusty materials;
 - (e) Adequate containment during sandblasting or other similar operations;
 - (f) The covering of moving, open-bodied trucks transporting materials likely to become airborne;
 - (g) The prompt removal from paved streets of earth or other material which does or may become airborne.
- (2) When fugitive particulate emissions escape from an air contaminant source, LRAPA may order the owner or operator to abate the emissions. In addition to other means, LRAPA may order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that air contaminants are controlled or removed before discharge to the open air.
 - (a) For purposes of this section, fugitive emissions are visible emissions that leave the property of a source for a period or periods totaling more than 18 seconds in a six minute period. The minimum observation time must be at least six minutes unless otherwise specified in a permit.
 - (b) Fugitive emissions are determined by EPA Method 22 at the downwind property boundary.
- (3) If requested by LRAPA, the owner or operator must develop a fugitive emission control plan, including but not limited to the work practices in subsection (1), that will prevent any visible

emissions from leaving the property of a source for more than 18 seconds in a six-minute period following the procedures of EPA Method 22.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 49

NUISANCE CONTROL REQUIREMENTS

Section 49-005 Definitions

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

- (1) "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.
- (2) "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.

Section 49-010 Nuisance Prohibited

- (1) No person may cause or allow air contaminants from any source subject to regulation by LRAPA to cause a nuisance.
- (2) Upon determining that a nuisance may exist, LRAPA will provide written notice to the person creating the suspected nuisance. LRAPA will endeavor to resolve observed nuisances in keeping with the policy outlined in 15-001. If LRAPA subsequently determines that a nuisance exists under 49-020 and proceeds with a formal enforcement action pursuant to title 15, the first day for determining penalties will be no earlier than the date of this written notice.

Section 49-020 Determining Whether a Nuisance Exists

- (1) In determining whether a nuisance exists, LRAPA may consider factors including, but not limited to, the following:
 - (a) Frequency of the emissions;
 - (b) Duration of the emissions;
 - (c) Strength or intensity of the emissions, odors, or other offending properties of the emissions;
 - (d) Number of people impacted;

- (e) The suitability of each party's use to the character of the locality in which it is conducted;
 - (f) Extent and character of the harm to complainants; and
 - (g) The source's ability to prevent or avoid harm.
- (2) Compliance with a best work practices agreement that identifies and abates a suspected nuisance constitutes compliance with 49-010 for the identified nuisance. For sources subject to 37-0020 or OAR 340-218-0020, compliance with specific permit conditions that results in the abatement of a nuisance associated with an operation, process or other pollutant-emitting activity constitutes compliance with 49-010 for the identified nuisance. For purposes of this section, "permit condition" does not include the general condition prohibiting the creation of nuisances.

49-030 Best Work Practices Agreement

- (1) A person may voluntarily enter into an agreement with LRAPA to implement specific practices to abate the suspected nuisance. This agreement may be modified by mutual consent of both parties. This agreement will be an Order for the purposes of enforcement under title 15.
- (2) For any source subject to title 37, the conditions outlined in the best work practices agreement will be incorporated into the permit at the next permit renewal or modification.
- (3) This agreement will remain in effect unless or until LRAPA provides written notification to the person subject to the agreement that:
- (a) The agreement is superseded by conditions and requirements established later in a permit;
 - (b) LRAPA determines the activities that were the subject of the agreement no longer occur;
or
 - (c) LRAPA determines that further reasonably available practices are necessary to abate the suspected nuisance.
- (4) The agreement will include one or more specific practices to abate the suspected nuisance. The agreement may contain other requirements including, but not limited to:
- (a) Monitoring and tracking the emissions of air contaminants;
 - (b) Logging complaints and the source's response to the complaints; and
 - (c) Conducting a study to propose further refinements to best work practices.
- (5) LRAPA will consult, as appropriate, with complainants with standing in the matter throughout the development, preparation, implementation, modification and evaluation of a

best work practices agreement. LRAPA will not require that complainants identify themselves to the source as part of the investigation and development of the best work practices agreement.

Section 49-040 Masking of Emissions

[Note: This section was moved to 32-050]

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 50

AMBIENT AIR STANDARDS AND PSD INCREMENTS

Section 50-001 Definitions

The definitions in title 12, 29-0010, and this section apply to this title. If the same term is defined in this section and title 12 or 29-0010, the definition in this section applies to this title.

- (1) "Approved Method" means an analytical method for measuring air contaminant concentrations described or referenced in 40 CFR part 50 and Appendices. These methods are approved by LRAPA.
- (2) "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 and include all methods described in the DEQ Source Sampling Manual and the DEQ Continuous Monitoring Manual referenced in OAR 340-200-0035(2) and (3), respectively.

Ambient Air Quality Standards

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 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 34-010 through 34-038 and OAR 340-218-0190. No source may cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact level.
- (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 Suspended 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:
 - (a) 12 $\mu\text{g}/\text{m}^3$ of $\text{PM}_{2.5}$ as a 3-year average of the annual arithmetic mean. This standard is attained when the annual arithmetic mean concentrations is equal to or less than 12 $\mu\text{g}/\text{m}^3$ as determined in accordance with appendix N of 40 CFR part 50.
 - (b) 35 $\mu\text{g}/\text{m}^3$ of $\text{PM}_{2.5}$ as a 3-year average of annual 98th percentile 24-hour average values recorded at each monitoring site. This standard is attained when the 3-year average of annual 98th percentile 24-hour average concentrations is equal to or less than 35 $\mu\text{g}/\text{m}^3$ as determined in accordance with appendix N of 40 CFR part 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:
 - (a) 150 $\mu\text{g}/\text{m}^3$ 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 above 150 $\mu\text{g}/\text{m}^3$, as determined in appendix K of 40 CFR part 50 is equal to or less than one at any site.

Section 50-025 Sulfur Dioxide

- (1) Concentrations of sulfur dioxide in ambient air as measured by an approved method for each averaging time must not exceed the following concentrations:
 - (a) Annual average: 0.02 ppm as an annual arithmetic mean for any calendar year at any site as measured by the reference method described in appendix A of 40 CFR part 50 or by an equivalent method designated in accordance with 40 CFR part 53.
 - (b) 24-hour average: 0.10 ppm as a 24-hour average concentration more than once per year at any site as measured by the reference method described in appendix A of 40 CFR part 50 or by an equivalent method designated in accordance with 40 CFR part 53.
 - (c) 3-hour average: 0.50 ppm as a 3-hour average concentration more than once per year at any site as measured by the reference method described in appendix A of 40 CFR part 50 or by an equivalent method designated in accordance with 40 CFR part 53.
 - (d) 1-hour average: 0.075 ppm as a three-year average of the annual 99th percentile of the daily maximum 1-hour average concentration recorded at any monitoring site as determined by appendix T of 40 CFR part 50 as measured by a reference method based on appendix A or A-1 of 40 CFR part 50, or by a Federal Equivalent Method (FEM) designated in accordance with 40 CFR part 53.

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. Concentrations of carbon monoxide as measured by an approved method, shall not exceed:
 - (a) 9 ppm as an 8-hour average concentration more than once per year at any site.
 - (b) 35 ppm as a 1-hour average concentration more than once per year at any site.

Section 50-035 Ozone

- (1) Concentrations of ozone in ambient air as measured by an approved method must not exceed 0.070 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 0.070 as determined by the method of appendix I, 40 CFR part 50.

Section 50-040 Nitrogen Dioxide

- (1) Concentrations of nitrogen dioxide as measured by a reference method based on appendix F of 40 CFR part 50 or by a Federal equivalent method (FEM) designated in accordance with 40 CFR part 53 must not exceed:

- (a) 0.053 ppm as an annual average concentration for any calendar year at any site. The standard is met when the annual average concentration in a calendar year is less than or equal to 0.053 ppm, as determined in accordance with appendix S of 40 CFR part 50 for the annual standard.
- (b) 0.100 ppm as a 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations recorded at any monitoring site. The standard is met when the three-year average of the annual 98th percentile of the daily maximum 1-hour average concentration is less than or equal to 0.100 ppm, as determined in accordance with appendix S of 40 CFR part 50 for the 1-hour standard.
- (c) 0.053 ppm as an annual arithmetic mean concentration as determined in accordance with appendix S of 40 CFR part 50. The secondary standard is attained when the annual arithmetic mean concentration in a calendar year is less than or equal to 0.053 ppm, rounded to three decimal places (fractional parts equal to or greater than 0.0005 ppm must be rounded up). To demonstrate attainment, an annual mean must be based upon hourly data that are at least 75 percent complete or upon data derived from manual methods that are at least 75 percent complete for the scheduled sampling days in each calendar quarter.

Section 50-045 Lead

- (1) The concentration of lead and its compounds in ambient air must not exceed:
 - (a) 0.15 micrograms per cubic meter as a maximum arithmetic mean averaged over a calendar quarter, as measured by a reference method based on appendix G of 40 CFR part 50 or an equivalent method designated in accordance with 40 CFR part 53.
 - (b) The standard is met when the maximum arithmetic 3-month mean concentration for a 3-year period, as determined in accordance with appendix R of 40 CFR part 50, is less than or equal to 0.15 micrograms per cubic meter.

Prevention of Significant Deterioration Increments

Section 50-050 General

- (1) The purpose of 50-050 through 50-060 is to implement a program to prevent significant deterioration of air quality in Lane County as required by the FCAA Amendments of 1977.
- (2) LRAPA will review the adequacy of the SIP on a periodic basis and within 60 days of such time as information becomes available that an applicable increment is being violated. Any SIP revision resulting from the reviews will be subject to the opportunity for public hearing in accordance with procedures established in the SIP.

Section 50-055 Ambient Air PSD 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 aggregate increases in regulated pollutant concentration over the baseline concentration, as defined in 40-0020, are less than the PSD increments or maximum allowable increases set out in Table 1.
- (2) For any period other than an annual period, the applicable maximum allowable increase or PSD increment may be exceeded during one such period per year at any one location.

Table 1 Section 50-055 Maximum Allowable Increase	
CLASS I	
<i>POLLUTANT</i>	<i>Micrograms per cubic meter</i>
Particulate Matter: PM ₁₀ , Annual arithmetic mean	4
PM ₁₀ , 24-hour maximum	8
PM _{2.5} , Annual arithmetic mean	1
PM _{2.5} , 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	
<i>Pollutant</i>	<i>Micrograms per cubic meter</i>
Particulate Matter: PM ₁₀ , Annual arithmetic mean	17
PM ₁₀ , 24-hour maximum	30
PM _{2.5} , Annual arithmetic mean	4
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	
<i>Pollutant</i>	<i>Micrograms per cubic meter</i>
Particulate Matter:	
PM ₁₀ , annual arithmetic mean	34
PM ₁₀ , 24-hour maximum	60
PM _{2.5} , Annual arithmetic mean	8
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

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;
 - (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.

Section 50-065 Ambient Air Quality Impact Levels for Maintenance Areas

- (1) The following ambient air quality impact levels apply to the areas specified for the purpose of the air quality analysis in 38-0060 and 38-0260, if required:
- (a) In a carbon monoxide maintenance area, 0.5 mg/m³ (8 hour average) and 2 mg/m³ (1-hour average).
 - (b) In a PM₁₀ maintenance area:

(A) 120 $\mu\text{g}/\text{m}^3$ (24-hour average) in the Eugene-Springfield PM_{10} maintenance area;

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 51

AIR POLLUTION EMERGENCIES

Section 51-005 Introduction

51-005, 51-015, and OAR 340-206-0060 are effective within priority I and II air quality control regions (AQCR) as defined in 40 CFR part 51, subpart H (1995), when the AQCR contains a nonattainment area listed in 40 CFR part 81. All other rules in this title are equally applicable to all areas of the Lane County. Notwithstanding any other regulation or standard, this title is designed to prevent the excessive accumulation of air contaminants during periods of atmospheric stagnation or at any other time, which if allowed to continue to accumulate unchecked could result in concentrations of these contaminants reaching levels which could cause significant harm to the health of persons. This title establishes criteria for identifying and declaring air pollution episodes at levels below the level of significant harm and are adopted pursuant to the requirements of the FCAA as amended and 40 CFR part 51.151. Levels of significant harm for various regulated pollutants listed in 40 CFR part 51.151 are:

- (1) For sulfur dioxide (SO₂)--1.0 ppm, 24-hour average.
- (2) For particulate matter:
 - (a) PM₁₀--600 ug/m³, 24-hour average.
 - (b) PM_{2.5}--350.5 ug/m³, 24-hour average.
- (3) For carbon monoxide (CO):
 - (a) 50 ppm, 8-hour average.
 - (b) 75 ppm, 4-hour average.
 - (c) 125 ppm, 1-hour average.
- (4) For ozone (O₃)--0.6 ppm, 1-hour average.
- (5) For nitrogen dioxide (NO₂):
 - (a) 2.0 ppm, 1-hour average
 - (b) 0.5 ppm, 24-hour average

Section 51-007 Definitions

The definitions in title 12, 29-0010, and this section apply to this title. If the same term is defined in this section and title 12 or 29-0010, the definition in this section applies to this title.

Section 51-010 Episode Stage Criteria for Air Pollution Emergencies

Three stages of air pollution episode conditions and a pre-episode standby condition are established to inform the public of the general air pollution status and provide a management structure to require preplanned actions designed to prevent continued accumulation of regulated pollutants to the level of significant harm. The three episode stages are: Alert, Warning, and Emergency. LRAPA is responsible to enforce the provisions of this division which requires actions to reduce and control emissions during air pollution episode conditions. An air pollution alert or air pollution warning must be declared by the Director or appointed representative when the appropriate air pollution conditions are deemed to exist. When conditions exist which are appropriate to an air pollution emergency, LRAPA must notify the Governor and declare an air pollution emergency pursuant to ORS 468.115. The statement declaring an air pollution Alert, Warning or Emergency must define the area affected by the air pollution episode where corrective actions are required. Conditions justifying the proclamation of an air pollution alert, air pollution warning, or air pollution emergency must be deemed to exist whenever LRAPA determines that the accumulation of air contaminants in any place is increasing or has increased to levels which could, if such increases are sustained or exceeded, lead to a threat to the health of the public. In making this determination, LRAPA will be guided by the following criteria for each regulated pollutant and episode stage:

- (1) "Pre-episode standby" condition indicates that ambient levels of regulated pollutants are within standards or only moderately exceed standards. In this condition, there is no imminent danger of any ambient regulated pollutant concentrations reaching levels of significant harm. LRAPA must maintain at least a normal monitoring schedule but may conduct additional monitoring. An air stagnation advisory issued by the National Weather Service, an equivalent local forecast of air stagnation or observed ambient air levels in excess of ambient air standards may be used to indicate the need for increased sampling frequency. The pre-episode standby condition is the lowest possible air pollution episode condition and may not be terminated.
- (2) "Air pollution alert" condition indicates that air pollution levels are significantly above standards, but there is no immediate danger of reaching the level of significant harm. Monitoring must be intensified and readiness to implement abatement actions must be reviewed. At the air pollution alert level the public is to be kept informed of the air pollution conditions and of potential activities to be curtailed should it be necessary to declare a warning or higher condition. An air pollution alert condition is a state of readiness. When the conditions in both paragraphs (a) and (b) are met, an air pollution alert will be declared and all appropriate actions described in Table I shall be implemented.
 - (a) Meteorological dispersion conditions are not expected to improve during the next 24 hours;
 - (b) Monitored pollutant levels at any monitoring site exceed any of the following:
 - (A) Sulfur dioxide--0.3 ppm, 24-hour average;

(B) Particulate matter:

- (i) PM_{10} --350 micrograms per cubic meter (ug/m^3), 24-hour average;
- (ii) $PM_{2.5}$ -- 140.5 micrograms per cubic meter (ug/m^3) -- 24-hour average;

(C) Carbon monoxide--15 ppm, 8-hour average;

(D) Ozone--0.2 ppm, 1-hour average;

(E) Nitrogen dioxide:

- (i) 0.6 ppm, 1-hour average; or
- (ii) 0.15 ppm, 24-hour average.

(3) "Air pollution warning" condition indicates that pollution levels are very high and that abatement actions are necessary to prevent these levels from approaching the level of significant harm. At the air pollution warning level substantial restrictions may be required limiting motor vehicle use and industrial and commercial activities. When the conditions in both paragraphs (a) and (b) are met, an air pollution warning will be declared by LRAPA and all appropriate actions described in Table II shall be implemented:

(a) Meteorological dispersion conditions are not expected to improve during the next 24 hours.

(b) Monitored regulated pollutant levels at any monitoring site exceed any of the following:

(A) Sulfur dioxide--0.6 ppm, 24-hour average;

(B) Particulate matter:

- (i) PM_{10} --420 ug/m^3 , 24-hour average;
- (ii) $PM_{2.5}$ -- 210.5 ug/m^3 , 24-hour average;

(C) Carbon monoxide--30 ppm, 8-hour average;

(D) Ozone--0.4 ppm, 1-hour average;

(E) Nitrogen dioxide:

- (i) 1.2 ppm, 1-hour average; or
- (ii) 0.3 ppm, 24-hour average.

(4) "Air pollution emergency" condition indicates that regulated pollutants have reached an alarming level requiring the most stringent actions to prevent these levels from reaching the

level of significant harm to the health of persons. At the air pollution emergency level, extreme measures may be necessary involving the closure of all manufacturing, business operations and vehicle traffic not directly related to emergency services. Pursuant to ORS 468.115, when the conditions in both paragraphs (a) and (b) are met, an air pollution emergency will be declared by LRAPA, and all the appropriate actions described in Table III must be implemented:

(a) Meteorological conditions are not expected to improve during the next 24 hours.

(b) Monitored pollutant levels at any monitoring site exceed any of the following:

(A) Sulfur dioxide--0.8 ppm, 24-hour average;

(B) Particulate matter:

(i) PM₁₀--500 ug/m³, 2-hour average;

(ii) PM_{2.5} -- 280.5 ug/m³ -- 2-hour average;

(C) Carbon monoxide--40 ppm, 8-hour average;

(D) Ozone--0.5 ppm, 1-hour average;

(E) Nitrogen dioxide:

(i) 1.6 ppm, 1-hour average;

(ii) or 0.4 ppm, 24-hour average.

(5) "Termination"--Any air pollution episode condition (alert, warning or emergency) established by these criteria may be reduced to a lower stage when the elements required for establishing the higher conditions are no longer observed.

Section 51-011 Special Conditions

(1) LRAPA must issue an "ozone advisory" to the public when monitored ozone values at any site exceed the ambient air quality standard of 0.12 ppm but are less than 0.2 ppm for a one hour average. The ozone advisory must clearly identify the area where the ozone values have exceeded the ambient air standard and must state that significant health effects are not expected at these levels, however, sensitive individuals may be affected by some symptoms.

(2) Where particulate is primarily soil from windblown dust or fallout from volcanic activity, episodes dealing with such conditions must be treated differently than particulate episodes caused by other controllable sources. In making a declaration of air pollution alert, warning, or emergency for such particulate, LRAPA must be guided by the following criteria:

(a) "Air pollution alert for particulate from volcanic fallout or windblown dust" means particulate values are significantly above a standard but the source is a volcanic eruption or dust storm. In

this condition there is no significant danger to public health but there may be a public nuisance created from the dusty conditions. It may be advisable under these circumstances to voluntarily restrict traffic volume and/or speed limits on major thoroughfares and institute cleanup procedures. LRAPA will declare an air pollution alert for particulate from volcanic fallout or wind-blown dust when particulate values at any monitoring site exceed or are projected to exceed 800 ug/m^3 -- 24-hour average and the particulate is primarily from volcanic activity or dust storms, meteorological conditions notwithstanding;

(b) "Air pollution warning for particulate from volcanic fallout or windblown dust" means particulate values are very high but the source is volcanic eruption or dust storm. Prolonged exposure over several days at or above these levels may produce respiratory distress in sensitive individuals. Under these conditions staggered work hours in metropolitan areas, mandated traffic reduction, speed limits and cleanup procedures may be required. LRAPA will declare an air pollution warning for particulate from volcanic fallout or wind-blown dust when particulate values at any monitoring site exceed or are expected to exceed $2,000 \text{ ug/m}^3$ -- 24-hour average and the particulate is primarily from volcanic activity or dust storms, meteorological conditions not withstanding;

(c) "Air pollution emergency for particulate from volcanic fallout or windblown dust" means particulate values are extremely high but the source is volcanic eruption or dust storm. Prolonged exposure over several days at or above these levels may produce respiratory distress in a significant number of people. Under these conditions cleaning procedures must be accomplished before normal traffic can be permitted. An air pollution emergency for particulate from volcanic fallout or wind-blown dust will be declared by the Director, who must keep the Governor advised of the situation, when particulate values at any monitoring site exceed or are expected to exceed $5,000 \text{ ug/m}^3$ -- 24-hour average and the particulate is primarily from volcanic activity or dust storms, meteorological conditions notwithstanding.

(3) Termination: Any air pollution condition for particulate established by these criteria may be reduced to a lower condition when the criteria for establishing the higher condition are no longer observed.

(4) Action: Municipal and county governments or other governmental agency having jurisdiction in areas affected by an air pollution alert, warning or emergency for particulate from volcanic fallout or windblown dust must place into effect the actions pertaining to such episodes which are described in 51-030.

Section 51-015 Source Emission Reduction Plans

Tables I, II and III set forth specific emission reduction measures which must be taken upon the declaration of an air pollution alert, air pollution warning, or air pollution emergency. Any person responsible for a source of air contamination within a Priority I AQCR must, upon declaration of an episode condition affecting the locality of the air contamination source, take all appropriate actions specified in the applicable table and must take all appropriate actions specified in an Agency-approved preplanned abatement strategy for such condition which has been submitted and is on file with LRAPA.

Section 51-020 Preplanned Abatement Strategies

- (1) Any person responsible for the operation of any point source of air pollution located in a Priority I AQCR, located within an AQMA or located within a nonattainment area listed in 40 CFR, Part 81, and emits 100 tons or more of any regulated pollutant specified by paragraph (a) or (b) must file a Source Emission Reduction Plan (SERP) with LRAPA in accordance with the schedule described in subsection (4). Such plans must specify procedures to implement the actions required by Tables 1 through 3 and must be consistent with good engineering practice and safe operating procedures. Source emission reduction plans specified by this section are mandatory only for those sources which:
 - (a) Emit 100 tons per year or more of any regulated pollutant for which the nonattainment area, AQMA, or any portion of the AQMA is designated nonattainment; or
 - (b) Emit 100 tons per year or more of volatile organic compounds when the nonattainment area, AQMA or any portion of the AQMA is designated nonattainment for ozone.
- (2) Municipal and county governments, or other governmental body, having jurisdiction in nonattainment areas where ambient levels of carbon monoxide, ozone or nitrogen dioxide qualify for Priority I AQCR classification, must cooperate with LRAPA in developing a traffic control plan to be implemented during air pollution episodes of motor vehicle related emissions. Such plans must implement the actions required by Tables 1 through 3 and must be consistent with good traffic management practice and public safety.
- (3) LRAPA must periodically review the source emission reduction plans to assure that they meet the requirements of this division. If deficiencies are found, LRAPA must notify the persons responsible for the source. Within 60 days of such notice the person responsible for the source must prepare a corrected plan for approval by LRAPA. Source emission reduction plans must not be effective until approved by LRAPA.
- (4) During an air pollution alert, warning or emergency episode, source emission reduction plans required by this rule must be available on the source premises for inspection by any person authorized to enforce the provisions of this title.

Section 51-025 Implementation

- (1) LRAPA and DEQ must cooperate to the fullest extent possible to insure uniformity of enforcement and administrative action necessary to implement this title. With the exception of sources of air contamination retained by DEQ, all persons within the territorial jurisdiction of LRAPA must submit source emission reduction plans prescribed in 51-020 to LRAPA. LRAPA must submit copies of approved source emission reduction plans to DEQ.
- (2) Declarations of air pollution alert, air pollution warning and air pollution emergency must be made by LRAPA. In the event conditions warrant and such declaration is not made by LRAPA, DEQ must issue the declaration and LRAPA must take appropriate remedial actions as set forth in this title.
- (3) Additional responsibilities of LRAPA include, but are not limited to:

- (a) Securing acceptable preplanned abatement strategies.
- (b) Measurement and reporting of air quality data to DEQ.
- (c) Informing the public, news media and persons responsible for air contaminant sources of the various levels set forth in these rules and required actions to be taken to maintain air quality and the public health.
- (d) Surveillance and enforcement of emergency emission reductions plans.

TABLE I
AIR POLLUTION EPISODE, ALERT CONDITION
EMISSION REDUCTION PLAN

Part A--Pollution Episode Conditions for Carbon Monoxide or Ozone

For Alert conditions due to excessive levels of carbon monoxide or ozone, persons operating motor vehicles shall be requested to voluntarily curtail or eliminate all unnecessary operations within the designated Alert Episode area, and public transportation systems shall be requested to provide additional services in accordance with a preplanned strategy.

Part B--Pollution Episode Conditions for Particulate Matter

For Alert conditions resulting from excessive levels of particulate matter, the following measures shall be taken in the designated Alert Episode area:

1. There shall be no open burning by any person of any material.
2. Persons operating fuel burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 p.m.
3. Persons responsible for the operation of any source of air contaminants listed below shall take all required actions for the Alert level, in accordance with the preplanned strategy:

Sources

Control Actions - Alert Level

(A) Coal, Oil or wood-fired electric generating facilities

(A) Utilization of fuels having low ash and sulfur content.

(B) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

(C) Diverting electric power generation to facilities outside of Alert Area.

(B) Coal, oil or wood-fired process steam generating facilities.

(A) Utilization of fuel having low ash and sulfur content.

(B) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

(C) Substantial reduction of steam load demands consistent with continuing plant operations.

(C) Manufacturing industries of the following classifications:

Primary Metals Industries
Petroleum Refining
Chemical Industries
Mineral Processing Ind.
Grain Industries
Paper and Allied Products
Wood Processing Industry

(A) Reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and all operations.

(B) Reduction by deferring trade waste disposal operations which emit solid particle gas vapors or malodorous substances.

(C) Reduction of heat load demands for processing.

(D) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

TABLE II
AIR POLLUTION EPISODE, WARNING CONDITIONS
EMISSION REDUCTION PLAN

Part A--Pollution Episode Conditions for Carbon Monoxide or Ozone

For Warning conditions, resulting from excessive levels of carbon monoxide or ozone, the following measures shall be taken:

1. Operating of motor vehicles carrying fewer than three (3) persons shall be prohibited within designated Warning Episode areas during specified hours. Exceptions from this provision are:
 - A. Public transportation and emergency vehicles
 - B. Commercial vehicles
 - C. Through traffic remaining on Interstate or primary highways.
2. At the discretion of the Agency, operations of all private vehicles within designated areas or entry of vehicles into designated Warning Episode areas, may be prohibited for specified periods of time.
3. Public transportation operators shall, in accordance with a pre-planned strategy, provide the maximum possible additional service to minimize the public's inconvenience as a result of (1) or (2) above.
4. For ozone episodes the following additional measures shall be taken:
 - A. No bulk transfer of gasoline without vapor recovery from 2:00 a.m. to 2:00 p.m.
 - B. No service station pumping of gasoline from 2:00 a.m. to 2:00 p.m.
 - C. No operation of paper coating plants from 2:00 a.m. to 2:00 p.m.
 - D. No architectural painting or auto finishing;
 - E. No venting of dry cleaning solvents from 2:00 a.m. to 2:00 p.m. (except perchlorethylene).
5. Where appropriate for carbon monoxide episodes during the heating season, and where legal authority exists, governmental agencies shall prohibit all use of woodstoves and fireplaces for domestic space heating, except where such devices provide the sole source of heat.

Part B--Pollution Episode Conditions for Particulate Matter

For Warning conditions resulting from excessive levels of particulate matter, the following measures shall be taken:

1. There shall be no open burning by any person of any material.
2. The use of incinerators for the disposal of solid or liquid wastes shall be prohibited.
3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 p.m.
4. Where legal authority exists, governmental agencies shall prohibit all use of woodstoves and fireplaces for domestic space heating, except where such devices provide the sole source of heat.
5. Persons responsible for the operation of any source of air contaminants listed below shall take all required actions for the Warning level, in accordance with a preplanned strategy:

Source of Air Contamination

Air Pollution Warning

(A) Coal, oil or wood-fired electric power generating facilities.

(A) Maximum utilization of fuels having lowest ash and sulfur content.

(B) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

(C) Diverting electric power generation to facilities outside of Warning Area.

(D) Prepare to use a plan of action if an Emergency Condition develops.

(E) Cease operation of facilities not related to safety or protection of equipment or delivery of priority power.

(B) Coal, oil or wood-fired process steam generating facilities

(A) Maximum utilization of fuels having the lowest ash and sulfur content.

(B) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

(C) Prepare to use a plan of action if an Emergency Condition develops.

(D) Cease operation of facilities not related to safety or protection of equipment or delivery of priority power.

(C) Manufacturing industries which require considerable lead time for shut-down including the following classifications:

Petroleum Refining
Chemical Industries
Primary Metals Industries
Glass Industries
Paper and Allied Products

(D) Manufacturing industries which require relatively short time for shut-down

(A) Reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardships by postponing production and allied operations.

(B) Reduction by deferring trade waste disposal operations which emit solid particles, gases, vapors or malodorous substances.

(C) Maximum reduction of heat load demands for processing.

(D) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence of boiler lancing or soot blowing.

(A) Elimination of air contaminants from manufacturing operations by ceasing, postponing, or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.

(B) Elimination of air contaminants from trade waste disposal processes which emit solid particles, gases, vapors, or malodorous substances.

(C) Reduction of heat load demands for processing.

(D) Utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

TABLE III
AIR POLLUTION EPISODE, EMERGENCY CONDITIONS
EMISSION REDUCTION PLAN

1. There shall be no open burning by any person of any material.
2. The use of incinerators for the disposal of solid or liquid wastes shall be prohibited.
3. All places of employment, commerce, trade, public gatherings, government, industry, business, or manufacture shall immediately cease operation, except the following:
 - A. Police, fire, medical and other emergency services;
 - B. Utility and communication services;
 - C. Governmental functions necessary for civil control and safety;
 - D. Operations necessary to prevent injury to persons or serious damage to equipment or property;
 - E. Food stores, drug stores and operations necessary for their supply;
 - F. Operations necessary for evacuation of persons leaving the area;
 - G. Operations conducted in accordance with an approved preplanned emission reduction plan on file with the Agency.
4. All commercial and manufacturing establishments not included in these rules shall institute such actions as will result in maximum reduction of air contaminants from their operations which emit air contaminants, to the extent possible without causing injury or damage to equipment.
5. The use of motor vehicles is prohibited except for the exempted functions in 3, above.
6. Airports shall be closed to all except emergency air traffic.
7. Where legal authority exists, governmental agencies shall prohibit all use of woodstoves and fireplaces.
8. Any person responsible for the operation of a source of atmospheric contamination listed below shall take all required control actions for this Emergency Level.

Source

Air Pollution Emergency

(A) Coal, oil or wood-fired electric power generating facilities

(A) Maximum utilization of fuels having lowest ash and sulfur content.

(B) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

(C) Diverting electric power generation to facilities outside of Emergency area.

(D) Cease operation of facilities not related to safety or protection of equipment or delivery of priority power.

(B) Coal, oil or wood-fired process steam generating facilities

(A) Reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.

(B) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

(C) Taking the action called for in the emergency plan.

(D) Cease operation of facilities not related to safety or protection of equipment or delivery of priority power.

(C) Manufacturing industries of following classifications:

Primary Metals Industry
Petroleum Refining Operations
Chemical Industries
Mineral Processing Industries
Paper and Allied Products
Grain Industry
Wood Processing Industry

(A) The elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.

(B) Elimination of air contaminants from trade waste disposal processes which emit solid particles, gases, vapors, or malodorous substances.

(C) Maximum reduction of heat load demands for processing.

(D) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

Supporting Documents

[Attachment B: Board Roadmap](#)

[Attachment C: Oakridge Reattainment Area Supplemental Information](#)

[Attachment D: Crosswalk of proposed revisions](#)

**LRAPA roadmap of significant/substantial proposed rule changes
for the Citizen’s Advisory Committee (CAC) and Board of Directors**

Under the “Purpose” column, the following definitions apply:

- “[**Stringency**]” – means the proposed change is required because the DEQ and/or EPA corresponding rule has been determined to be more stringent than the existing LRAPA.
- “[**Consistency**]” – means the proposed change is consistent with the corresponding DEQ rule and/or EPA regulation change.
- “[**Other**]” – means the proposed changes is different or equivalent to the corresponding DEQ rule change.

Rule Item Number	LRAPA title/ section	Description	Significant/Substantial Proposed Rule Changes	Purpose
1.	12-005	Definitions	Definition of “categorically insignificant activity” <ul style="list-style-type: none"> • Fuel and gas burning equipment should include the aggregate of all devices for determination of emissions. • Emergency generators and pumps should include the aggregate of all devices for determination of the horsepower rating threshold(s). • Oil/water separator equipment should include the throughput for determination of emissions. 	Some equipment on the categorically insignificant activity list have significant emissions and some must comply with new EPA standards. [Stringency]
			Definition of “greenhouse gases” Include carbon dioxide emissions from the combustion or decomposition of biomass	EPA’s biomass deferral of CO ₂ emissions from bioenergy and other biogenic sources ended on July 20, 2014. LRAPA’s permitting program must be as stringent as EPA’s. [Stringency]
			Definition of “federal major source” and “major source” Revise/eliminate greenhouse gas thresholds	LRAPA proposes rules to align with the Supreme Court decision not to require Prevention of Significant Deterioration or Title V permitting for greenhouse gas emissions alone. [Consistency]
2.	29-0300	Designation of Sustainment Areas	LRAPA proposes establishing two new designations for the air quality in a localized area - “ <i>Sustainment</i> ” and “ <i>Reattainment</i> ” areas.	Defining two new areas are part of the larger changes to the New Source Review pre-construction permitting program. These new areas will provide options for sources when constructing or modifying in these areas. Oakridge qualifies to be designated as a e-re attainment area since at least three consecutive years of monitoring data show that the area that is currently designated by EPA as nonattainment is
	29-0310	Designation of Reattainment Areas	LRAPA proposes that the Board establish Oakridge as a reattainment area.	
	29-0320	Priority Sources	LRAPA proposes a section be reserved for priority sources to be specified for any sustainment area designated in the future.	

Rule Item Number	LRAPA title/section	Description	Significant/Substantial Proposed Rule Changes	Purpose
				<p>attaining the 24-hour PM_{2.5} ambient air quality standard. A reattainment designation for Oakridge should help reduce emissions and allow facilities to construct or modify if air quality is protected.</p> <p>LRAPA currently has no area that exceeds the ambient air quality standard for PM_{2.5} but is not designated as a nonattainment area. A sustainment designation for any such area should help reduce emissions and allow facilities to construct or modify if air quality is protected. [Consistency]</p>
3.	32-010	Visible Air Contaminant Limitations	<p>LRAPA is proposing lower opacity limits for non-wood-fired and wood-fired boilers that existed prior to June 1, 1970.</p> <p>LRAPA is proposing to retain its three-minute aggregation averaging time for the opacity standard. DEQ changed the averaging time of the standard from an aggregation of three minutes in any one hour to a 6-minute block average.</p>	<p>Emissions from older facilities subject to the particulate matter standards do not adequately protect air quality and can create barriers to economic development. [Stringency]</p> <p>LRAPA inspectors prefer to retain the 3-minute aggregate basis of the standard, especially for reading opacity on batch processes.</p> <p>We also located a standard that allows for the data reduction procedures needed to verify compliance with the 3-minute aggregate basis for the standard; EPA Method 203B contains data reduction procedures to measure 3-minute aggregate periods.</p> <p>In their rulemaking, DEQ gave the following reasons for changing the time basis for the opacity standard:</p> <ul style="list-style-type: none"> • <i>“An opacity standard based on a 6-minute average is no more or less stringent than a standard based on an aggregate of 3 minutes in any hour. Theoretically, either basis could be more stringent than the other, but practically, sources do not typically have intermittent puffs of smoke. If there is an upset that lasts longer than 3 minutes, it usually lasts longer than 6 minutes, as well.</i> • <i>Other reasons for changing to a 6 minute average include:</i>

Rule Item Number	LRAPA title/section	Description	Significant/Substantial Proposed Rule Changes	Purpose
				<ul style="list-style-type: none"> • <i>A reference compliance method has not been developed for the 3 minute standard.</i> • <i>EPA method 9 results are reported as 6-minute averages.</i> • <i>The 3-minute standard adds more cost to data acquisition systems for continuous opacity monitoring systems. Many of the COMS are designed for 6-minute averages, so they have to be modified to record and report data for the 3-minute standard.</i> <p><i>Compliance with a 6 minute average can be determined with 24 readings (6-minute observation period); whereas, compliance with the 3-minute standard may require as many as 240 readings (60 minute observation period). In addition, it is DEQ's policy that the inspector observes the source for at least 6 minutes before making a compliance determination."</i></p> <p>[Other]</p>
4.	32-015	Particulate Emission Limitations for Sources Other Than Fuel Burning, and Refuse Burning Equipment and Fugitive Emissions	LRAPA is proposing lower grain loading limits for non-wood-fired and wood-fired boilers that existed prior to June 1, 1970.	Emissions from older facilities subject to the particulate matter standards do not adequately protect air quality and can create barriers to economic development. [Stringency]
5.	32-020, 32-030	Grain loading standards (for fuel burning equipment)	LRAPA is proposing lower grain loading limits for wood-fired boilers that existed prior to June 1, 1970.	See purpose for Section 32-015 in Item 4 above. [Stringency]

Rule Item Number	LRAPA title/ section	Description	Significant/Substantial Proposed Rule Changes	Purpose
6.	32-055	Particle Fallout Limitation	Delete the phrase “when notified by LRAPA that the deposition exists and must be controlled” that was added in 2008.	This phrase results in an unusual rule that is interpreted as follows: a source can only be in violation of this rule after LRAPA staff inform the source that the deposition exists and must be controlled. Normally, a rule itself serves as the notification that a certain activity or emission is not allowed and a second notification is not required before citing a violation. [Stringency]
7.	35-160	Records; Maintaining and Reporting	The proposed rule adds a requirement to existing recordkeeping rules specifying that records must be kept for at least five years.	Some permits require a two-year recordkeeping period. LRAPA will change recordkeeping requirements for all facilities to 5 years for consistency and to avoid confusion. [Stringency]
8.	36-001(2)(d)	Excess Emissions and Emergency Provision – Purpose and Applicability	LRAPA is proposing to limit emergency as an affirmative defense to Title V permitted sources but is including emergency as one of the criteria to consider in taking enforcement action for non-Title V facilities.	EPA has rescinded the startup, shutdown, malfunction policy element that allowed affirmative defense provisions in State Implementation Plans because of a petition filed by the Sierra Club. [Stringency]
9.	37-0040	Application Requirements	The proposed rules specify dates when permit applications for new and renewed permits are due.	In order to improve permit issuance timeliness, LRAPA is requiring businesses to submit renewal applications before the expiration date, giving LRAPA enough time to issue the renewal. [Stringency]
10.	37-8010	Table 1 Activities and Sources	<p>The proposed Table 1 specifies permitting requirements for stationary internal combustion engines, recreational vehicle manufacturing, and portable sources and separates pathological waste incinerators from crematories.</p> <p>LRAPA is specifying small-source cutoffs for two permit activities and revising an exemption including:</p> <ul style="list-style-type: none"> • <i>Surface coating operations that use less than 250 gallons/year of VOC and/or HAP containing coatings;</i> • <i>Sawmills and other wood products facilities that produce less than 5,000 board feet per maximum 8 hour finished product; and</i> • <i>Wood preserving (including waterborne solutions with actual or projected</i> 	<p>LRAPA has clarified some categories that require air permits and moved definitions out of the tables to the rules. [Stringency]</p> <p>LRAPA is removing the requirement for a Basic permit for very small cabinet shops, etc. and similar small commercial wood-products operations that have minimal emissions and often have difficulty and reluctance in paying the permit fees.</p> <p>LRAPA is also removing the blanket exemption for waterborne wood preservation activities and requiring a permit for sources with actual or</p>

Rule Item Number	LRAPA title/ section	Description	Significant/Substantial Proposed Rule Changes	Purpose
			<i>emissions of greater than 1 ton/year VOC and/or HAP).</i>	projected emissions of VOC and/or HAP are greater than 1 ton/year. [Other]
11.	37-0820	Table 2 ACDP Fees	LRAPA is proposing a 10% increase in ACDP fees over existing fee amounts. The annual fee increase on July 1 st each year is proposed to be changed from the Consumer Price Index (CPI) to four percent (4%).	The Board's Resources Committee recommended a 10% increase in LRAPA ACDP fees, and to increase the fees by four percent each year, The Board approved the recommendation at their October 2016 meeting. [Other]
12.	Title 38	New Source Review	The New Source Review program consists of two distinct components, Major New Source Review (major sources) and State New Source Review (minor sources). LRAPA is redefining Net Air Quality Benefit for all sources in all areas.	The proposed rule changes were made to increase permitting flexibility, remove roadblocks and improve air quality. [Consistency] LRAPA's rules currently have two criteria for determining whether emission offsets from a new or modified facility provide a net air quality benefit that are virtually impossible to meet. [Consistency]
13.	42-0041	Source Specific Annual PSEL	The proposed rules direct facilities to title 38 for increases in PSELS greater than the significant emission rate for Major and State New Source Review.	LRAPA proposes to separate the minor New Source Review program (some of which is contained in title 42) from the major New Source Review program because of extensive changes to the New Source Review program. [Consistency]
14.	42-0046 42-0048 42-0051	Netting Basis Baseline Period and Baseline Emission Rate Actual Emissions	The proposed rules have been moved from the definitions title 12 and clarified.	LRAPA wants a cleaner set of definitions that do not contain permitting procedural requirements. [Consistency]
15.	42-0090	Combining and Splitting Sources and Changing Primary SIC Code	The proposed rule limits the scope of changes to a facility where the netting basis is allotted between two combining and/or splitting sources by the inclusion of a primary SIC code criteria.	LRAPA proposes to prevent unrelated facilities from combining and avoiding New Source Review by requiring that the combining sources have activities (2-digit SIC codes) in common, and that the resulting facility has the same primary 2-digit SIC as one of the facilities that are combining. [Stringency]
16.	48-015	Requirements for Fugitive Emissions	The proposed rule defines fugitive emissions and includes additional requirements for visible emission monitoring.	It is very difficult to read opacity from fugitive emission sources. Instead LRAPA will require

Rule Item Number	LRAPA title/section	Description	Significant/Substantial Proposed Rule Changes	Purpose
				facilities to abate fugitive escaping from a source. [Stringency]
17.	50-005	Purpose and Scope of Ambient Air Quality Standards	LRAPA has added the requirement that the new or modified source must not cause or contribute to a new violation of an ambient air quality standard or Prevention of Significant Deterioration increment, even if the single source impact is less than the Significant Impact Level.	The D.C. Circuit Court of Appeals vacated and remanded EPA's regulations for Significant Impact Levels for PM _{2.5} because proposed facilities in an area on the verge of violating the national ambient air quality standards or an increment could violate the national ambient air quality standards or an increment even if the resulting emission levels would fall below the Significant Impact Level. [Stringency]

Max
7/06/17



Oakridge Reattainment Area Supplemental Information

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

Contact: Max Hueftle or Merlyn Hough

LRAPA provides supplemental information about the Oakridge Reattainment Area proposal in the following sections:

- A. LRAPA's discussion document "Oakridge Reattainment Area" (this document), and
- B. LRAPA's details on Oakridge, rulemaking, and associated plans available through the LRAPA webpage:

<http://www.lrapa.org/271/Adopted-Rules#OAKRIDGE>



Oakridge Reattainment Area

Lane Regional Air Protection Agency
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Contact: Max Hueftle or Merlyn Hough

Introduction

LRAPA proposes that the Board designate the Oakridge area as a reattainment area under Section 29-0300 of the rules proposed for adoption in this package.

A proposal to designate a reattainment area must include the following elements:

- (a) At least three consecutive years of monitoring data showing that an area that is currently designated by EPA as nonattainment is attaining an ambient air quality standard; and
- (b) A discussion of the reasons for the proposed designation.

These elements are discussed and identified below:

What is a reattainment area?

Reattainment areas are proposed as areas that have ambient monitoring data indicating that the area is meeting the ambient air quality standards, but the area has not been formally designated as an attainment area by EPA. LRAPA is proposing the creation of the reattainment area designation to help bridge the requirements from nonattainment to a maintenance area. It should be noted that a reattainment area designation does not supersede or replace the federal area designation; rather, a reattainment area designation is overlaid on the federal area designation to provide permitting flexibility for intermediate sized industrial sources.

The areas where a reattainment area concept is most useful are areas where the primary air quality problem is due to emission sources other than industry, such as woodstoves. EPA and LRAPA rules currently focus on industrial source restrictions to get an area back into attainment, which may not address the cause of the problem. LRAPA wants to focus on the cause of the air quality problem rather than impose unnecessary restrictions on industry if industry is not causing or contributing significantly to the problem.

Often there is a lag time between when LRAPA's monitoring data indicates an area is attaining the AAQS to when EPA formally designates that area as attainment by approving a maintenance plan. During these lag times, industrial development in the area is largely impossible because new or expanding industrial sources cannot meet the rules for the nonattainment area, the current area designation. Communities in this situation would like more flexibility to attract new industry. Further, in LRAPA's view, new industry can help to improve air quality by helping to replace older woodstoves as part of an emission offset program. In these cases, a reattainment area designation would be appropriate because it serves as a bridge between nonattainment and maintenance area NSR rules.

The permitting requirements for a reattainment area include some nonattainment area requirements without the elaborate State Implementation Plan related attainment/maintenance plan process. This partially removes the lag-time barrier to industrial development and allows a community to pursue economic development prior to the federal attainment designation. The rules are also designed to provide incentives for new or modified industrial sources to reduce emissions in the same airshed by purchasing emission offsets from the sources that are considered to be significantly contributing to the air quality problems in the area, such as woodstoves. This would help protect public health by lowering the concentrations of emissions in neighborhoods where the air quality problem is caused by high woodstove emissions on inversion days in the winter.

On the surface it may seem that the amount of emissions from an industrial stack would equal the woodstove emissions, and that the overall emission impact would not change. However, the industrial stacks are taller with higher velocity for better emission dispersion. Industry emissions are also fairly constant year-round, not occurring just in the winter heating timeframe. In addition, industrial sources are often located away from residential neighborhoods where population density is higher and where ambient air quality monitors are located.

How does Oakridge qualify?

Air quality in Oakridge has attained the PM_{2.5} standard but the area has not been formally designated attainment because a Maintenance Plan has not yet been developed by LRAPA and not yet approved by EPA. Any intermediate size to large industry wishing to expand or establish in Oakridge is restricted from doing so because of the impossibility of meeting the modeling and/or offset requirements as stated above. A reattainment area designation would provide a way for intermediate sized companies to establish or expand their operations while helping solve the real air quality problems. It will still be difficult for large companies to obtain permits because LRAPA must continue to implement the more restrictive regulations that apply to the underlying federal area designation for these companies. Designating Oakridge as a reattainment area would provide flexibility for the community to pursue both economic development and improvements to air quality.

Background

What is PM?

Particulate matter (PM) is the general term used for a mixture of solid particles and liquid droplets found in the air. EPA characterizes PM into two size fractions: PM₁₀ – coarse particulate matter 10 microns and smaller, and PM_{2.5} – fine particulate matter 2.5 microns and smaller. Fine particulate matter (PM_{2.5}) in the atmosphere is composed of a complex mixture of particles: sulfate, nitrate, and ammonium; particlebound water; elemental carbon; organic carbon representing a variety of organic compounds; and crustal material.

PM_{2.5} can accumulate in the respiratory system and is associated with numerous health effects. These health effects are linked to premature death, especially related to heart disease; cardiovascular effects, such as heart attacks and strokes; reduced lung development; and chronic respiratory diseases such as asthma. Sensitive groups that are at greatest risk include the elderly, individuals with cardiopulmonary disease such as asthma, and children.

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History of PM in Oakridge

Oakridge is a forest-oriented community (population 3,240 as of July 2015) in a valley of the Middle Fork Willamette River in the foothills of the Cascade Mountains about 45 miles southeast of Eugene-Springfield. Many of the homes are heated by wood as the primary or secondary heat source, or even sole source in some cases. As a result, the major contributor to the historical particulate air pollution has been home wood heating, especially on stagnant winter days when temperature inversions form over the small valley.

The Oakridge community in Lane County, Oregon, has steadily improved air quality over the past 25 years. The Lane Regional Air Protection Agency (LRAPA) has been monitoring in Oakridge for inhalable particulate matter (PM₁₀ – particles 10 microns and smaller) since 1988 and for respirable particulate matter (PM_{2.5} – particles 2.5 microns and smaller) since 1999.

The U.S. Environmental Protection Agency (EPA) designated Oakridge as a moderate PM₁₀ nonattainment area in 1994. The Oakridge PM₁₀ attainment strategy was adopted by the City of Oakridge, LRAPA, and the Oregon Environmental Quality Commission (EQC) in 1996 and submitted to EPA as part of the State Implementation Plan (SIP). EPA approved the plan in 1999. The Oakridge PM₁₀ strategy focused primarily on control of residential wood combustion. The attainment strategy was successful in achieving the PM₁₀ standards in Oakridge on schedule. In 2001, EPA published a finding of attainment for the Oakridge PM₁₀ area.

The 1996 Oakridge PM₁₀ attainment plan was successful in not only meeting the PM₁₀ standards on schedule, but also meeting the initial national PM_{2.5} standard of 65 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) adopted by EPA in 1997. Therefore, a separate Oakridge PM_{2.5} strategy was not required at that time. In 1997, EPA adopted an annual average PM_{2.5} standard of 15 $\mu\text{g}/\text{m}^3$, and tightened that annual standard to 12 $\mu\text{g}/\text{m}^3$ in 2012. The Oakridge area has met the 12 $\mu\text{g}/\text{m}^3$ annual average PM₁₀ standard since 2006 as a by-product of the strategies to meet the 24-hour PM₁₀ and PM_{2.5} standards.

In 2006, EPA again revised the PM_{2.5} standard, lowering the 24-hour standard from 65 $\mu\text{g}/\text{m}^3$ to 35 $\mu\text{g}/\text{m}^3$. The 24-hour standard for PM_{2.5} is met whenever the 3-year average of the annual 98th percentile of values at monitoring sites is less than or equal to 35 $\mu\text{g}/\text{m}^3$. Between 2006 and 2011, PM_{2.5} concentrations in Oakridge on worst winter days continually violated the new 24-hour national health standard.

The particulate concentrations measured in Oakridge for the calendar year 2015 and the three-year period 2013-2015 were the lowest measured in the 25 years of monitoring in Oakridge. However, the 3-year 98th percentile value of 37 $\mu\text{g}/\text{m}^3$ did not meet the 35 $\mu\text{g}/\text{m}^3$ national PM_{2.5} standard by December 31, 2015 as required by the federal Clean Air Act. Therefore, the City of Oakridge and LRAPA triggered the contingency plan portion of the 2012 PM_{2.5} SIP submittal and initiated monthly meetings with the other Oakridge stakeholders. These meetings sought to revisit the past plan's strategies and implement the triggered contingency measures to ensure attainment of standards as soon as possible

Monitoring

The Oakridge area has one particulate (PM_{2.5}) monitoring site with the sampler located at the Willamette Activity Center (WAC) at 47674 School Street in the southwest portion of the city of Oakridge. LRAPA has monitored at this site since 1989 for PM₁₀ and since 2002 for PM_{2.5}. Oakridge currently meets the revised annual PM_{2.5} standard, but has violated the 24-hour standard in recent years.

Attainment

As hoped and expected, Oakridge met the 3-year national PM_{2.5} health standard effective December 31, 2016. The 2014-2016 98th percentile PM_{2.5} was 31 $\mu\text{g}/\text{m}^3$ which met the 35 $\mu\text{g}/\text{m}^3$ national standard (Figure 1).

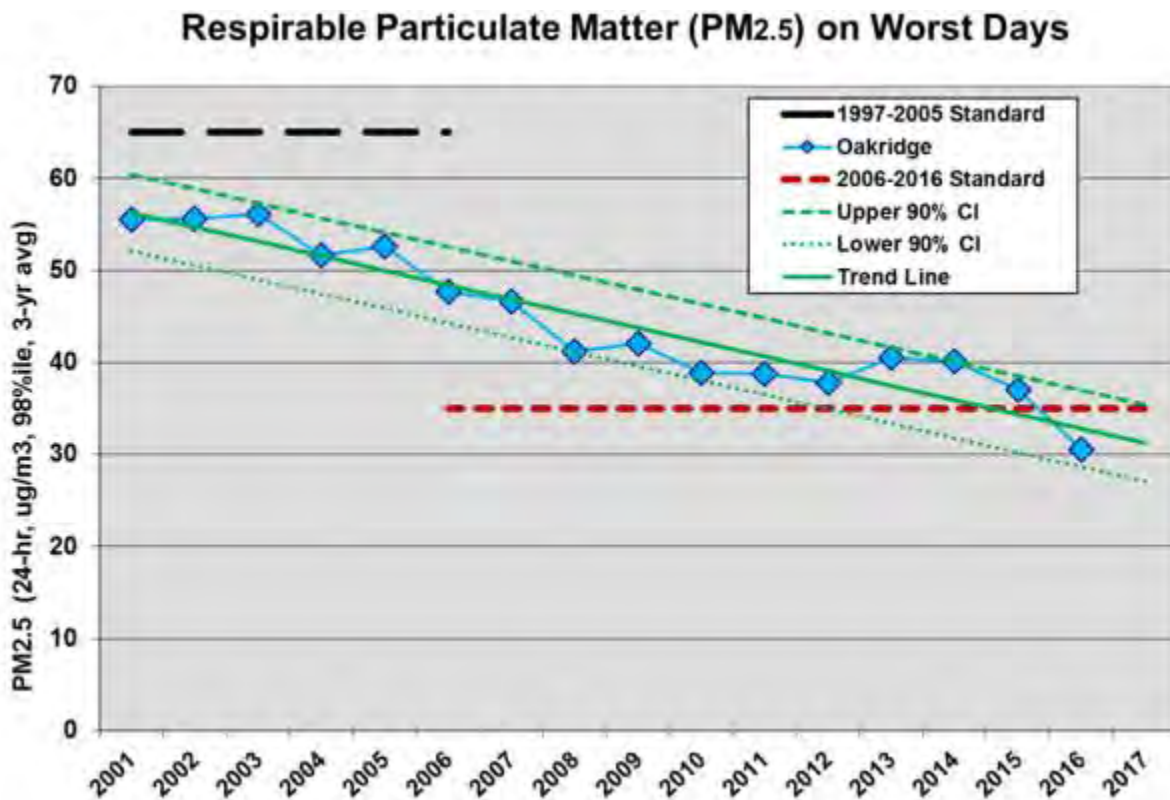


Figure 1: Oakridge 24-hour PM_{2.5} monitoring results through December 2016

The annual 98th percentile of PM_{2.5} of 21.7 $\mu\text{g}/\text{m}^3$ was the lowest ever recorded in Oakridge, breaking the previous record of 28.9 $\mu\text{g}/\text{m}^3$ set in 2015. Now the challenge will be to maintain compliance with the standard in future years.

While Oakridge has attained the standard by the end of December 2016, the area was not designated attainment for the 24-hour PM_{2.5} AAQS, because a Maintenance Plan has not yet been developed by LRAPA nor approved by EPA.

Oakridge Geographic Boundary

Oakridge lies in an alluvial plain in the foothills at the southern end of the Willamette River valley at 1130 feet of elevation. The city is in Lane County, Oregon, approximately 45 miles east-southeast of Eugene, and 28 miles west of Willamette Pass, a summit of the Cascade Mountain Range. The city limits of present-day Oakridge include the historic City of Oakridge and, directly west, the area formerly known as Willamette City. Figure 2 shows the location of Oakridge in Lane County.

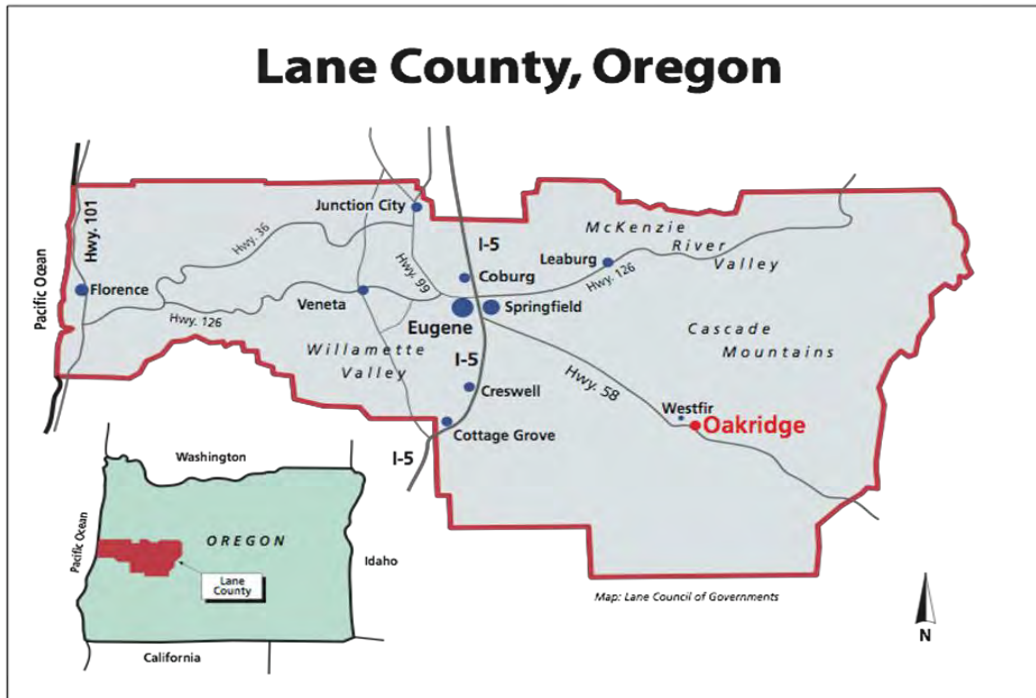


Figure 2: Oakridge Location in Lane County and Oregon



Figure 3: Nonattainment Area Boundary map.

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The area of applicability for the proposed reattainment designation is the same area as the attainment plan; it contains the City of Oakridge and the small town of Westfir. Figure 3 shows the Oakridge non-attainment area.

Base Year Emission Inventory

An emission inventory consists of emission estimates from all sources that emit PM_{2.5} in an area. Emissions inventory data is essential for identification of the sources contributing to air quality problems, as well as the development of emission reduction strategies.

The emission inventory began with an assessment of PM_{2.5} emission sources in Oakridge. Emission sources are summarized into four major categories: point sources (i.e., industrial facilities); on-road mobile sources (i.e., car and truck exhaust, road dust); non-road mobile sources (e.g., construction equipment, recreational off road vehicles, lawn and garden equipment); and area sources (e.g., fugitive dust sources, outdoor burning, woodstoves). PM_{2.5} emissions are estimated using information from industrial permits, population, housing, employment information, and estimates of motor vehicle travel in the area.

The base year emission inventory is used as the starting point for the attainment demonstration. This inventory includes sources in the nonattainment area during the 2008 baseline year.

The 2008 emission inventory is summarized in Table 1 and Figure 4. The calculation procedures are included in Appendix D of the 2012 Oakridge-Westfir PM_{2.5} Attainment Plan, except for the on-road emissions which were updated during 2016 using the MOVES 2014a model.

	-- lbs/per day --		Percent of Total NAA Emissions	
	Typical Season Day	Worst-Case Day	Typical Season Day	Worst-Case Day
Permitted Point Sources⁽¹⁾				
Oakridge Sand & Gravel: Rock crushing operation	0.4	0.8	0.1%	0.1%
Oakridge Sand & Gravel: Cement plant	0.1	0.1	0.0%	0.0%
Stationary Area Sources				
Residential Wood Combustion: Fireplace ⁽²⁾	38.5	42.3	7%	8%
Residential Wood Combustion: Non-Certified Woodstove/Insert ⁽²⁾	158.9	174.8	30%	32%
Residential Wood Combustion: Certified Woodstove/Insert ⁽²⁾	228.0	250.8	43%	45%
Pellet Stoves	6.7	7.4	1%	1%
All Other Stationary Area Sources	47.4	4.7	9%	1%
On-Road Sources				
On-Road: Exhaust, Brake, Tire	29.3	36.9	5%	7%
Re-Entrained Road Dust	12.1	27.8	2%	5%
Nonroad Sources				
Union Pacific Railroad	6.0	6.0	1%	1%
Total, All Sources, lbs/day	527	552		

(1) Worst-case day = Peak month production/20 workdays.

(2) Worst-case day = Peak Heating Degree Day

Table 1: 2008 Estimated Typical Season Day and Worst-Case Design-Day PM_{2.5} Emissions.

The emissions inventory on worst winter days is of most interest since the PM_{2.5} concentrations measured in Oakridge do not meet the current 24-hour PM_{2.5} standard and the peak PM_{2.5} concentrations occur on cold, stagnant days during the November-February wood-heating season. Residential Wood Combustion (RWC) emissions (from certified and non-certified woodstoves, fireplaces, and pellet stoves) account for about 86% of the emissions on worst winter days, as illustrated in Figure 4.

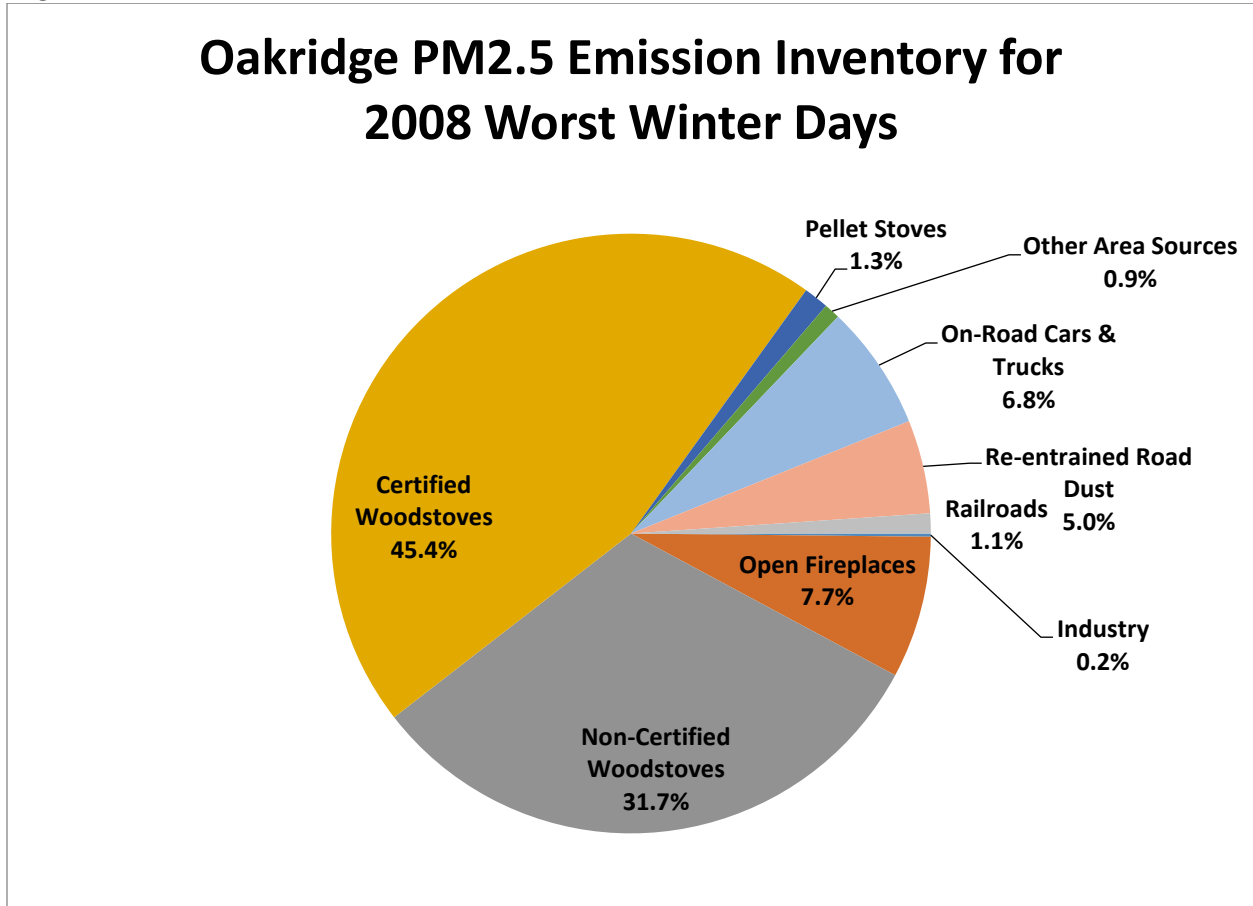


Figure 4: Oakridge PM_{2.5} Emission Inventory for 2008 Worst Winter Days.

Residential Wood Combustion

RWC is a common way to heat homes in Oregon. To estimate emissions from wood burning, LRAPA conducted a survey for the 2009-2010 heating season in Oakridge-Westfir. The survey provided LRAPA with information on how many homes use various types of wood-heating devices, the amount of wood burned, and other information on wood-heating practices.

Mobile and Non-road Sources

Road dust and tailpipe emissions of PM_{2.5} from motor vehicles were calculated by Lane Council of Governments (LCOG) transportation staff by applying emission factors from the EPA MOVES computer program to total vehicle miles traveled in the nonattainment area. Motor vehicle emissions were updated by ODEQ technical services staff in 2016 using the EPA MOVES2014 program. Estimated vehicle miles traveled are from previous transportation modeling by LCOG for the Oregon Department of Transportation. Emissions from railroads were provided by Union Pacific Railroad staff using the EPA NONROAD2008a emissions protocol.

Industrial and Commercial Point Sources

LRAPA maintains data on commercial and industrial point source emissions in Lane County. The only operating commercial and industrial point sources within Oakridge-Westfir area are two gasoline dispensing facilities (GDFs) and one portable rock crushing source operated by Oakridge Sand & Gravel (rock crusher). There are no particulate emissions from the two GDFs. In 2008 there was a stationary

ready-mix concrete batch plant operating in Oakridge, but that permit was terminated at the request of the permittee and it is no longer operating.

Attainment Plan – Attainment Year Emission Inventory (2015)

The attainment year inventory is an estimation of emissions for the year that the area is expected to have attained the PM_{2.5} standard. It includes projected emissions for the attainment year based on a number of different factors. Growth rates for population, employment, and vehicle miles traveled (VMT) through 2014 were used to estimate 2014 emissions. LRAPA took credit for RWC emissions reductions as a result of the woodstove replacement project implemented during 2009-2012 that reduced the number of non-certified woodstoves accounted for in the 2008 emission inventory.

Growth Rates

Growth is expected to be low to moderate in the Oakridge-Westfir area through 2016. Population, housing, and employment forecasts are expected to increase gradually. VMT growth is based on the previous transportation modeling by LCOG in the Highway 58 corridor.

The 2015 emission inventory is summarized in the following table.

	-- lbs/per day --		Percent of Total NAA Emissions	
	Typical Season Day	Worst-Case Day	Typical Season Day	Worst-Case Day
Permitted Point Sources⁽¹⁾				
Oakridge Sand & Gravel: Rock crushing operation	1.7	4.0	0.4%	1.1%
Oakridge Sand & Gravel: Cement plant	4.3	14.0	0.9%	3.7%
Stationary Area Sources				
Residential Wood Combustion: Fireplace ⁽²⁾	38.5	31.7	8%	8%
Residential Wood Combustion: Non-Certified Woodstove/Insert ⁽²⁾	108.4	89.4	22%	21%
Residential Wood Combustion: Certified Woodstove/Insert ⁽²⁾	243.2	200.7	52%	51%
Pellet Stoves	7.3	8.0	1%	2%
All Other Stationary Area Sources	47.4	4.7	10%	1%
On-Road Sources				
On-Road: Exhaust, Brake, Tire	17.6	22.2	3%	6%
Re-Entrained Road Dust	7.1	16.3	1%	4%
Nonroad Sources				
Union Pacific Railroad	6.0	6.0	1%	2%
Total, All Sources, lbs/day	481	397		

(1) Worst-case day = Permitted hourly (x24) operating capacity

(2) Worst-case day = Peak Heating Degree Day

Table 2: 2015 Estimated Typical Season Day and Worst-Case Day PM_{2.5} Emissions.

Residential wood combustion continued to be the major emission source category in 2015. The Oakridge 2015 wood use, after applying growth factors and woodstove replacements, is summarized in the following table.

Woodburning Device	2015 Wood Fuel Use (Households)	2015 Wood Fuel Use (tons/HH)	2015 Wood Fuel Use (tons/year)
<i>Oakridge NAA</i>			
21-04-008-100 Fireplace without Insert	123	1.6	195.6
21-04-008-320 Certified Non-Cat Wood-Stove	287	3.0	846.9
21-04-008-330 Certified Cat Wood-Stove	62	3.0	183.0
21-04-008-310 Conv Wood Stove	66	3.0	194.8
21-04-008-230 Fireplace Insert Cert Catalyst	27	3.0	79.7
21-04-008-220 Fireplace Insert Cert Non-Cat	125	3.0	368.9
21-04-008-210 Fireplace Insert Conv.	78	3.0	230.2
21-04-008-400 Exempt Pellet Stove	238	1.2	276.1
21-04-008-510 Central Furnace	0	0.0	0.0
Total	1,006		2,375

Table 2a: Oakridge 2015 Projected Residential Wood Use.

For example, comparing Tables 1 and 2a, the number of wood burning households and amount of wood burned did not change significantly during 2008-2015, but the number of conventional (uncertified) woodstoves and fireplace inserts decreased due to units replaced with woodstove replacement incentives during 2009-2012 as verified by LRAPA. Additional RWC emission calculation details are included at the end of Appendix D-2 of the 2012 Oakridge-Westfir PM_{2.5} Attainment Plan in a series of tables (Tables 3 through 12) of RWC 2014 emissions of PM_{2.5} (and NO_x, SO₂, VOC and NH₃).

Comparison of 2008 to 2015 Emissions

The emission inventory shows an overall decrease in emissions for the attainment year (2015) based on the effectiveness of the emission control strategies.

The differences in the 2008 and 2015 emission inventories are the combination of increases due to growth factors and decreases due to emission control strategies. For example, motor vehicle emissions decreased

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overall due to progressively cleaner gasoline and diesel fuels and motor vehicles, but part of the emissions decrease was offset by gradual growth in traffic volumes.

Industry emissions were conservatively increased to reflect operation at maximum capacity in 2015, but the industrial and commercial sources are minor so this did not have a major effect on the 2014 inventory. The future year (2015) emissions for these two facilities are based on the maximum allowable production rates identified in the facility permit applications and the LRAPA-issued permits. The typical season day emissions are based on the annual maximum production capacity and the worst-day emissions are based on the daily maximum production capacity. The rock crusher has a production capacity of 3,600 tons per day (potential PM_{2.5} emissions of 4 lb/day) and 300,000 tons per year (potential PM_{2.5} emissions of 360 lb/year). The ready-mix concrete plant has a production capacity of 480 cubic yards per day (potential PM_{2.5} emissions of 14 lb/day) and 30,000 cubic yards per year (potential PM_{2.5} emissions of 90 lb/year).

The most significant category is residential wood-heating; emissions were increased to reflect population growth during 2008-2015, decreased due to non-certified woodstove replacements with cleaner burning units during 2009-2012, and decreased due to improvements in the programs for curtailment during stagnant air episodes.

In order to illustrate the RWC emission reductions from the key strategies, it is helpful to compare the 2014 emission inventories with (Table 2 above) and without (Table 3 below) the strengthened mandatory curtailment program on worst-case days, and to compare both of these tables to the 2008 emission inventory in Table 1.

	-- lbs/per day --		Percent of Total NAA Emissions	
	Typical Season Day	Worst-Case Day	Typical Season Day	Worst-Case Day
<u>Permitted Point Sources⁽¹⁾</u>				
Oakridge Sand & Gravel: Rock crushing operation	1.7	4.0	0.4%	0.8%
Oakridge Sand & Gravel: Cement plant	4.3	14.0	0.9%	2.8%
<u>Stationary Area Sources</u>				
Residential Wood Combustion: Fireplace ⁽²⁾	38.5	42.3	8%	8%
Residential Wood Combustion: Non-Certified Woodstove/Insert ⁽²⁾	108.4	119.2	23%	24%
Residential Wood Combustion: Certified Woodstove/Insert ⁽²⁾	243.2	267.6	51%	53%
Pellet Stoves	7.3	8.0	2%	2%
All Other Stationary Area Sources	47.4	4.7	10%	1%
<u>On-Road Sources</u>				
On-Road: Exhaust, Brake, Tire	17.6	22.2	4%	4%
Re-Entrained Road Dust	7.1	16.3	1%	3%
<u>Nonroad Sources</u>				
Union Pacific Railroad	6.0	6.0	1%	1%
Total, All Sources, lbs/day	481	504		

(1) Worst-case day = Permitted hourly (x24) operating capacity

(2) Worst-case day = Peak Heating Degree Day

Table 3: 2015 Estimated Worst-Case Day PM_{2.5} Emissions without Mandatory Curtailment.

To review, the key long-term permanent RWC strategies have been:

- the woodstove change-out programs replacing uncertified woodstoves with cleaner burning and more efficient home heating units;
- the Oregon and EPA woodstove certification programs requiring any new woodstoves installed since 1986 to be certified woodstoves; and
- the Oakridge ordinance and Oregon Heat Smart law requiring removal of uncertified woodstoves upon home sale.

These programs have been critical to the significant improvement in Oakridge PM_{2.5} concentrations during 2005-2011. In addition, the combined emission reduction of these programs will more than offset the growth in population and housing between 2008 and 2015, with a net RWC emission reduction of about 35 lb/day on typical season days and 38 lb/day on worst-case days (comparing the fireplace, woodstove and pellet stove emissions in Tables 1 and 3).

The key short-term RWC strategy is a strengthened mandatory curtailment program to reduce fireplace and woodstove emissions by 25% on an average of 20 red days per year (based on the number of days above 30 µg/m³ PM_{2.5} during 2005-2011). This will reduce RWC emissions by 107 lb/day (comparing the fireplace and woodstove emissions in Tables 2 and 3) and reduce future PM_{2.5} concentrations below the 35 µg/m³ PM_{2.5} standard on worst-case days.

A reattainment area designation for Oakridge will improve the future maintenance plan by allowing and encouraging new or expanding industrial sources to purchase woodstove emission offsets to become established or expand in Oakridge and serve as a bridge between the attainment and maintenance plans. These reductions in woodstove emissions will reduce overall ambient conditions during critical wintertime days and contribute to better overall air quality in Oakridge.

Conclusion

LRAPA proposes to designate the Oakridge area as a reattainment area for PM_{2.5}, under Section 29-0310, with woodstoves the priority sources.

Monitoring data has been presented showing that the Oakridge area is meeting the PM_{2.5} ambient air quality standard.

A description of the affected area based on the monitoring data has been presented. The boundary of the proposed Oakridge reattainment area is the Oakridge non-attainment area boundary.

A discussion and identification of the priority sources contributing to the exceedance or potential exceedance of the ambient air quality standard has been presented. LRAPA has determined that woodstoves are the main contributors to PM_{2.5} air quality problems. Therefore, LRAPA proposes to designate woodstoves as the priority sources in the Oakridge reattainment area.

In summary, designating Oakridge as a reattainment area will allow Oakridge to pursue intermediate-size industrial economic development. It will encourage new or expanding industry to obtain emission offsets from woodstove changeouts and thereby help address the main contributors to Oakridge's air quality problems. In addition, a reattainment designation along with Oakridge's PM_{2.5} Maintenance Plan efforts will help Oakridge to maintain compliance with the PM_{2.5} AAQS.



Crosswalk of proposed revisions to LRAPA 2017 Industrial Air Permitting Rules

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
ALL	ALL	NA	NA	Replace “Act” with “FCAA”	Simplification	NA
ALL	ALL	NA	NA	Replace “air pollutant” or “pollutant” or “regulated air pollutant” with “regulated pollutant” where appropriate	Clarification/simplification. The defined terms are “regulated air pollutant” and “regulated pollutant” but use “regulated pollutant”	NA
ALL	ALL	NA	NA	Replace “control equipment” with “control device”	Clarification. The defined term is control device	NA
ALL	ALL	NA	NA	Replace “the Commission” or “the Environmental Quality Commission” with “the EQC”	Simplification	NA
ALL	ALL	NA	NA	Replace “the Department” with “DEQ”	Simplification	NA
ALL	ALL	NA	NA	Replace “Division” with “division”	correction	NA
ALL	ALL	NA	NA	Replace “Environmental Protection Agency” with “EPA”	Simplification	NA
ALL	ALL	NA	NA	Replace “modification” with “major modification” where appropriate	Clarification/correction	NA
ALL	ALL	NA	NA	Replace “New Source Review” with “NSR”	Simplification	NA
ALL	ALL	NA	NA	Replace “Plant Site Emission Limit” with PSEL	Simplification	NA
ALL	ALL	NA	NA	Replace “Prevention of Significant Deterioration” with “PSD”	Simplification	NA
ALL	ALL	NA	NA	Replace “Regional Authority” or “Regional Agency” with “LRAPA”	Simplification	NA
ALL	ALL	NA	NA	Replace “shall” with “must” or “may”	Shall imposes an obligation on a person, not a thing	NA
ALL	ALL	NA	NA	Replace “should” with “must”	Clarification	NA
ALL	ALL	NA	NA	Replace “source” with “major source” where appropriate	Clarification/correction	NA
ALL	ALL	NA	NA	Replace “significant emission rate” with “SER”	Simplification	NA
ALL	ALL	NA	NA	Replace “State Implementation Plan” with “SIP”	Simplification	NA
				Replace “Title” with “title”	correction	NA
ALL	ALL	NA	NA	Replace “unclassifiable” with “unclassified”	Correction. The defined term is “unclassified area”	NA
ALL	ALL	NA	NA	Do not capitalize “part” or “subpart” or “appendix” after 40 CFR	Correction	NA
ALL	ALL	NA	NA	Delete “national” from “ambient air quality standard”	LRAPA (by way of DEQ) has some ambient air quality standards that are different than federal standards	NA
ALL	ALL	NA	NA	Delete “stationary” from “stationary source”	Some portable sources require permits under title 37	NA

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
ALL	ALL	NA	NA	Delete “of this rule” or “of this section” or “of this subsection” or “of this paragraph”	Plain language	NA
ALL	ALL	NA	NA	Correct cross references	Correction	NA
ALL	ALL	NA	NA	Change outline level formats so that each level below “section” will be included in parenthesis	Correction and clarification. Previous LRAPA rule formatting included several punctuation types for the outline levels and it was difficult and confusing when cross-referencing in the rules or citing authority in permits. For example, an LRAPA regulation might have previously been specified as “37-0064-1.A-1)(a)”. The new formatting mostly aligns with DEQ’s so the above would be changed to “37-0064(1)(a)(A)(i)”, etc.	NA
ALL	ALL	NA	NA	Capitalize the first word of every section, subsection, paragraph, subparagraph, sub-subparagraph, or supersub-subparagraph	Correction	NA
ALL	ALL	NA	NA	Provide punctuation where necessary	Correction	NA
ALL	ALL	NA	NA	Remove all bold font except for section headers	Not necessary	NA
ALL	ALL	NA	NA	Add “Section” before rule citations if not already included and delete “rule”	Clarification	NA
ALL	ALL	NA	NA	Do not capitalize defined terms	Not necessary	NA
ALL	ALL	NA	NA	Replace parentheses with commas	Style guide	SIP
ALL	ALL	NA	NA	Move tables to their own rule number	Pull out tables from rule and make the tables their own rule. Consistent with DEQ.	NA
ALL	ALL	NA	NA	Regulate in the singular and remove (s)	Clarification	NA
12				General Provisions and Definitions		
12	ALL	NA	NA	Capitalize only the first word in the defined term	Correction	SIP
12	001(2)	NA	NA	Remove: “(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.”	Potentially not approvable by EPA and/or could preclude approval fo LRAPA’s SIP.	SIP
12	005 “Act”	NA	NA	Add “§”	Clarification	SIP
12	005 “Actual Emissions”	NA	NA	Add a cross reference to titles 34, and 42 for determining actual emissions	Clarification. Move procedural requirements out of definitions. Establishing and resetting actual emissions should be in division 220 for LRAPA Title V Operating Permit Fees (by way of title 34) and Title 42 Plant Site Emission Limits.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
12	005 “Actual Emissions” A. – C.	42	0051	Move (a) through (c) for determining actual emissions to title 42	Move procedural requirements out of definitions. Establishing and resetting actual emissions should be in Title 42 Plant Site Emission Limits.	SIP
12	005 “Actual Emissions” D., E.	NA	NA	Delete the definition of, and method of measuring actual emissions for Title V operating permit fees. DEQ moved this to division 220	The part of the definition of actual emissions for Title V operating permit fees was included in the rules for Title V operating permit fees in DEQ’s division 220	NA
12	005 “Adjacent”	NA	NA	Change to: ““Adjacent,” as used in the definitions of major source and source and in LRAPA 37-0070, means interdependent facilities that are nearby to each other.”	Clarification. Added this qualifier to this definition because “adjacent” is used with the dictionary meaning in other locations.	SIP
12	005 “Agency Administering the SIP”	NA	NA	Remove the definition of “Agency Administering the SIP”.	EPA comment. Definition was unclear in that context.	SIP
12	005 “Aggregate insignificant emissions” E.	NA	NA	Change “fluoride” to “fluorides”	Correction	SIP
12	005 “Aggregate insignificant emissions” F.	NA	NA	Replace reference to “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,” with “40 CFR 68.130”	Correction. LRAPA deleted the list of substances regulated under the Accidental Release Prevention provisions when title 44 was modified in changes adopted by the Board in November 2015. Additionally, LRAPA Title 44 Table 1 does not list/establish an emission value.	SIP
12	005 “Air Contaminant”	NA	NA	Add “regulated pollutant” to the definition of “air contaminant”	Clarification	SIP
12	005 “Air Contaminant Discharge Permit”	NA	NA	Change to: “Air Contaminant Discharge Permit” or “ACDP” means written authorization issued, renewed, amended, or revised by LRAPA, pursuant to Title 37, Air Contaminant Discharge Permits.”	Clarification. Defining permit with the word permit is circular so change to “written authorization”	SIP
12	005 “Alternative Method”	NA	NA	Change to: “Alternative method” means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to LRAPA's satisfaction to, in specific cases, produce results adequate for determination of compliance. The alternative method must comply with the intent of the rules, is at least equivalent in objectivity and reliability to the uniform recognized procedures, and is demonstrated to be reproducible, selective, sensitive, accurate, and applicable to the program. An alternative method used to meet an applicable federal requirement for which a	Clarification. Change the definition to match DEQ’s and EPA’s definition. The added language comes from 37-0140(2) and is more descriptive than the existing definition.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				reference method is specified must be approved by EPA unless EPA has delegated authority for the approval to LRAPA.”		
NA	NA	12	005 “Attainment area” or “unclassified area”	Add definition of “attainment area” or “unclassified area” “Attainment area” or “unclassified area” means an area that has not otherwise been designated by EPA as nonattainment with ambient air quality standards for a particular regulated pollutant. Attainment areas or unclassified areas may also be referred to as sustainment or maintenance areas as designated in division 204 and/or title 50. Any particular location may be part of an attainment area or unclassified area for one regulated pollutant while also being in a different type of designated area for another regulated pollutant.	Clarification. EPA recognizes only two areas, nonattainment or attainment. LRAPA’s designated maintenance and sustainment areas would be considered attainment areas by EPA. DEQ’s definitions and designations in division 204 could apply in Lane County.	SIP
NA	NA	12	005 “Attainment pollutant”	Add definition of “attainment pollutant” “Attainment pollutant” means a pollutant for which an area is designated an attainment or unclassified area.”	Clarification.	SIP
12	005 “Baseline Emission Rate”	NA	NA	Add a cross reference to title 42 for determining baseline emission rate	Move procedural requirements out of definitions. Establishment of the baseline emission rate should be in Title 42 Plant Site Emission Limits	SIP
12	005 “Baseline Emission Rate”	NA	NA	Delete the language “Baseline emission rate does not include increases due to voluntary fuel switches or increased hours of operation that occurred after that baseline period.”	This language is not necessary. The baseline emission rate obviously would not include these changes that occurred after the baseline period.	SIP
12	005 “Baseline Emission Rate” A.	42	0048(2)	Move part of A. for establishing the baseline emission rate for regulated air pollutants	Move procedural requirements out of definitions. Establishment of the baseline emission rate should be in Title 42 Plant Site Emission Limits	SIP
12	005 “Baseline Emission Rate” A.	42	0048(3)	Move part of A. that states a baseline emission rate will not be established for PM2.5	Move procedural requirements out of definitions. Establishment of the baseline emission rate should be in Title 42 Plant Site Emission Limits	SIP
12	005 “Baseline Emission Rate” B.	42	0048(4)	Move B. for establishing the baseline emission rate for GHG.	Move procedural requirements out of definitions. Establishment of the baseline emission rate should be in Title 42 Plant Site Emission Limits	SIP
12	005 “Baseline Emission Rate” C.	42	0048(5)	Move C. for establishing the baseline emission rate for new regulated pollutants	Move procedural requirements out of definitions. Establishment of the baseline emission rate should be in Title 42 Plant Site Emission Limits	SIP
12	005 “Baseline Emission Rate” D.	42	0048(6)	Move D. for recalculating the baseline emission rate and further clarify when the baseline emission rate will be recalculated	Move procedural requirements out of definitions. Establishment of the baseline emission rate should be in Title 42 Plant Site Emission Limits	SIP

Attachment D: Crosswalk of proposed revisions

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
12	005 “Baseline Emission Rate” E.	42	0048(6)	Move E. and further clarify when the baseline emission rate will be recalculated	Move procedural requirements out of definitions. Establishment of the baseline emission rate should be in Title 42 Plant Site Emission Limits	SIP
12	005 “Baseline Period”	12	“Baseline Period”	Add a cross reference to title 42 for determining baseline period	Move procedural requirements out of definitions. Establishment of the baseline emission rate should be in Title 42 Plant Site Emission Limits	SIP
12	005 “Baseline Period” A.	42	0048(1)(a)	Move A. for determining baseline period for non-GHG	Move procedural requirements out of definitions. Establishment of the baseline period should be in Title 42 Plant Site Emission Limits	SIP
12	005 “Baseline Period” B.	42	0048(1)(b)	Move B. for determining baseline period for GHG	Move procedural requirements out of definitions. Establishment of the baseline period should be in Title 42 Plant Site Emission Limits	SIP
NA	NA	12	005 “Capture efficiency”	Add definition of “capture efficiency” “Capture Efficiency” means the amount of regulated pollutant collected and routed to an air pollution control device divided by the amount of total emissions generated by the process being controlled.	Clarification. There has been confusion among the terms “capture efficiency,” “collection efficiency,” “removal efficiency,” and “control efficiency.” “Removal efficiency” is replacing “collection efficiency.” The definitions of “capture efficiency,” “destruction efficiency,” and “control efficiency” are being added to help clarify the differences among the terms.	SIP
12	005 “Carbon dioxide equivalent”	12	005 “Carbon dioxide equivalent”	Change “shall” to “is”	Shall imposes an obligation on a person, not a thing	SIP
12	005 “Categorically Insignificant Activity” A.	12	005 “Categorically Insignificant Activity” (a)	Change % to percent	Style guide	SIP
12	005 “Categorically Insignificant Activity” B.	12	005 “Categorically Insignificant Activity” (b)	Change “tail pipe” to “tailpipe”	Correction	SIP
12	005 “Categorically Insignificant Activity” C.	12	005 “Categorically Insignificant Activity” (c)	Change to: “(c) Distillate oil, kerosene, gasoline, natural gas or propane burning equipment, provided the aggregate expected actual emissions of the equipment identified as categorically insignificant do not exceed the de minimis level for any regulated pollutant, based on the expected maximum annual operation of the equipment. If a source’s expected emissions from all such equipment exceed the de minimis levels, then the source may identify a subgroup of such equipment as categorically insignificant with the remainder not categorically	When the list of categorically insignificant activities was developed with the Title V program, the emissions threshold for activities to be included on the list was the de minimis levels. If activities emitted more than the de minimis levels, they could not be included on the list or categorically insignificant activities. Combine categorically insignificant for distillate oil, kerosene, gasoline, natural gas and propane burning equipment and keep the same thresholds.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				insignificant. The following equipment may never be included as categorically insignificant: (A) Any individual distillate oil, kerosene or gasoline burning equipment with a rating greater than 0.4 million Btu/hour; (B) Any individual natural gas or propane burning equipment with a rating greater than 2.0 million Btu/hour.”	This equipment can be split into two groups: 1. A group whose aggregate emissions may be close to or greater than de minimis levels and these equipment should be included in the netting basis (if applicable) and the PSEL; 2. A group whose aggregate emissions are less than de minimis levels and are truly categorically insignificant. In their rulemaking, DEQ indicated having found sources with multiple fuel burning equipment, and their aggregate emissions were greater than de minimis levels and therefore, require permitting.	
12	005 “Categorically Insignificant Activity” D.	12	005 “Categorically Insignificant Activity” (d)	Change to: “(d) Distillate oil, kerosene, gasoline, natural gas or propane burning equipment brought on site for six months or less for maintenance, construction or similar purposes, such as but not limited to generators, pumps, hot water pressure washers and space heaters, provided that any such equipment that performs the same function as the permanent equipment, must be operated within the source's existing PSEL;”	Combine with distillate oil, kerosene and gasoline burning equipment in subsection (c) and clarify requirements for temporary equipment for which DEQ received a comment in their corresponding rulemaking revisions for the definition.	SIP
12	005 “Categorically Insignificant Activity” PP.	12	005 “Categorically Insignificant Activity” (pp)	Change “storm water” to “stormwater”	Correction	SIP
12	005 “Categorically Insignificant Activity” SS.	12	005 “Categorically Insignificant Activity” (ss)	Change “of fugitive dust” to “in fugitive dust”	Correction	SIP
12	005 “Categorically Insignificant Activity” UU.	12	005 “Categorically Insignificant Activity” (uu)	Change to: “(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, provided that the aggregate horsepower rating of all stationary emergency generator and pump engines is not more than 3,000 horsepower. If the aggregate horsepower rating of all stationary emergency generator and pump engines is more than 3,000 horsepower, then no emergency generators and pumps at the source may be considered categorically insignificant;”	In their rulemaking, DEQ took into consideration the comment on the proposed change to category (uu) in categorically insignificant activities that owners and operators of emergency engines have no reason to operate the engines for the full 100 hours per year specified in the NSPSs and NESHAP. However, DEQ also took into consideration that the real environmental concern over data centers and other sources with large backup generating capacity is their short term emissions. During an actual power outage, many or all of the emergency engines at these sources will be operated,	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					<p>resulting in short term emissions equivalent to the short term emissions of much larger sources. Although LRAPA and DEQ do not regulate the emergency operation of these engines, one of each agency’s goals is to ensure that emissions are minimized during emergency operation by proper maintenance of the engines.</p> <p>LRAPA believes it is possible to establish a simple aggregate horsepower threshold level for this permitting category, rather than requiring all potentially affected sources to calculate their emissions or obtain a permit for the purpose of being able to specify some number of readiness and testing hours other than 100 hour per year.</p> <p>The approach used to calculate a threshold horsepower level for permitting is similar to the approach used to calculate a threshold horsepower level for categorically insignificant activities.</p> <p>DEQ conservatively estimated the default maximum aggregate horsepower as explained below.</p> <ul style="list-style-type: none"> • DEQ used the uncontrolled diesel engine NOx emission factor of 0.024 lb/hp-hr from AP-42, Table 3.4-1, and • DEQ used 28 hours per year of operation for testing and maintenance, determined as described in the preceding section on categorically insignificant activities. <p>Based on the above, the permitting threshold based on the aggregate horsepower rating of the source is:</p> <p style="text-align: center;"> $10 \text{ ton/yr} \times 2000 \text{ lb/ton} / (0.024 \text{ lb/hp-hr} \times 28 \text{ hr/yr}) = 29,762 \text{ hp}$ (rounded to 30,000) </p>	

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					DEQ notes that several data centers have already been issued permits. The data center with the least emergency generating capacity has an aggregate rating of 22,500 kilowatts. Assuming 85 percent efficiency converting engine power to electricity, this is equivalent to approximately 35,500 ¹ horsepower. Therefore the data centers already permitted will be required to have a permit under the proposed permitting threshold as well.	
12	005 “Categorically Insignificant Activity” BBB.	12	005 “Categorically Insignificant Activity” (bbb)	Change to: “(bbb) Uncontrolled oil/water separators in effluent treatment systems, excluding systems with a throughput of more than 400,000 gallons per year of effluent located at the following sources: (A) Petroleum refineries; (B) Sources that perform 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; or (C) Bulk gasoline plants, bulk gasoline terminals, and pipeline facilities;”	LRAPA learned that emissions from an oil/water separator at a bulk gasoline terminal of almost 2 tons/year based on emission factors from the Petroleum Refinery section (EPA’s AP 42 Section 5.1). 400,000 gal/year (33,333 gal/month) throughput to an oil/water separator equates to 1 tpy of uncontrolled emissions so this throughput will be added to the categorically insignificant activity. LRAPA has excluded uncontrolled oil/water separators at the sources listed in paragraphs (A) through (C) since these will have the highest emissions.	SIP
12	005 “CFR”	NA	NA	Delete the definition of CFR.	LRAPA is adding a rule 12-0035 titled “Reference Materials.” As used in all titles, the following materials refer to the versions listed below. (1) “CFR” means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 2014 edition. (2) DEQ’s Source Sampling Manual refers to the October 2014 edition. (3) DEQ’s Continuous Monitoring Manual refers to the October 2014 edition.	SIP
12	005 “Class I area”	12	005 “Class I area”	Change to: “Class I area” or “PSD Class I area” means any Federal, State or Indian reservation land which is classified or reclassified as a Class I area in LRAPA Title 29.	Clarification	SIP
NA	NA	12	005 “Class II area”	Add definition of Class II Area:	Clarification	SIP

¹ 22,500 kW/(0.7457 kW/hp x 0.85) = 35,498 hp

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				“Class II area” or “PSD Class II area” means any land which is classified or reclassified as a Class II area in LRAPA Title 29.		
NA	NA	12	005 “Class III area”	Add definition of Class III Area: “Class III area” or “PSD Class III area” means any land which is reclassified as a Class III area in LRAPA Title 29.	Clarification	SIP
NA	NA	12	005 “Continuous compliance determination method”	Add definition of the term.	Previously undefined. Align with DEQ’s definition and inclusion of the term	SIP
12	005 “Continuous monitoring systems”	12	005 “Continuous monitoring systems”	Change “in accordance with” to “as specified in” in the definition of continuous monitoring systems	Plain language	SIP
NA	NA	12	005 “Control efficiency”	Add definition of “control efficiency” “Control Efficiency” means the product of the capture and removal efficiencies.	Clarification. There has been confusion among the terms “capture efficiency,” “collection efficiency,” “removal efficiency,” and “control efficiency.” “Removal efficiency” is replacing “collection efficiency.” The definitions of “capture efficiency,” “destruction efficiency,” and “control efficiency” are being added to help clarify the differences among the terms.	SIP
12	005 “Criteria pollutant”	12	005 “Criteria pollutant”	Change to: "Criteria Pollutant" means any of the following regulated pollutants: nitrogen oxides, volatile organic compounds, particulate matter, PM10, PM2.5, sulfur dioxide, carbon monoxide, and lead.	Clarification	SIP
NA	NA	12	005 “Day”	Add definition of “day” “Day” means a 24-hour period beginning at 12:00 a.m. midnight.	DEQ added this in their corresponding rule	SIP
12	005 “De minimis emission level”	12	005 “De minimis emission level”	Change to: "De minimis emission level" means the level for the regulated pollutants listed below:	Clarification.	SIP
12	005 “De minimis emission level”	12	005 “De minimis emission level”	Add “(measured as nonmethane organic compounds)” to “municipal solid waste landfill gases”	Clarification	SIP
12	005 “De minimis emission level”	NA	NA	Delete NOTE: De minimis is compared to all increases that are not included in the PSEL.	De minimis is used in title 34 and 42. De minimis in relation to the PSEL was clarified so this note is unnecessary.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
12	005 "Department"	12	"005Department t"	Add "or DEQ" to the definition of "Department" and move to alphabetic order	Simplification. Replace "the Department" with "DEQ" throughout	SIP
NA	NA	12	005 "DEQ Method [#]"	Add definition of "DEQ Method [#]" "DEQ method [#]" means the sampling method and protocols for measuring a regulated pollutant as described in the DEQ Source Sampling Manual.	Clarification	SIP
NA	NA	12	005 "Designated area"	Add definition of "designated area" "Designated area" means an area that has been designated as an attainment, unclassified, sustainment, nonattainment, reattainment, or maintenance area under title 29 or applicable provisions of the FCAA.	Clarification	SIP
NA	NA	12	005 "Destruction Efficiency"	Add definition of "destruction efficiency" "Destruction Efficiency" means removal efficiency.	Clarification. There has been confusion among the terms "capture efficiency," "collection efficiency," "removal efficiency," and "control efficiency." "Removal efficiency" is replacing "collection efficiency." The definitions of "capture efficiency," "destruction efficiency," and "control efficiency" are being added to help clarify the differences among the terms.	SIP
NA	NA	12	005 "Device"	Add definition of the term.	Previously undefined. Align with DEQ's definition and inclusion of the term	
12	005 "Director"	12	005 "Director"	Add the phrase "depending on the context" to the end of the sentence.	EPA comment. Clarification	
12	005 "Dry Standard Cubic Foot"	12	005	Change definition of "dry standard cubic foot" to: "Dry Standard Cubic Foot" means the amount of gas that would occupy a volume of one cubic foot, if the gas were free of uncombined water at standard conditions."	Change to a generic definition by removing references to "waste or refuse burning" but retain the specific definition in Title 30 Incinerator Regulations.	SIP
12	005 "Emission Limitation" or "Emission Standard"	12	005 "Emission Limitation" or "Emission Standard" or "Emission limitation or standard"	Expand definition and format of "Emission Limitation" and "Emission Standard" and "Emission Limitation or Standard" to meet DEQ's change	This change will make it easier to find the defined term and includes all variations of the terms used.	SIP
12	005 "Emission Limitation" or "Emission Standard"	12	005 "Emission Limitation" or "Emission Standard" or "Emission limitation or standard"	Do not capitalize state	Correction	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
12	005 "Emission Limitation" or "Emission Standard"	12	005 "Emission Limitation" or "Emission Standard" or "Emission limitation or standard"	Replace "in accordance with" with "using" in definition of "emission limitation" and "emission standard" and delete the extra "to"	Plain language	SIP
12	005 "Emissions unit"	12	005 "Emission unit"	Change to: "D. Parts and activities cannot be grouped for determining emissions increases from an emissions unit under titles 34 and 38, or for determining the applicability of any New Source Performance Standard."	Update. State New Source Review rules in title 38 should also be included for determining emission increases and grouping of parts and activities in an emissions unit.	SIP
12 33	005 "EPA Method 9" 060-1.C.	12	005 "EPA Method 9"	Modify definition of "EPA Method 9" "EPA Method 9" means the method for Visual Determination of the Opacity of Emissions From Stationary Sources described 40 CFR Part 60, Appendix A-4.	Delete from title 33 33-060-1.B "EPA Method 9" means the method for Visual Determination of the Opacity of Emissions From Stationary Sources described as Method 9 (average of 24 consecutive observations) in the Department Source Sampling Manual (January, 1992).	SIP
12	005 "Federal Major Source"	12	005 "Federal Major Source"	Change definition of "federal major source" to include: "Federal Major Source" means any source listed in subsections A. or D. below: A. A source with potential to emit: (1) 100 tons per year or more of any individual regulated pollutant, excluding greenhouse gases and hazardous air pollutants listed in LRAPA title 44 if in a source category listed in subsection C, or (2) 250 tons per year or more of any individual regulated pollutant, excluding greenhouse gases and hazardous air pollutants listed in LRAPA title 44, if not in a source category listed in subsection C."	LRAPA is regulating federal major sources under the Major New Source Review program. Sources emitting at the significant emission rate up to the federal major thresholds will be regulated under the State New Source Review program.	SIP
12	005 "Federal Major Source"	12	005 "Federal Major Source"	Change definition of "federal major source" to include: "B. Calculations for determining a source's potential to emit for purposes of subsections A. and D. must include the following: (1) Fugitive emissions and insignificant activity emissions; and (2) Increases or decreases due to a new or modified source."	See above	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
12	005"Federal Major Source"	NA	NA	Delete: "In addition, for greenhouse gases, a federal major source must also have the potential to emit CO ₂ e greater than or equal to 100,000 tons per year."	LRAPA is revising the GHG permitting rules to follow the Supreme Court Decision and will not require a facility to obtain a Title V or Prevention of Significant Deterioration permit on the sole basis of its potential greenhouse gas emissions.	SIP
12	005"Federal Major Source"	12	005 "Federal Major Source"	Separate what emissions should be included in the calculations for determining a source's potential to emit to determine whether a source is a federal major source or not. "B. Calculations for determining a source's potential to emit for purposes of subsections A. and D. must include the following:"	Clarification	SIP
12	005"Federal Major Source"	12	005 "Federal Major Source" B.(1)	Change to: "(1) Fugitive emissions and insignificant activity emissions; and"	Clarification. Clarify that fugitive emissions from insignificant activities must be included in the determination of a federal major source	SIP
12	005"Federal Major Source"	12	005 "Federal Major Source" B.(2)	Simplify wording for emission increases and decreases "(2) Increases or decreases due to a new or modified source."	Clarification	SIP
12	005"Federal Major Source"	212	005 "Federal Major Source" C.	Add a heading for source categories	Clarification	SIP
12	005"Federal Major Source" (w)	12	005 "Federal Major Source" C. (23)	Add "excluding ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140" to "chemical process plants"	Correction. In May 2007 EPA changed the NSR/PSD definition of Chemical Process Plants to exclude ethanol manufacturing from triggering subjectivity at the 100 ton threshold. They have revised their definition in 40 CFR Parts 51 and 52.	SIP
12	005"Federal Major Source"	12	005 "Federal Major Source" D.	Add the different levels defining a major stationary source due to the severity of the nonattainment area	Clarification. These levels are included in the definition of "major source" and are being moved to in the definition of "federal major source" since the definition of "major source" points to "federal major source"	SIP
NA	NA	12	005 "Fuel burning equipment"	Add the definition of "fuel burning equipment" "Fuel burning equipment" means equipment, other than internal combustion engines, the principal purpose of which is to produce heat or power by indirect heat transfer."	Add definition of fuel burning equipment to title 12. There has been confusion over the definition of "fuel burning equipment" so LRAPA is adding definition of "internal combustion engine" and using the definition of "fuel burning equipment" from DEQ's division 200.	SIP
12	005 "Generic PSEL"	12	005 "Generic PSEL"	Delete "Short Tons" from GHG from the generic PSEL	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
12	005 "Generic PSEL"	12	005 "Generic PSEL" Municipal solid waste landfill gases	Add "(measured as nonmethane organic compounds)" to "municipal solid waste landfill gases"	Clarification	SIP
12	005 "Generic PSEL"	12	005 "Generic PSEL"	Delete the note from the definition of generic PSEL	The requirements included in the note are covered in the generic PSEL rules in title 42.	SIP
12	005 "Growth allowance"	12	005 "Growth allowance"	Delete "major" from sources and modifications in the definition of growth allowance	Correction. Growth allowances can apply to non-major sources and modifications	SIP
33	060-1.F.	12	005 "Hardboard"	Add definition of "hardboard" "Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure.	Move from title 33.	SIP
12	005 "Hazardous Air Pollutant"	12	005 "Hazardous Air Pollutant"	Revise definition of "hazardous air pollutant" "Hazardous Air Pollutant" or "HAP" means an air contaminant listed by the EPA pursuant to section 112(b) of the FCAA or determined by the EQC or Board to cause, or reasonably be anticipated to cause, adverse effects to human health or the environment.	Clarification. Same definition in title 44 but clarify that the LRAPA Board or the EQC can add a HAP.	SIP
12	005 "Immediately"	12	005 "Immediately"	Revise definition to remove separate notification procedures for LRAPA hours of operation and off-duty hours and align with DEQ's definition.	The "immediate" notification is the same regardless of LRAPA operating hours.	SIP
NA	NA	12	005 "Indian Governing Body"	Add definition of "Indian governing body" "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.	Term is used in 29-0060 and 31-0060, but undefined.	SIP
NA	NA	12	005 "Indian Reservation"	Add definition of "Indian reservation" "Indian Reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.	Term is used in 29-0060 and 31-0060, but undefined.	SIP
NA	NA	12	005 "Internal Combustion Engine"	Add definition of "internal combustion source" "Internal Combustion Engine" means stationary gas turbines and reciprocating internal combustion engines.	Clarification. There has been confusion over the definition of "fuel burning equipment" so LRAPA is adding definitions of "external combustion device" and "internal combustion engine" and clarifying the definition of "fuel burning equipment."	SIP
NA	NA	12	005 "Liquefied petroleum gas"	Add definition of "liquefied petroleum gas" "Liquefied petroleum gas" has the meaning given by the American Society for Testing and Materials in ASTM	Clarification and to match DEQ's new definition.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				D1835-82, "Standard Specification for Liquid Petroleum Gases."		
12 29	005 "Maintenance Area" 0010(7)	12	005 "Maintenance Area"	Delete the definition of "maintenance area" and use the definition from title 29 with clarifications. "Maintenance Area" means any area that was formerly nonattainment for a criteria pollutant but has since met the ambient air quality standard, and EPA has approved a maintenance plan to comply the standards pursuant to 40 CFR 51.110. Maintenance areas are designated by the LRAPA Board according to title 29.	Move from title 29 with clarifications. The definition in title 29 is more comprehensive. "Maintenance Area" means any area that was formerly nonattainment for a criteria pollutant but has since met EPA promulgated standards and has had a maintenance plan to stay within the standards approved by the EPA pursuant to 40 CFR 51.110 (July, 1993).	SIP
12	005 "Major Modification"	12	005 "Major Modification"	Add a cross reference to title 38 for determining whether a source makes a major modification to the definition of "major modification"	Move procedural requirements out of definitions. Determination of whether a source makes a major modification should be in title 38 New Source Review	SIP
12	005 "Major Modification"	38	0025	Move A. through E. for determining whether a source makes a major modification to title 38	Move procedural requirements out of definitions. Determination of whether a source makes a major modification should be in title 38 New Source Review	SIP
NA	NA	12	005 "Major New Source Review"	Add definition of "Major New Source Review" "Major New Source Review" or "Major NSR" means the new source review process and requirements under 38-0010 through 38-0070 and 38-0500 through 38-0540 based on the location and regulated pollutants emitted.	Clarification to differentiate between Major New Source Review and State New Source Review	SIP
12	005 "Major source"	12	005 "Major source"	Change tpy to tons per year throughout the whole definition of major source	Clarification	SIP
12	005 "Major source" B.	12	005 "Major source" B.	Change to: "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, section 37-0066 Standard ACDPs, and LRAPA title 33, Emission Standards for Specific Industries, 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). For the purposes of this subsection, a stationary source or group	Simplification and correction. Delete "rules applicable to sources required to have" and delete parentheses. Delete "or (4)" since paragraph (4) is being moved to the definition of "federal major source." Do not capitalize major group	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				of stationary sources is considered part of a single industrial grouping if all of the regulated 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.”		
12	005 “Major Source” B.(1)(i)	12	005 “Major Source” B.(1)(i)	Change “HAPs” to “hazardous air pollutants”	Clarification; match DEQ’s definition.	SIP
12	005 “Major Source” B.(2)	12	005 “Major Source” B.(2)	Change “source” to “sources”	Correction	SIP
12	005 “Major Source” B.(2)(xx)	12	005 “Major Source” B.(2)(xx)	Add “excluding ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140” to “chemical process plants”	Correction. In May 2007 EPA changed the NSR/PSD definition of Chemical Process Plants to exclude ethanol manufacturing from triggering subjectivity at the 100 ton threshold. They have revised their definition in 40 CFR Parts 51 and 52.	SIP
12	005 “Major Source” B.(2)(xxvii)	12	005 “Major Source” B.(2)(xxvii)	Remove the phrase “, but only with respect to those air pollutants that have been regulated for that category.”	Corrected based upon EPA comment. As it was written, it would exclude fugitive emissions from regulated pollutants that need to be counted for Title V applicability. Aligns with DEQ’s definition.	SIP
12	005 “Major Source” B.(3)	12	005 “Major Source” B.(3)	Change to: “(3) From July 1, 2011 through November 6, 2014, a major stationary source of regulated pollutants, as defined by Section 302 of the FCAA, that directly emits or has the potential to emit 100 tons per year or more of greenhouse gases and directly emits or has the potential to emit 100,000 tons per year or more CO ₂ e, including fugitive emissions.”	Define major sources of greenhouse gases during the period when a source could trigger PSD and Title V permitting requirements for greenhouse gases alone before the GHG temporary rule was adopted. November 6, 2014 was the date the temporary rules were adopted to align with the Supreme Court decision regarding permitting of greenhouse gases.	SIP
12	005 “Major Source” B.(4)	12	005 “Federal major source”	Move paragraph (4) to the definition of “federal major source”	Clarification	SIP
12	005 “Modification”	12	005 “Modification”	Change to: "Modification," except as used in the terms "major modification" "permit modification" and "Title I modification," means any physical change to, or change in the method of operation of, a source or part of a source that results in an increase in the source or part of the source's potential to emit any regulated pollutant on an hourly basis. Modifications do not include the following:"	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
12	005 "Modification"	12	005 "Modification"	Change "stationary source" to "source or part of a source" throughout the whole definition	Clarification	SIP
NA	NA	12	005 "Natural gas"	Add definition of "natural gas" "Natural gas" means a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal component is methane.	This term is used throughout many titles.	SIP
12	005 "Netting Basis"	12	005 "Netting Basis"	Add a cross reference to title 42 for determining how to calculate netting basis in the definition of "netting basis"	Move procedural requirements out of definitions. Calculating netting basis should be in Title 42 Plant Site Emission Limits	SIP
12	005 "Netting Basis"	42	0046	Move the definition of netting basis	Move procedural requirements out of definitions. Calculating netting basis should be in Title 42 Plant Site Emission Limits	SIP
12	005 "Normal source operation"	12	005 "Normal source operation"	Change "operations which do not" to "operation that does not" in the definition of normal source operation	Correction	SIP
12	005 "Odor"	12	005 "Odor"	Revise definition of "odor" by changing "substance" to "air contaminant": "Odor" means that property of an air contaminant that affects the sense of smell.	Clarification; match DEQ's definition	SIP
12	005 "Offset"	12	005 "Offset"	Change the definition of "offset" to clarify that offsets are not used just for major modifications at proposed major sources	Clarification based on changes to New Source Review Program	SIP
12	005 "Opacity"	12	005 "Opacity"	Reference EPA Method 203B or other method, as specified in each applicable rule rather than the Source Sampling Manual in 35-0120 and 35-014 or the Continuous Monitoring Manual in the definition of "opacity." "Opacity" means the degree to which emissions, excluding uncombined water, reduce the transmission of light and obscure the view of an object in the background as measured by EPA Method 203B or other method(s), as specified in each applicable rule.	Change reference method to EPA Method 203B. Retain the 3-minute aggregate in lieu of the 6-minute average basis like DEQ did. COMS will be specified in rules. "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 35-0120 and 35-0140. 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 DEQ'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	SIP

Attachment D: Crosswalk of proposed revisions

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					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.	
12	005"Oregon Title V Operating Permit"	12	005"Oregon Title V Operating Permit"	Change to: "Oregon Title V Operating Permit", "Title V permit", "LRAPA Title V Operating Permit" means written authorization issued, renewed, amended, or revised pursuant to OAR 340 division 218."	Change to parallel the ACDP definition. Defining permit with the word permit is circular so change to "written authorization". Clarify in the rule text that, in most instances, the rules refer to LRAPA-issued Title V Permits as "LRAPA Title V Operating Permits", but that the program is DEQ's (i.e., "Oregon Title V Operating Permit Program").	SIP
12	005"Oregon Title V Operating Permit program"	12	005"Oregon Title V Operating Permit program"	Change to: "Oregon Title V Operating Permit program" or "Title V program" means the Oregon program described in OAR 340 division 218 and approved by the Administrator under 40 CFR Part 70."	Clarification	SIP
12	005"Oregon Title V Operating Permit program source"	12	005"Oregon Title V Operating Permit program source"	Change to: "Oregon Title V operating permit program source" or "Title V source" means any source subject to the permitting requirements, OAR 340 division 218."	Clarification	SIP
12	005 "Ozone"	12	005 "Ozone"	Delete "as measured by an applicable reference method in accordance with ODEQ's Source Sampling Manual(January, 1992) or as measured by an EPA reference method in 40 CFR Part 60, appendix A or as measured by a material balance calculation for VOC as appropriate" from the definition of ozone precursor	Test methods for nitrogen oxides and volatile organic compounds are not necessary in the definition of ozone precursor since they do not need to be measured. They are used to define ozone precursor.	SIP
33	060-1.H.	12	005 "Particleboard"	Add definition of "particleboard" "Particleboard" means matformed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.	Move from title 33 33-066-1.H. "Particleboard" means matformed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.	SIP
12 33	005 "Particulate Matter" 060-1.I.	12	005 "Particulate Matter"	Add "or PM" and "as measured by the test method specified in each applicable rule, or where not specified by rule, in the permit." to the definition of particulate matter	Delete in title 33. Clarifies that the test methods are now included in the rule or permit, if not, they should be specified in the rule. 33-060-1.I. "Particulate Matter" means all solid or liquid material, other than uncombined water, emitted to the	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					<p>ambient air as measured in accordance with the Department Source Sampling Manual. Particulate matter emissions determinations shall consist of the average of three separate consecutive runs.</p> <p>(1) For sources tested using DEQ Method 7, each run shall have a minimum sampling time of one hour, a maximum sampling time of eight hours, and a minimum sampling volume of 31.8 dscf. Veneer dryers, wood particle dryers, fiber dryers and press/cooling vents shall be tested with DEQ Method 7.</p> <p>(2) For sources tested using DEQ Method 8, each run shall have a minimum sampling time of 15 minutes and shall collect a minimum particulate sample of 100 mg. Air conveying systems shall be tested with DEQ Method 8.</p>	
12	005 "Particulate Matter"	12	005 "Particulate Matter"	Delete test methods from definition of particulate matter	The change makes the definition closer to the EPA definition. Include test methods with limit in specific rules.	SIP
12	005"Permittee"	12	005"Permittee"	Change to: "Permittee" means the owner or operator of a source, authorized to emit regulated pollutants under an ACDP or Oregon Title V Operating Permit.	Clarification	SIP
12	005 "Person"	12	005 "Person"	Revise the definition of "person" in title 12 "Person" means the federal government, any state, individual, public or private corporation, political subdivision, governmental agency, municipality, industry, co-partnership, association, firm, trust, estate, or any other legal entity whatsoever.	Revise to match DEQ's definition. "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.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
12	005"Plant Site Emission Limit"	12	005"Plant Site Emission Limit"	Add "for purposes of Title V Operating Permit Fees in OAR 340 division 220" to the definition of Plant Site Emission Limit	Clarification	SIP
33	060-1.J.	12	005 "Plywood"	Move definition of "plywood" to title 12 since it is used in multiple titles. "Plywood" means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it.	Move from title 33. 33-060-1.J. "Plywood" means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it.	SIP
12	005 "PM ₁₀ "	12	005 "PM ₁₀ "A.	Change the definition of PM10 to: "A. When used in the context of emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 10 micrometers, emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit;"	Include test methods with limit in specific rules or permits. Delete the reference to DEQ's Source Sampling Manual.	SIP
12	005 "PM ₁₀ Emissions"	12	005 "PM ₁₀ "B.	Change the definition of PM10 to: "B. When used in the context of ambient concentration, means airborne finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured under 40 CFR Part 50, Appendix J or an equivalent method designated under 40 CFR Part 53."	Plain language. 40 CFR Part 53 may designate a method for measuring ambient PM10 concentrations.	SIP
12	005 "PM _{2.5} "A.	12	005 "PM _{2.5} "A.	Change the definition of PM2.5 to: "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 the test method specified in each applicable rule or, where not specified by rule, in each individual permit."	Include test methods with limit in specific rules or permits. Delete the reference to EPA reference methods 201A and 202 in 40 CFR Part 51, appendix M.	SIP
12	005 "PM _{2.5} "B.	12	005 "PM _{2.5} "B.	Change the definition of PM2.5 to: "B. When used in the context of PM2.5 precursor emissions, means sulfur dioxide (SO ₂) and nitrogen oxides (NO _x) emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit."	Include test methods with limit in specific rules or permits. Delete the reference to EPA reference methods in 40 CFR Part 60, appendix A.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
12	005 "PM _{2.5} "C.	12	005 "PM _{2.5} "C.	Change the definition of PM2.5 to: "C. When used in the context of ambient concentration, means airborne finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured under 40 CFR Part 50, Appendix L, or an equivalent method designated under 40 CFR Part 53."	This change more closely matches the definition of PM10 ambient concentration. Plain language	SIP
12	005 "PM _{2.5} fraction"	12	005 "PM _{2.5} fraction"	Add "in relation" when talking about the "PM2.5 fraction" of PM10	Clarification	SIP
NA	NA	12	005 "Portable"	Add definition of "portable" "Portable" means designed and capable of being carried or moved from one location to another. Indicia of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.	Clarification. From CARB: "portable source" means designed and capable of being carried or moved from one location to another. Indicia of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform. Appendix F - Environmental Protection Agency [insignificant activities list and Q&As on Portable Equipment] "Portable" has the same definition as the term has in the ARB's "Regulation to Establish a Statewide Portable Equipment Registration Program" (CCR Title 13 Section 2450-2465, September 17, 1997) - see Attachment 1	SIP
12	005 "Potential to emit" A.	12	005 "Potential to emit" A.	Change to: "A. The regulated pollutant emissions capacity of a stationary source; or" in the definition of "potential to emit"	Clarification	SIP
12	005 "Potential to emit" B.	12	005 "Potential to emit" B.	Change to: "B. The maximum allowable regulated pollutant emissions taking into consideration any physical or operational limitation, including use of control devices 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."	Clarification	SIP
50	001-6.	12	005 "ppm"	Add definition of "ppm" "ppm" means parts per million by volume unless otherwise specified in the applicable rule or an individual permit. 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.	Move definition of "ppm" to title 12. Clarify title 50 definition and move to title 12 50-001-6. "PPM" means parts per million by volume. It is a dimensionless unit of measurement for gases that expresses the ratio of the volume of	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					one component gas to the volume of the entire sample mixture of gases	
NA	NA	12	005 "Predictive emission monitoring system"	Add new definition.	Clarification. Match DEQ's definition revised April 2015.	SIP
NA	NA	12	005"Press/Cooling Vent"	Add definition of "press/cooling vent" "Press/Cooling Vent" means any opening through which particulate and gaseous emissions from plywood, particleboard, or hardboard manufacturing are exhausted, either by natural draft or powered fan, from the building housing the process. Such openings are generally located immediately above the board press, board unloader, or board cooling area.	Clarification. Match DEQ's definition revised April 2015.	SIP
NA	NA	12	005 "Reattainment area"	Add definition of "reattainment area" "Reattainment area" means an area that is designated as nonattainment and has three consecutive years of monitoring data that shows the area is meeting the ambient air quality standard for the regulated pollutant for which the area was designated a nonattainment area, but a formal redesignation by EPA has not yet been approved. Reattainment areas are designated by the Board according to title 50.	Define new area for New Source Review. Reattainment areas are those that were nonattainment areas but have monitoring data that shows 3 years of compliance with the NAAQS but are not yet designated as maintenance by EPA. It takes time to develop maintenance plans for nonattainment areas before EPA can redesignate the area to maintenance. After LRAPA has three consecutive years of data showing that the area is meeting the NAAQS but before the maintenance plan can be developed, LRAPA wants to designate these areas as reattainment areas. This will give source more flexibility in permitting requirements before the area is redesignated as maintenance.	SIP
NA	NA	12	005 "Reattainment pollutant"	Add definition of "reattainment pollutant" "Reattainment pollutant" means a regulated pollutant for which an area is designated a reattainment area.	Clarification. See above	SIP
12	005 "Regulated air pollutant" A.2.	12	005 "Regulated air pollutant" A.2.	Delete "national" from ambient air quality standard and change "a" to "an"	LRAPA's (and DEQ's) SO2 ambient air quality standards are different than those of EPA	SIP
12	005 "Regulated air pollutant" A.2.	12	005 "Regulated air pollutant" A.5.	Change reference to pollutant listed in "44-160"	In rules adopted by the Board in November 2015, LRAPA removed the list of substances and quantities pertaining to the Accidental Release Prevention program, and referred to the list established by the EPA in the Federal Register.	SIP
12	005 "Regulated air pollutant" B.	12	005 "Regulated air pollutant" B.	Change to: "B. As used in OAR 340 division 220, Oregon Title V Operating Permit Fees, regulated pollutant means	Clarification and correction	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				particulate matter, volatile organic compounds, oxides of nitrogen and sulfur dioxide.”		
12	005 “Regulated air pollutant”C.	12	005 “Regulated air pollutant”C.	Change to: “C. As used in LRAPA title 42, Plant Site Emission Limits, and Title 38, New Source Review, regulated pollutant does not include any pollutant listed in LRAPA Titles 44 and 46.”	Clarification and correction. Hazardous air pollutants are not included in the PSEL or NSR applicability unless they are otherwise included in the definition of a regulated pollutant.	SIP
NA	NA	12	005 “Removal Efficiency”	Add definition of “removal efficiency” “Removal Efficiency” means the performance of an air pollution control device in terms of the ratio of the amount of the regulated pollutant removed from the airstream to the total amount of regulated pollutant that enters the air pollution control device.	Clarification. There has been confusion among the terms “capture efficiency,” “collection efficiency,” “removal efficiency,” and “control efficiency.” “Removal efficiency” is replacing “collection efficiency.” The definitions of “capture efficiency,” “destruction efficiency,” and “control efficiency” are being added to help clarify the differences among the terms.	SIP
12	005 “Section...”	12	005 “Section...”	Add office U.S. Code citations and reference new “Sections” of the FCAA to match DEQ’s list	The Act is properly referenced by its office U.S. Code citation, not by its unofficial numbering.	SIP
12	005 “Section 502(b)(10)” C.	12	005 “Section 502(b)(10)” C.	Add “FCAA” to Title I modification	Clarification	SIP
12	005 “Significant Emission Rate”	12	005 “Significant Emission Rate”	Change to: "Significant emission rate" or "SER," except as provided in subsections A. and B., means an emission rate equal to or greater than the rates specified for the regulated pollutants below:	Clarification	SIP
12	Table 2	12	005 “Significant Emission Rate” Table 2	Move Table 2 Significant Emission Rates into text except for the Volatile Organic Compound SER of 40 tons per year	Clarification. VOC is an ozone precursor, which already includes the SERs for VOC and NOx.	SIP
NA	NA	12	005 “Significant Emission Rate” Table 2	Add significant emission rates for different categories of nonattainment areas for CO	Update to match EPA rules	SIP
NA	NA	12	005 “Significant Emission Rate” Table 2	Add significant emission rates for different categories of nonattainment areas for ozone	Update to match EPA rules	SIP
NA	NA	12	005 “Significant Emission Rate” Table 2	Add significant emission rate for ozone depleting substances of 100 tons per year in aggregate	On July 23, 1996, EPA proposed a significance level of 100 tons per year (TPY) for ozone depleting substances (ODS) but never finalized it. EPA has since issued guidance telling States that they can add it to their PSD rules so that not	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					every new or modified major source that emits ODS would have to get a PSD permit. EPA has approved numerous PSD SIPs with the 100 tpy SER for ODS.	
NA	NA	12	005 “Significant Emission Rate” Table 2, A.	Add: “A. For regulated pollutants not listed in Table 2 above, the significant emission rate is zero unless LRAPA or DEQ determines the rate that constitutes a SER.”	Clarification, match DEQ stringency	SIP
NA	NA	12	005 “Significant Emission Rate” Table 2, B.	Add: “B. Any new source or modification with an emissions increase less than the rates specified above and that is located within 10 kilometers of a Class I area, and would have an impact on such area equal to or greater than 1 ug/m3 (24 hour average) is emitting at a significant emission rate. This subsection does not apply to greenhouse gas emissions.”	Clarification, match DEQ stringency	SIP
12	005 “Significant Air Quality Impact”	12	005 “Significant impact”	Change the definition of “significant air quality impact” to “significant impact” and define: “Significant impact” means an additional ambient air quality concentration equal to or greater than the significant impact level. For sources of VOC or NOx, a source has a significant impact if it is located within the ozone impact distance defined in LRAPA title 40.	Clarification	SIP
12	005 “Significant Air Quality Impact”	12	005 “Significant impact level” or “SIL”	Change to: “Significant impact level” or “SIL” means the ambient air quality concentrations listed below . The threshold concentrations listed below are used for comparison against the ambient air quality standards and PSD increments established under OAR 340 division 202 and/or LRAPA title 50, but do not apply for protecting air quality related values, including visibility.	Clarification. EPA defines “significant impact levels” or SILs. The part of the sentence about protecting PSD Class I increments is from a September 10, 1991 EPA memo regarding Class I Area Significant Impact Levels and were never intended to be used for evaluating impacts on the Class I increments (43 FR 26380, June 19, 1978). The memo also states that “use of such significant impact levels for the purpose of Class I increment analyses does <u>not</u> include their use for determining whether a source should conduct an adverse impact analysis for any air quality-related value (AQRV) in a Class I area, or whether a source would have an adverse impact on an AQRV.” The definition of ozone precursor distance has been moved and changed from the definition	SIP

Attachment D: Crosswalk of proposed revisions

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					<p>section of title 40. The defined term is “ozone impact distance.”</p> <p>The standards and definitions in DEQ’s division 202 could apply in Lane County.</p>	
12	Table 1	12	005 “Significant impact level” or “SIL”	Move Table 1 Significant Air Quality Impact into text	Clarification.	SIP
12	Table 1	12	005 “Significant impact level” or “SIL”	Add 1-hour SILs for NO2 and SO2 standards	Consistent with EPA and DEQ.	
12 30	005 “Source” 010	12	005 “Source”	Change “all pollutant emitting activities” to “all air contaminant emitting activities”	<p>Correction. Move from title 30</p> <p>30-010 "Source" means any building, structure, facility, installation or combination thereof which emits or is capable of emitting air contaminants to the atmosphere and is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control. This includes all of the pollutant emitting activities which belong to the same industrial grouping or major group (i.e. which have the same two-digit code) as described in EPA's Standard Industrial Classification (SIC) manual (U.S. Office of Management and Budget 1987). (Title 12 contains another definition of "source" for use with other rules.)</p>	SIP
12	005 “Source Test”	12	005 “Source test”	Change “in accordance with” to “under the” in the definition of source test	Plain language and correction	SIP
12 30	005 “Standard Conditions” 010	12	005 “Standard conditions”	Revise definition of “standard conditions” "Standard Conditions" means a temperature of 68° Fahrenheit (20° Celsius) and a pressure of 14.7 pounds per square inch absolute (1.03 Kilograms per square centimeter).	<p>Move from title 30.</p> <p>30-010 "Standard conditions" means a temperature of sixty-eight (68) degrees Fahrenheit and a gas pressure of 29.92 inches of mercury.</p>	SIP
12 30	005 “Startup and Shutdown” 010	12	005 “Startup” and “Shutdown”	Change to: "Startup" and "shutdown" means that time during which a source or control device is brought into normal operation or normal operation is terminated, respectively.	<p>Plain language and correction. Move from title 30.</p> <p>30-010 "Startup/Shutdown" means the time during which an air contaminant source or emission</p>	SIP

Attachment D: Crosswalk of proposed revisions

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					control equipment is brought into normal operation and normal operation is terminated, respectively. 30-010 "Startup," means that time during which an air contaminant source or emission control equipment is brought into normal operation. (Title 12 contains another definition of "startup" for use with other rules.)	
NA	NA	12	005 "State New Source Review" or "State NSR"	Add definition of "State New Source Review": "State New Source Review" or "State NSR" means the new source review process and requirements under 38-0010 through 38-0038, 38-0245 through 38-0270 and 38-0500 through 38-0540 based on the location and regulated pollutants emitted.	Sources emitting at the significant emission rate up to the federal major thresholds will be regulated under the State New Source Review program.	SIP
12	005 "Stationary Source"	12	005 "Stationary source"	Add: "Stationary source includes portable sources that are required to have permits under LRAPA title 37" to the definition of "stationary source"	LRAPA permits some portable sources so all requirements apply to stationary sources and the permitted portable sources.	SIP
NA	NA	12	005 "Substantial underpayment"	Add definition to match DEQ's in their division 200: "Substantial underpayment" means the lesser of 10 percent of the total interim emission fee for the major source or five hundred dollars.	Clarification	SIP
NA	NA	12	005 "Sustainment area"	Add definition of "sustainment area": "Sustainment Area" means a geographical area of the state for which LRAPA has ambient air quality monitoring data that shows an attainment or unclassified area could become a nonattainment area but a formal redesignation by EPA has not yet been approved. The presumptive geographic boundary of a sustainment area is the applicable urban growth boundary in effect on the date this rule was last approved by the Board, unless superseded by rule. Sustainment areas are designated by the Board according to title 29 and the EQC according to division 204.	Define new area for New Source Review. Sustainment areas are those that have monitoring data close to or over the NAAQS but are not yet designated nonattainment by EPA. Sources in these areas would fall under the requirements for attainment or unclassified areas rather than nonattainment areas. LRAPA is creating requirements for sources in these "sustainment areas" in order to improve air quality and to enable the source to construct or modify. Without these rules, sources would not be able to construct or modify because they would never be able to show compliance with the NAAQS since the background concentration is already close to or above the NAAQS.	SIP
NA	NA	12	005 "Sustainment pollutant"	Add definition of "sustainment pollutant": "Sustainment pollutant" means a regulated pollutant for which an area is designated a sustainment area.	Clarification. See above	SIP
NA	NA	12	005 "Synthetic minor source"	Add definition of "Synthetic minor source":	Clarification. Match DEQ's definition in division 200.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				"Synthetic minor source" means a source that would be classified as a major source under LRAPA title 12, but for limits on its potential to emit regulated pollutants contained in an ACDP or Title V permit issued by LRAPA.		
12	005 "Title I modification" A.	12	005 "Title I modification" A.	Change the definition of Title I modification to: "A. A major modification subject to 38-0050, Requirements for Sources in Nonattainment Areas or section 38-0055, Requirements for Sources in Reattainment Areas;	LRAPA has defined two new areas for New Source Review: sustainment and reattainment areas.	SIP
12	005 "Title I modification" C.	12	005 "Title I modification" C.	Change to: "C. A major modification subject to 38-0070, Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas or 38-0045 Requirements for Sources in Sustainment Areas;	LRAPA has defined two new areas for New Source Review: sustainment and reattainment areas.	SIP
NA	NA	12	005 "Type A State NSR"	Add: "Type A State NSR" means State NSR as specified in 38-0010(2)(a).	Sources emitting at the significant emission rate up to the federal major thresholds will be regulated under the State New Source Review program This change in the NSR program necessitates defining what types of NSR actions would reset the netting basis. Major NSR would reset the netting basis along with State NSR actions that are the result of a major modification and a control technology analysis. Increases in the PSEL using existing capacity that do not involve a major modification is part of State NSR but would not reset the netting basis.	SIP
NA	NA	12	005 "Type B State NSR"	Add: "Type B State NSR" means State NSR that is not a Type A State NSR."	See above	SIP
12	005 "Typically Achievable Control Technology"	12	005 "Typically Achievable Control Technology"	Change "in accordance with" to "under" in the definition of "Typically Achievable Control Technology"	Plain language	SIP
12	005 "Typically Achievable Control Technology"	32	008	Delete the following from the definition of TACT: "For existing sources, the emission limit established will be typical of the emission level achieved by emissions units similar in type and size. For new and modified sources, the emission limit established will 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 will be	Move the procedural requirements for TACT from the definition to title 32	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				based on information known to LRAPA while 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 devices. 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, operational standard, or combination thereof, may be required.”		
12	005 “Unavoidable”	12	005 “Unavoidable”	Delete “poor or inadequate” from “design” in the definition of “unavoidable”	Not necessary. If an event was caused entirely or in part by the design, operation, maintenance, or other preventable condition, then it was avoidable.	SIP
NA	NA	12	005 “Unclassified area” or “attainment area”	Add definition of “Unclassified area” or “attainment area”: “Unclassified area” or “attainment area” means an area that has not otherwise been designated by EPA as nonattainment with ambient air quality standards for a particular regulated pollutant. Attainment areas or unclassified areas may also be referred to as sustainment or maintenance areas as designated in LRAPA’s title 29 and DEQ’s division 204. Any particular location may be part of an attainment area or unclassified area for one regulated pollutant while also being in a different type of designated area for another regulated pollutant.	Clarification. EPA recognizes only two areas, nonattainment or attainment. LRAPA’s designated maintenance and sustainment areas would be considered attainment areas by EPA.	SIP
33	060-1.L.	12	005“Veneer”	Add definition of “veneer” “Veneer” means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log.	Move from title 33 33-060-1.L. “Veneer” means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log.	SIP
NA	NA	12	005 “Veneer dryer”	Add definition of “veneer dryer” “Veneer Dryer” means equipment in which veneer is dried.	Clarification	SIP
NA	NA	12	005 “Visibility impairment”	Add definition of “Visibility impairment” “Visibility impairment” means any humanly perceptible change in visual range, contrast or coloration from that which existed under natural conditions. Natural conditions include fog, clouds, windblown dust, rain, sand, naturally ignited wildfires, and natural aerosols.	Clarification; match DEQ’s definition.	

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
12	005 "Volatile Organic Compound"	12	005 "Volatile organic compound"	Update the definition of Volatile Organic Compounds	<p>EPA changed the definition of VOCs in the June 22, 2012 Federal Register. This revision adds <i>trans</i>-1,3,3,3-tetrafluoropropene (also known as HFO-1234ze) and <i>trans</i> 1-chloro-3,3,3-trifluoroprop-1-ene (also known as SolsticeTM 1233zd(E)) to the list of compounds excluded from the definition of VOC on the basis that these compounds makes a negligible contribution to tropospheric ozone formation. As a result, if one is subject to certain federal regulations limiting emissions of VOCs, emissions of HFO-1234ze may not be regulated for some purposes.</p> <p>EPA changed the definition of VOCs in the October 22, 2013 Federal Register. This revision adds 2,3,3,3-tetrafluoropropene (also known as HFO-1234yf) to the list of compounds excluded from the regulatory definition of VOCs on the basis that this compound makes a negligible contribution to tropospheric ozone formation.</p> <p>EPA changed the definition of VOCs in the March 27, 2014 Federal Register. This revision adds 2-amino-2-methyl-1-propanol (also known as AMP; CAS number 124-68-5) to the list of compounds excluded from the regulatory definition of VOCs on the basis that this compound makes a negligible contribution to tropospheric ozone formation.</p> <p>EPA changed the definition of VOCs in the by direct final rule on July 20, 2016 to add CHF₂CF₂OCH₂CF₃ (also known as HFE-347pcf2) to the list of compounds excluded from the regulatory definition of VOCs on the basis that this compound makes a negligible contribution to tropospheric ozone formation.</p> <p>Replace the whole list of organic compound which have been determined to have negligible photochemical reactivity with the list from 40 CFR 50.100 Definitions to ensure LRAPA's definition matches EPA's definition.</p>	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
12	005 "Volatile Organic Compound" A.	12	005 "Volatile organic compound" A.	Restructure the list of VOCs with negligible photochemical reactivity into paragraphs for easier reading.	Clarification	SIP
12	005 "Volatile Organic Compound" B.	12	005 "Volatile organic compound" B.	Delete "accordance with" and delete the date of the Source Sampling Manual	Plain language and clarification	SIP
12	005 "Volatile Organic Compound" D.	NA	NA	Delete: "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."	Correction. On February 17, 2016 EPA finalized revisions to the regulatory definition of t-Butyl Acetate (TBAC) by retaining the compound as a volatile organic compound (VOC) but removed the unique requirements of recordkeeping, emissions reporting, photodispersion modeling and inventory requirements.	
33	060-1.M	12	005 "Wood fired veneer dryer"	Add definition of "wood fired veneer dryer" "Wood Fired Veneer Dryer" means a veneer dryer, that is directly heated by the products of combustion of wood fuel in addition to or exclusive of steam or natural gas or propane combustion.	Move from title 33 33-060-1.M "Wood Fired Veneer Dryer" means a veneer dryer, which is directly heated by the products of combustion of wood fuel in addition to or exclusive of steam or natural gas or propane combustion.	SIP
NA	NA	12	005 "Wood fuel-fired device"	Add definition of "wood fuel-fired device" "Wood Fuel-Fired Device" means a device or appliance designed for wood fuel combustion, including cordwood stoves, woodstoves and fireplace stove inserts, fireplaces, wood fuel-fired cook stoves, pellet stoves, and combination fuel furnaces and boilers that burn wood fuels.	Term not defined and used in multiple titles	SIP
NA	NA	200	0025(1)	Add "AAQS"	Clarification	SIP
NA	NA	12	010	Add "AQRV"	Clarification	SIP
NA	NA	12	010	Add "BART"	Clarification	SIP
NA	NA	12	010	Add "NAICS"	Clarification	
12	010	12	010	Change the acronym from "PCDE" to "PCDCE"	Correction. The term used is "pollution control device collection efficiency"	SIP
NA	NA	12	010	Add "ppm" means parts per million	Add ppm to title 12 abbreviations and acronyms because it is used in other divisions	SIP
NA	NA	12	010	Add "ROI" means range of influence	Clarification	SIP
12	010	12	010	Alphabetize "SKATS"	Correction	SIP
NA	NA	12	010	Add "SERP" means source emission reduction plan	Add SERP to title 12 abbreviations and acronyms because it is used in other divisions	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
NA	NA	12	010	Add “SIC” means Standard Industrial Classification from the Standard Industrial Classification Manual (U.S. Office of Management and Budget, 1987).”	Clarification	SIP
NA	NA	12	010	Add “SLAMS” means State or Local Air Monitoring Stations	Add SLAMS to title 12 abbreviations and acronyms because it is used in other divisions	SIP
NA	NA	12	010	Add “SPMs” means special purpose monitors	Add SPMs to title 12 abbreviations and acronyms because it is used in other divisions	SIP
NA	NA	12	010	Add “tpy” means tons per year	Add SPMs to title 12 abbreviations and acronyms because it is used in other divisions	SIP
NA	NA	12	010	Add “USC” means United States Code	Clarification	SIP
12	020-1.D.	12	020(1)(d)	Change to: “(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 OAR 340 division 262, and as provided in ORS 468A.020(1)(d). Emissions from woodstoves can be used to create emission reduction credits in title 41.”	Correction and clarification. The heating equipment exception is contained in ORS 468A.020(1)(d) so just list that instead of the individual references to the ORS listed in ORS 468A.020(1)(d). Division 262 regulates woodstoves statewide (including Lane County). ORS 468A.020(1)(d) Heating equipment in or used in connection with residences used exclusively as dwellings for not more than four families, except solid fuel burning devices, as defined in ORS 468A.485 (Definitions for ORS 468A.460 to 468A.515), that are subject to regulation under this section and ORS 468A.140 (Assumption, retention and transfer of control over classes of air contamination sources) and 468A.460 (Policy) to 468A.515 (Residential solid fuel heating curtailment program requirements).	SIP
NA	NA	12	025	DEQ is added rule OAR 340-200-0035 titled “Reference Materials. LRAPA is adding a similar rule. As used in LRAPA Rules and Regulations, the following materials refer to the versions listed below. (1) "CFR" means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 2016 edition. (2) The DEQ Source Sampling Manual refers to the March 2015 edition. (3) The DEQ Continuous Monitoring Manual refers to the March 2015 edition.”	Clarification. This rule will include these reference materials and the dated version of these documents that are adopted. People can check this single rule to see which version they should be using. The dates of these reference materials will be deleted throughout the other divisions. The Continuous Monitoring Manual and the Source Sampling Manual Volume I have been totally rewritten. Only minor corrections to the Source Sampling Manual Volume II have been made and that document is available in redline/strikeout. All three manuals are included as part of this rulemaking package.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					<p>Some of the changes made to the Source Sampling Manual Volume I include:</p> <ul style="list-style-type: none"> • Source test plan content requirements added within Appendix A • Test Report content requirements added within Appendix A • New Sample Postponement and Stoppage Requirements in Section 2.6 • New Sample volume requirements for HAPs in Section 2.7.a • New In-Stack Detection Limit requirements in Section 2.8 • Changing DEQ 5 & 7 detection limit from 20 mg to 7 mg. in Section 2.8.b. • New significant figures and rounding procedures within Section 2.10 • New procedures for reporting results below the in-stack detection limits within Section 2.11.c • New report submittal requirements within section 2.11.d • Equipment calibrations and analytical results records retention changed to a minimum of 5 years, Section 2.11.e • Added sampling method references for PM10, PM2.5 and various HAPs, Appendix B • Revised DEQ Method 4 vapor pressure equation (Eq. 4.4-2) • Now allowing use of Hexane as organic solvent for DEQ Methods 5 & 7 • New calibration and standardization procedures for analytical balance, DEQ Method 5 Section 7.8.1 • New lower isokinetic limit (80%) for DEQ Method 8 • New updated calculations for DEQ Method 8 • New calibration requirements for DEQ methods, listed in Appendix D 	

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					Some of the changes to the Continuous Monitoring Manual include: <ul style="list-style-type: none"> Federal monitoring requirements pertaining to NSPS, NESHAP, and Acid Rain programs are addressed by reference. DEQ specific monitoring requirements are specified throughout the document. 	
12	010 Table 1	12	0020(154)	Move Table 1 Significant Air Quality Impact into text	Clarification. LRAPA repealed the PM10 NAAQS in 2011 so there is no need for a PM10 annual SIL.	SIP
12	010 Table 2	12	0020(153)	Move Table 2 Significant Emission Rates into text	Clarification	SIP
12	010 Table 3	12	0020(153)(u)	Move Table 3 Significant Emission rates for the future air quality maintenance areas into text	Clarification	SIP
34	040	12	030	Move section titled: "Compliance Schedules for Existing Sources Affected by New Rules" from title 34 to title 12	Clarification	
14				Rules of Practice and Procedure		
14	110 "Model Rules"	14	110(7)	Change to: "Model Rules" or "Uniform Rules" means the Attorney General's Uniform and Model Rules of Procedure, OAR chapter 137, division 001 (excluding 137-001-0008 through 137-001-0009), chapter 137, division 003, and chapter 137, division 004, as amended and in effect on [INSERT DATE of MOST RECENT PUBLISHED VERSION].	Correction. The rules referenced have changed in their numbering. Update the reference to the date the most recent version of the rules in OAR chapter 137 were published.	NA
14				Rulemaking		
14	120	NA	NA	Deleted section on "Public Information Hearings"	Correction/clarification. Public hearings rules are included in Title 31 Public Participation	NA
14	140	14	115	Renumber	Restructure	NA
14	140-1	14	115(1)	Change the requirement from notifying interested people by way of "a newspaper of general circulation" to the more currently accepted practice of advertising by way of the website and to email notification.	Restructure. Update from newspaper to electronic notification of proposed rule changes.	NA
14	140	14	115(3)(c)	Add "and" after the sentence: "A list of principal documents, reports or studies, if any, used by the Agency in considering the need;"	Correction/clarification. Paragraph (3)(c) is the third in a list of four items to be included in the notice	NA
14	145	14	120	Renumber and update OAR chapter 137 rule references	Restructure. The rules referenced have changed in their numbering.	NA
14	145-1 through 4	NA	NA	Delete subsections 1 through 4.	Referring both to Model Rules and incorporating specific Model Rule language creates actual and	NA

Attachment D: Crosswalk of proposed revisions

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					potential unintended conflict between title 14 and the provisions in OAR chapter 137.	
14	150	14	125	ReNUMBER	Restructure	NA
NA	NA	14	126	Add a new section to clarify the effective date of rules or orders adopted by the Board: “The rule or order shall become effective upon adoption by the Board, unless a different effective date is required by statute or specified in the rule or order. The rule or order is not filed with the Secretary of State unless agreed by LRAPA and DEQ.”	This section is added to give certainty about when rules are effective but also allows some flexibility should that be necessary. Also, it addresses the filing of SIP rules which as state administrative rules must be filed with the Secretary of State to be effective.	NA
14	155	14	130	Delete specific language and, instead, incorporate by reference the Attorney General’s Uniform Rules of Procedure	Referring both to Uniform Rules and incorporating specific Uniform Rule language creates actual and potential unintended conflict between title 14 and the provisions in OAR chapter 137.	NA
14	160	14	135	Delete specific language and, instead, incorporate by reference the Attorney General’s Model Rules	Referring both to Model Rules and incorporating specific Model Rule language creates actual and potential unintended conflict between title 14 and the provisions in OAR chapter 137.	NA
14				Contested Cases		
14	170	14	140	Delete specific language and, instead, incorporate by reference the Attorney General’s Model Rules	Referring both to Model Rules and incorporating specific Model Rule language creates actual and potential unintended conflict between title 14 and the provisions in OAR chapter 137.	NA
14	175-1	14	140	Add “Generally” to the end of the section title; clarify by adding that “contested case proceedings process including notice requirements” are included in the reference to the Attorney General’s Model Rules of Procedure.	Referring both to Model Rules and incorporating specific Model Rule language creates actual and potential unintended conflict between title 14 and the provisions in OAR chapter 137.	NA
14	175-2 through 8	14	140	Delete specific language and, instead, incorporate by reference the Attorney General’s Model Rules	Referring both to Model Rules and incorporating specific Model Rule language creates actual and potential unintended conflict between title 14 and the provisions in OAR chapter 137.	NA
NA	NA	14	145	Add a new section for “Agency Representation by Environmental Law Specialist”	Clarification and to more closely align with DEQ’s version in OAR 340-011-0510.	NA
NA	NA	14	147	Add a new section for “Authorized Representative of Respondent other than a Natural Person in a Contested Case Hearing”	Clarification and to more closely align with DEQ’s version in OAR 340-011-0515.	NA
NA	NA	14	150	Add a new section for “Liability for the Acts of a Person’s Employees”	Clarification and to more closely align with DEQ’s version in OAR 340-011-0520.	NA

Attachment D: Crosswalk of proposed revisions

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
NA	NA	14	155	Add a new section for “Consolidation or Bifurcation of Contested Case Hearings”	Clarification and to more closely align with DEQ’s version in OAR 340-011-0540.	NA
14	200	14	160	ReNUMBER	Restructure	NA
14	205	14	165	ReNUMBER	Restructure	NA
14	210	14	170	ReNUMBER	Restructure	NA
14	220	14	175	ReNUMBER	Restructure	NA
14	225	NA	NA	Delete “Section 14-225 Immediate Suspension or Refusal to Renew a Permit, Notice of Opportunity for Hearing, Service”	Clarification/correction. Section 37-0082 Termination or Revocation of an ACDP covers the current regulations for permit termination(s).	NA
14	230	14	140	Delete “Section 14-230 Ex Parte Communications”	Ex parte communications are addressed in OAR 137-003-0055, adopted by reference in 14-140	NA
14	235	14	185	ReNUMBER	Restructure	NA
14	240	14	190	ReNUMBER	Restructure	NA
14	240-2.B	14	190(2)(b)	Add “and” after the sentence: “The name, address and telephone number of the person filing the response, except that if the person is represented by an attorney, then the name, address and telephone number of the attorney shall be included, and the person’s address and telephone number may be deleted;”	Correction/clarification. Paragraph (2)(b) is the second in a list of three items to be included in the response to the stay proceeding	NA
14	245	14	200	ReNUMBER	Restructure	NA
14	250	14	205	ReNUMBER	Restructure	NA
29				Designation of Air Quality Areas		
29	0010(1)	12	010	Delete definition of “AQCR”	Delete and use title 12 acronym	SIP
29	0010	NA	NA	Change division to title and rule to section	Correction	SIP
29	0010(2)	12	010	Delete definition of “AQMA”	Delete and use title 12 acronym	SIP
29	0010(3)	12	010	Delete definition of “CO”	Delete and use title 12 acronym	SIP
29	0010(4)	12	010	Delete definition of “CBD”	Delete and use title 12 acronym	SIP
29	0010(5)	12	010	Delete definition of criteria pollutant.	Delete and use title 12 acronym	SIP
29	0010(7)	12	010	Move definition of “Maintenance area” to title 12 with clarifications	See discussion above in title 12. Move from title 29 to title 12 with clarifications and delete the CFR date. The definition in title 29 is more comprehensive.	SIP
29	0010(8)	12	010	Delete the definition of “nonattainment area” and use the title 12 definition with the following addition: “Nonattainment areas are designated by the Board according to LRAPA title 29 or by the EQC according to division 204.”	The definition in title 12 is more comprehensive. The cross referenced 40 CFR 51.52 does not exist.	SIP
29	0010(9)	12	010	Delete definition of “O3”	Delete and use title 12 acronym	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
29	0010(12)	12	010	<p>Delete definition of “particulate matter” which references the title 12 definition and use the following: "Particulate Matter" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by the test method(s) specified in each applicable rule or permit.”</p>	<p>Definition different from title 33. Delete and use title 12 definition with clarification. Move specific test requirements to the rule with the standard. Create a testing and monitoring section in 33-060(6).</p> <p>29-0010(12) "Particulate Matter" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by an applicable reference method with the Department's <i>Source Sampling Manual</i>, (January, 1992).</p> <p>33-060-1.I. "Particulate Matter" means all solid or liquid material, other than uncombined water, emitted to the ambient air as measured in accordance with the Department <i>Source Sampling Manual</i>. Particulate matter emissions determinations shall consist of the average of three separate consecutive runs.</p> <p>(1) For sources tested using DEQ Method 7, each run shall have a minimum sampling time of one hour, a maximum sampling time of eight hours, and a minimum sampling volume of 31.8 dscf. Veneer dryers, wood particle dryers, fiber dryers and press/cooling vents shall be tested with DEQ Method 7.</p> <p>(2) For sources tested using DEQ Method 8, each run shall have a minimum sampling time of 15 minutes and shall collect a minimum particulate sample of 100 mg. Air conveying systems shall be tested with DEQ Method 8.</p>	SIP

Attachment D: Crosswalk of proposed revisions

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
29	0010(13)	12	010	Delete definition of “PM10” which references the title 12 definition	Delete and use title 12 definition	SIP
29	0010(14), (15)	12	010	Delete definition of “UGA” and “UGB”	Delete and use title 12 acronym	SIP
29	0040	NA	NA	Do not capitalize “carbon monoxide”	Not necessary	SIP
29	0050(1)	NA	NA	Change to: “(1) All of the following areas which were in existence on August 7, 1977, and for which the 1990 Clean Air Act Amendments clarified, shall be Class I Areas and may not be redesignated:”	Correction	SIP
29	0050(1)(i)	NA	NA	Change to: “(i) Crater Lake National Park, as established by Public Law 32-202;”	Correction. Public Law established and expanded Crater Lake National Park, not the Clean Air Act Amendments	SIP
29	0050(4)	NA	NA	Change to: “(4) The extent of the areas referred to in section (1) and (3) shall conform to any changes in the boundaries of such areas which occurred between August 7, 1977, and April 15, 2015:”	Correction to match the DEQ’s rules adopted by the EQC on April 15, 2015	SIP
29	0060(2)(b)	NA	NA	Do not capitalize state	Correction	SIP
29	0060(2)(d)	NA	NA	Do not capitalize federal	Correction	SIP
29	0060(4)	NA	NA	Delete the second sentence and (a) and (b) regarding lands within the boundaries of Indian Reservations.	There are no Indian Governing Bodies in Lane County for which LRAPA would have intersecting regulations	SIP
29	0060(5)	NA	NA	Change “EPA Administrator shall” to “EPA Administrator may”	Correction. LRAPA cannot require EPA to do anything under LRAPA regulations.	SIP
29	0060(6)	NA	NA	Delete “or Indian Governing Body, as appropriate,”	There are no Indian Governing Bodies in Lane County for which LRAPA would have intersecting regulations	SIP
29				Designation of Areas		
NA	NA	29	0300	Add rules that explain how sustainment areas will be designated	LRAPA has defined two new areas for New Source Review: sustainment and reattainment areas. These new areas will provide options for sources when constructing or modifying in these areas. Designation of sustainment area does not need to go through EPA for approval. Only procedures need to be approved by EPA so no SIP revision is needed to designate areas.	SIP
NA	NA	29	0300(2)	Add rules to designate reserve any future area as a sustainment area and establish offset ratios	There are currently no areas for which LRAPA is designating as “sustainment areas”. This subsection will serve as a place holder in the event an area designation is needed. For example, DEQ is working with Lakeview in the PM Advance	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					program to reduce PM2.5 emissions so the area can meet the PM2.5 NAAQS. Designation as a sustainment area will also help reduce emissions and allow sources to construct or modify if air quality is protected.	
NA	NA	29	0300(3) & (4)	Add rules about how sustainment areas are reclassified by EPA or rescinded by the Board	Clarification	SIP
NA	NA	29	0300	Add: “[NOTE: This rule, except sections (2) and (3), is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]”	Clarification. Designation of sustainment area does not need to go through EPA for approval.	SIP
NA	NA	29	0310	Add rules that explain how reattainment areas will be designated. Designate Oakridge PM2.5 non-attainment area as a reattainment area.	DEQ and LRAPA have defined two new areas for New Source Review: sustainment and reattainment areas. These new areas will provide options for sources when constructing or modifying in these areas. Designation of sustainment area does not need to go through EPA for approval. Only procedures need to be approved by EPA so no SIP revision is needed to designate areas.	SIP
NA	NA	29	0310	Add: “[NOTE: This rule, except sections (2) and (3), is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]”	Clarification. Designation of reattainment area does not need to go through EPA for approval.	SIP
NA	NA	29	0320	Add language to define priority sources	Priority sources will be identified based on emissions inventory information and modeling results of the sources located in a designated area	SIP
30				Incinerator Regulations		
NA	NA	30	010	Add definition of “Administrator”	Clarification	
NA	NA	30	010	Add definition of “CFR”	Clarification	
NA	NA	30	010	Add acronym “CEM” to definition of “Continuous Emissions Monitoring”	Clarification	
NA	NA	30	010	Add and additional condition to the definition of “Dry Standard Cubic Foot” so that it includes “or 50 percent excess air”	Clarification	
31				Public Participation	None	
31	0030(3)(c)	NA	NA	Change to: “(c) Category III -- LRAPA will provide public notice of the proposed permit action and a minimum of 35 days to	Clarification	NA

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				submit written comments. LRAPA will provide a minimum of 30 days notice for a hearing, if one is scheduled. LRAPA will schedule a hearing at a reasonable time and place to allow interested persons to submit oral or written comments if:"		
31	0030(3)(d)	NA	NA	Change to: “(d) Category IV -- Once an application is considered complete under 37-0040, LRAPA will: (A)(i) Provide notice of the completed application and requested permit action; and (ii) Schedule an informational meeting within the community where the facility will be or is located and provide public notice at least 14 days before the meeting. During the meeting, LRAPA will describe the requested permit action and accept comments from the public. LRAPA will consider any information gathered in this process in its drafting of the proposed permit, but will not maintain an official record of the meeting and will not provide a written response to the comments;”	Clarification. Move the informational meeting requirements to 31-0030.	NA
31	0030(3)(d)(C)	NA	NA	Change to: “(C) Schedule a public hearing at a reasonable time and place to allow interested persons to submit oral or written comments and provide a minimum of 30 days public notice for the hearing.”	Clarification. Require that public hearings be held at a reasonable time and place	NA
31	0030(4)	NA	NA	Change to: “(4) Except for actions regarding LRAPA Title V Operating Permits, LRAPA may move a permit action to a higher category under section (3) based on, but not limited to the following factors:”	Clarification	NA
31	0030(4)(d)	NA	NA	Add “Federal requirements;”	Clarification. If federal requirements change for a source, a different type of public notice may be required.	NA
31	0040(1)(m)	NA	NA	Change to: “(m) Whether each proposed permitted emission is a criteria pollutant and whether the area in which the source is located is designated as attainment/unclassified, sustainment, nonattainment, reattainment or maintenance for that pollutant;”	Clarification	SIP
31	0050(1)	NA	NA	Add provision for public notice by email	Most people receive notices by email, which is cheaper and easier to use than mail. A few people are still on LRAPA’s list to receive hard copies of public notices.	NA

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
31	0050(2)			Remove the requirement that public notices for proposed permit actions be advertised in newspapers. Add the option for notices to be placed on the LRAPA website.	EPA signed a final “e-notice” rule on October 5, 2016 that allows for public notices for Title V and NSR/PSD proposed permit actions to be provided by way of web or email in lieu of newspaper advertisement(s).	
31	0060(4)	NA	NA	Change to: “(4) NSR actions. For NSR actions excluding Type B State NSR actions (title 38), LRAPA will provide notice to the following officials and agencies having jurisdiction over the location where the proposed construction would occur in addition to the persons identified in section (1):”	Clarification. Type B State NSR actions do not involve construction so are not required to notice officials and agencies.	NA
31	0070	NA	NA	Move the informational meeting requirements to 31-0030.	Clarification	NA
31	0070(2)(b)(A)	31	0070(2)(a)	Change to: “(a) Before accepting oral or written comments by members of the public, the Presiding Officer or LRAPA representative will present a summary of the proposed permit action LRAPA’s preliminary decision. During this period, there may be an opportunity to ask questions about the proposed or draft permit action.”	Clarification. LRAPA may provide an opportunity to ask questions about the proposed or draft permit before the hearing if time allows.	NA
31	0080(2)	NA	NA	Delete “in the location(s) listed in 31-0400”	Clarification: Unlike DEQ, LRAPA has only one office	SIP
31	0080(3)	NA	NA	Change to: “(3) The applicant may submit a written response to any comments submitted by the public within 10 working days after LRAPA provides the applicant with a copy of the written comments received by LRAPA. LRAPA will consider the applicant’s response in making a final decision.”	Clarification. This change gives sources adequate time to respond to public comments.	SIP
31	0080(7)	NA	NA	Add “sections” before (5) and (6)	Clarification	SIP
32				Emission Standards		
32	001	32	001	Add definitions for “Distillate fuel oil”, “Residual fuel oil” and “Special control area”	Clarification; the definitions are specific to title 32	
NA	NA	32	001	Include title 29 as another title that has definitions that would apply to this title	Add reference to title 29 definitions	SIP
32				Highest and Best Practicable Treatment and Control		
32	005(1)	32	005(1)	Change to: “(1) As specified in 32-006 through 32-009 and subsections (2) through (6), the highest and best practicable treatment and control of air contaminant	The definition of “new source” has been deleted so put the definition in the text.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				emissions shall in every case be provided so as to maintain overall air quality at the highest possible levels, and to maintain contaminant concentrations, visibility reduction, odors, soiling and other deleterious factors at the lowest possible levels. In the case of sources installed, constructed, or modified after June 1, 1970, particularly those located in areas with existing high-level air quality, the degree of treatment and control provided shall be such that degradation of existing air quality is minimized to the greatest extent possible.”		
32	007(1)(b)(A)	32	007(1)(b)(A)	Add “pressure drop, ammonia slip” to the operational, maintenance and work practice requirements	Pressure drop was inadvertently omitted before Even though ammonia isn’t a regulated pollutant, SCR control is becoming a very common control technology so add this for clarification	SIP
32	0120(1)(b)(B)	32	0120(1)(b)(B)	Delete the hyphen in recordkeeping	Correction	SIP
32	0120(3)	32	0120(3)	Delete the hyphen in startup and shutdown	Correction	SIP
12	010	32	008	Add: “For existing sources, the emission limit established will be typical of the emission level achieved by emissions units similar in type and size. For new and modified sources, the emission limit established will 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 will be based on information known to LRAPA while 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 devices. 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, operational standard, or combination thereof, may be required.”	Move the procedural requirements for TACT from the definition in title 12	SIP
32	008(1)(a)	32	008(1)(a)	Change to: “(a) The emissions unit is not already subject to emissions standards for the regulated pollutant under title 30, title 32, title 33, title 38, title 39 or title 46 at the time TACT is required;”	Clarification	SIP
32	008(2)(a)	NA	NA	Change to:	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				“(a) The new or modified emissions unit is not subject to Major NSR in title 38, a Type A State NSR action under LRAPA title 38, an applicable Standard of Performance for New Stationary Sources in title 46, or any other standard applicable only to new or modified sources in title 32, title 33, or title 39 for the regulated pollutant emitted;”		
32	009(1)	NA	NA	Do not capitalize ambient air quality standard and delete the space before the period	Correction	SIP
32				Visible Emissions		
NA	NA	32	010(1)	Add: “(1) The emissions standards in this rule do not apply to fugitive emissions from a source or part of a source.”	Clarify that 20% opacity does not apply to non-fugitive emission sources. It is very difficult to read opacity from fugitive emission sources. Instead LRAPA will require sources to abate fugitive escaping from an air contaminant source. See title 48.	SIP
NA	NA	32	010(2)	Add: (2) For all visible emission standards in this section, the minimum observation period must 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 are equal to or greater than the opacity percentage in the standard, whether or not the readings are consecutive. Each EPA Method 203B reading represents 15 seconds of time. Three-minute aggregate periods are measured by: (a)EPA Method 203B; (b)A continuous opacity monitoring system (COMS) installed and operated in accordance with the DEQ Continuous Monitoring Manual or 40 CFR part 60; or (c)An alternative monitoring method approved by LRAPA that is equivalent to EPA Method 203B.”	Retain the averaging time period for compliance from 3 minutes in an hour but add a reference method for determining compliance with the opacity limit and provision for continuous opacity monitoring systems installed and operated under DEQ’s Continuous Monitoring Manual. <ul style="list-style-type: none"> An opacity standard based on a 3-minute aggregate period is no more or less stringent than a standard based on an aggregate of 6-minute block average in any hour. Theoretically, either basis could be more stringent than the other, but LRAPA prefers to retain the 3-minute aggregate period standard as a compliance tool for opacity issues from batch and/or intermittent sources (e.g., coffee roasters, crematory incinerators, etc.). Other reasons for retaining the 3-minute aggregate standard include: <ul style="list-style-type: none"> EPA has developed Method 203B reference compliance method for EPA Method 9 data reduction techniques such as the 3 minute standard. 	SIP
NA	NA	32	010(3)	Add: “(3) For sources, other than wood-fired boilers, no person may emit or allow to be emitted any visible emissions	Sources inside special control areas must meet 20 percent upon rule adoption. Lane County is	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				that equal or exceed an average of 20 percent opacity for a period or periods aggregating more than three minutes in any one hour.”	defined as a special control area in section 29-0070(1).	
NA	NA	32	010(4)	<p>Add:</p> <p>(4) For wood-fired boilers that existed prior to June 1, 1970, no person may emit or allow to be emitted any visible emissions that equal or exceed:</p> <p>(a) An average of 40 percent opacity for a period or periods aggregating more than three minutes in any one hour through December 31, 2019.</p> <p>(b) An average of 20 percent opacity for a period or periods aggregating more than three minutes in any one hour on or after January 1, 2020, with one or more of the following exceptions:</p> <p>(A) Visible emissions may equal or exceed 20 percent opacity but may not equal or exceed 40 percent opacity, as the average of all three-minute aggregate periods during grate cleaning operations provided the grate cleaning is performed in accordance with a grate cleaning plan approved by LRAPA; or</p> <p>(B) LRAPA may approve, at the owner’s or operator’s request, a boiler specific limit greater than 20 percent opacity for a period or periods aggregating more than three minutes in any one hour, but not to equal or exceed 40 percent opacity for a period or periods aggregating more than three minutes in any one hour, based on the opacity measured during a source test that demonstrates compliance with 32-020(2) as provided below:</p> <p>(i) Opacity must be measured for at least 60 minutes during each compliance source test run using any method included in subsection (2);</p> <p>(ii) The boiler specific limit will be the average of at least 30 three-minute aggregate periods obtained during the compliance source test;</p> <p>(iii) The boiler specific limit will include a higher limit for one three minute aggregate period during any hour based on the maximum three-minute aggregate periods measured during the compliance source test; and</p>	<ul style="list-style-type: none"> • Until 1/1/2020, pre-1970 wood fired boilers will have a limit of 40 percent opacity • On and after 1/1/2020, the standard for pre-1970 wood-fired boilers will be 20 percent opacity. • In addition, the proposed rules for pre-1970 wood-fired boilers include a 40 percent opacity limit during grate cleaning operations provided the owner or operator develops and implements a grate cleaning plan that is approved by LRAPA. This exception is provided to address the routine maintenance activity that is required for older wood-fired boilers. • Provide an option of an alternative limit based on the opacity measured during a compliance test method for grain loading. 	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				(iv) Specific opacity limits will be included in the permit for each affected source as a minor permit modification (simple fee) for sources with an LRAPA Title V Operating Permit or a Basic Technical Modification for sources with an Air Contaminant Discharge Permit.”		
NA	NA	32	010(5)	Add: “(5) For wood-fired boilers installed, constructed, or modified after June 1, 1970 but before April 16, 2015, no person may emit or allow to be emitted any visible emissions that equal or exceed an average of 20 percent opacity for a period or periods aggregating more than three minutes in any one hour.”	The proposed standard for existing post-1970 wood-fired boilers will remain at 20 percent opacity.	SIP
NA	NA	32	010(6)	Add: “(6) For all wood-fired boilers installed, constructed, or modified after April 16, 2015, visible emissions must not equal or exceed 20 percent opacity.”	After rule adoption, all wood-fired boilers must meet 20 percent at all times.	SIP
32				Particulate Matter Weight Standards		
32	015	NA	NA	Change title to “Particulate Emission Limitations for Sources Other Than Fuel Burning Equipment, and Refuse Burning Equipment, and Fugitive Emissions”	Clarification; align more closely with DEQ’s organization	SIP
32	015	NA	NA	Replace the grain loading standards with the following sections.	LRAPA is proposing the change to meet the state “as-stringent” determination and because of the following reasons: <ul style="list-style-type: none"> • EPA’s adoption of a new PM_{2.5} 24-hour NAAQS has resulted in 2 nonattainment areas, with a third meeting the definition but not legally designated as such. This proposed rule change will reduce grain loading in all areas and will help prevent future problem. • More and more areas of the state are special control areas due to population increases. • Phased compliance will give sources that cannot meet the new standards time to comply. • Changes will make it easier to determine compliance for the both the source and the LRAPA. 	SIP
NA	NA	32	015	Add: “(1) This rule does not apply to fugitive emissions sources, fuel burning equipment, refuse burning equipment, or to solid fuel burning devices certified under OAR 340-262-0500.”	Clarification. OAR 340-262-0500 are the so-called “Heatsmart” rules that apply statewide.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
NA	NA	32	015(2)	<p>Add:</p> <p>“(2) No person may cause, suffer, allow, or permit particulate matter emissions from any air contaminant source in excess of the following limits:</p> <p>(a) For sources installed, constructed, or modified before June 1, 1970:</p> <p>(A) 0.10 grains per dry standard cubic foot provided that all representative compliance source test results collected prior to April 16, 2015 demonstrate emissions no greater than 0.080 grains per dry standard cubic foot;</p> <p>(B) If any representative compliance source test results collected prior to April 16, 2015 demonstrate emissions greater than 0.080 grains per dry standard cubic foot, or if there are no representative compliance source test results, then:</p> <p>(i) 0.24 grains per dry standard cubic foot prior to Dec. 31, 2019; and</p> <p>(ii) 0.15 grains per dry standard cubic foot on or after Jan. 1, 2020; and</p> <p>(C) In addition to the limits in paragraphs (A) or (B), for equipment or a mode of operation that is used less than 876 hours per calendar year, 0.24 grains per dry standard cubic foot from April 16, 2015 through December 31, 2019, and 0.20 grains per dry standard cubic foot on or after Jan. 1, 2020.</p> <p>(b) For sources installed, constructed, or modified on or after June 1, 1970 but prior to April 16, 2015:</p> <p>(A) 0.10 grains per dry standard cubic foot provided that all representative compliance source test results prior to April 16, 2015 demonstrate emissions no greater than 0.080 grains per dry standard cubic foot; or;</p> <p>(B) If any representative compliance source test results prior to April 16, 2015 are greater than 0.080 grains per dry standard cubic foot, or if there are no representative compliance source test results, then 0.14 grains per dry standard cubic foot.</p> <p>(c) For sources installed, constructed or modified after April 16, 2015, 0.10 grains per dry standard cubic foot.</p> <p>(d) The owner or operator of a source installed, constructed, or modified before June 1, 1970 who is unable to comply with the standard in subparagraph (a)(B)(ii) may request that LRAPA grant an extension allowing the source up to one additional year to comply</p>	<p>For sources installed, constructed, or modified before June 1, 1970:</p> <ul style="list-style-type: none"> • Sources that have representative source test results (the average of all valid test runs during the compliance demonstration) at less than 0.080 gr/dscf must continue to be operated at Highest and Best and will receive a grain loading limit of 0.10 gr/dscf. • Sources with source test results above 0.080 gr/dscf will remain at the current limit of 0.2 (actually 0.24 with two significant figures) gr/dscf until 12/31/19 • On 01/01/20, the grain loading limit will be reduced to 0.15 gr/dscf • Provide an exemption for equipment or modes of operation used less than 876 hours per year, such as equipment that is used less than 10% of the time and backup fuel during a natural gas curtailment. This is similar to EPA’s language from the area source Boiler MACT: <i>Limited-use boiler</i> means any boiler that burns any amount of solid or liquid fuels and has a federally enforceable average annual capacity factor of no more than 10 percent. <p>For sources installed, constructed, or modified after June 1, 1970:</p> <ul style="list-style-type: none"> • Sources that have representative source test results at less than 0.080 gr/dscf must continue to be operated at Highest and Best and will receive a grain loading limit of 0.10 gr/dscf. • Sources with source test results above 0.080 gr/dscf will remain at the current limit of 0.1 (actually 0.14 gr/dscf using two significant figures) • Sources installed, constructed, or modified after 11/01/14 must comply with 0.10 gr/dscf • Sources may request an extension if necessary 	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				with the standard. The request for an extension must be submitted no later than Oct. 1, 2019.”		
NA	NA	32	015(3)	Add: “(3) Compliance with the emissions standards in section (2) is determined using: (a) DEQ Method 5; (b) DEQ Method 8, as approved by LRAPA for sources with exhaust gases at or near ambient conditions; (c) DEQ Method 7 for direct heat transfer sources; or (d) An alternative method approved by LRAPA. (e) For purposes of this rule, representative compliance source test results are data that was obtained: (A) No more than ten years before April 16, 2015; and (B) When a source is operating and maintaining air pollution control devices and emission reduction processes at the highest reasonable efficiency and effectiveness to minimize emissions based on the current configuration of the emissions unit and pollution control equipment.”	A test method should always be specified with each standard in order to be able to show compliance. Representative source test data is clarified.	SIP
32	020	NA	NA	Replace the grain loading standards with the following sections.	LRAPA is proposing the change to meet the state “as-stringent” determination and because of the following reasons: <ul style="list-style-type: none"> EPA’s adoption of a new PM_{2.5} 24-hour NAAQS has resulted in one nonattainment area (Oakridge). This proposed rule change will reduce grain loading in all areas and will help prevent future problem. More and more areas of the county could be special control areas due to population increases. Phased compliance will give sources that cannot meet the new standards time to comply. Changes will make it easier to determine compliance for the both the source and the LRAPA. 	SIP
32	020	32	020	Particulate Matter Weight Standards - Existing Combustion Sources		
NA	NA	32	020(1)	Add: “(1) For fuel burning equipment sources installed, constructed, or modified before June 1, 1970, except solid fuel burning devices that have been certified under	Clarification. OAR 340-262-0500 are the so-called “Heatsmart” rules that apply statewide (including Lane County).	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				OAR 340-262-0500, no person may cause, suffer, allow, or permit particulate matter emissions from any fuel burning equipment in excess of the following limits:"		
NA	NA	32	020(1)	<p>Add: "(a) 0.10 grains per dry standard cubic foot provided that all representative compliance source test results collected prior to April 16, 2015 demonstrate emissions no greater than 0.080 grains per dry standard cubic foot; (b) If any representative compliance source test results collected prior to April 16, 2015 demonstrate emissions greater than 0.080 grains per dry standard cubic foot, or if there are no representative compliance source test results, then: (A) 0.24 grains per dry standard cubic foot until Dec. 31, 2019; and (B) 0.15 grains per dry standard cubic foot on and after Jan. 1, 2020; and (c) In addition to the limits in paragraph (a) or (b), for equipment or a mode of operation (e.g., backup fuel) that is used less than 876 hours per calendar year, 0.24 grains per dry standard cubic foot from April 16, 2015 through December 31, 2019, and 0.20 grains per dry standard cubic foot on and after Jan. 1, 2020. (2) The owner or operator of a source installed, constructed or modified before June 1, 1970 who is unable to comply with the standard in subparagraph (1)(b)(B) may request that LRAPA set a source specific limit of 0.17 grains per dry standard cubic foot. The owner or operator must submit an application for a permit modification to request the alternative limit by no later than Oct. 1, 2019 that demonstrates, based on a signed report prepared by a registered professional engineer that specializes in boiler/multiclone operation, that the fuel burning equipment will be unable to comply with the standard in subparagraph (1)(b)(B) after either: (a) Maintenance or upgrades to an existing multiclone system; or (b) Conducting a boiler tune-up if the boiler does not have a particulate matter emission control system. (3) If a source qualifies under subsection (2), LRAPA will add the 0.17 grains per dry standard cubic foot source specific limit as a significant permit modification (simple fee) for sources with an LRAPA Title V</p>	<p>For sources installed, constructed, or modified before June 1, 1970:</p> <ul style="list-style-type: none"> • Sources that have representative source test results (the average of all valid test runs during the compliance demonstration) at less than 0.080 gr/dscf must continue to be operated at Highest and Best and will receive a grain loading limit of 0.10 gr/dscf. • Sources with source test data above 0.080 gr/dscf will remain at the current limit of 0.2 (actually 0.24 with two significant digits) gr/dscf until 12/31/19 • On 01/01/20, the grain loading limit will be reduced to 0.15 gr/dscf • Provide an exemption for equipment or modes of operation used less than 876 hours per year, such as equipment that is used less than 10% of the time and backup fuel during a natural gas curtailment. This is similar to EPA’s language from the area source Boiler MACT: <i>Limited-use boiler</i> means any boiler that burns any amount of solid or liquid fuels and has a federally enforceable average annual capacity factor of no more than 10 percent. 	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				Operating Permit or a Simple Technical Modification for sources with an Air Contaminant Discharge Permit. (4) The owner or operator of a source installed, constructed or modified before June 1, 1970 may request that LRAPA grant an extension allowing the source up to one additional year to comply with the standard in subsection (2) provided that the owner or operator demonstrates, based on an engineering report signed by a registered professional engineer that specializes in boiler/multiclone operation, that the source cannot comply with the source specific limit established in 32-020(2) without making significant changes to the equipment or control equipment or adding control equipment. The request for an extension must be submitted no later than Oct. 1, 2019.		
NA	NA	32	020(5)	Add: “(5) Compliance with the emissions standards in section 32-020 is determined using Oregon Method 5, or an alternative method approved by LRAPA. (a) For fuel burning equipment that burns wood fuel by itself or in combination with any other fuel, the emission results are corrected to 12% CO ₂ . (b) For fuel burning equipment that burns fuels other than wood, the emission results are corrected to 50% excess air. (c) For purposes of this rule, representative compliance source test results are data that was obtained: (A) No more than ten years before April 16, 2015; and (B) When a source is operating and maintaining air pollution control devices and emission reduction processes at the highest reasonable efficiency and effectiveness to minimize emissions based on the current configuration of the fuel burning equipment and pollution control equipment.	A test method should always be specified with each standard in order to be able to show compliance. Representative source test data is clarified.	SIP
32	030	32	020	Particulate Matter Weight Standards - New Combustion Sources		
NA	NA	32	030(1)	Add: “(1) For fuel burning equipment sources installed, constructed, or modified after June 1, 1970, but prior to April 16, 2015, except solid fuel burning devices that have been certified under OAR 340-262-0500, no person may cause, suffer, allow, or permit particulate matter	Clarification. OAR 340-262-0500 are the so-called “Heatsmart” rules that apply statewide.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				emissions from any fuel burning equipment in excess of the following limits:		
NA	NA	32	030(2)	Add: “(2) For sources installed, constructed or modified after April 16, 2015, except solid fuel burning devices that have been certified under OAR 340-262-0500, no person may cause, suffer, allow, or permit particulate matter emissions from any fuel burning equipment in excess of 0.10 grains per dry standard cubic foot.”	For sources installed, constructed, or modified after June 1, 1970: <ul style="list-style-type: none"> • Sources that have representative source test data at less than 0.080 gr/dscf must continue to be operated at Highest and Best and will receive a grain loading limit of 0.10 gr/dscf. • Sources with source test data above 0.080 gr/dscf will remain at the current limit of 0.1 (actually 0.14 with two significant digits) gr/dscf • Sources installed, constructed, or modified after 11/01/14 must comply with 0.10 gr/dscf • Sources may request a source specific limit of 0.17 gr/dscf if it follows the procedures listed in subsection (d) • Sources may request an extension if necessary 	SIP
NA	NA	32	030(3)	Add: “(3) Compliance with the emissions standards in section 32-020 is determined using DEQ Method 5, or an alternative method approved by LRAPA. (a) For fuel burning equipment that burns wood fuel by itself or in combination with any other fuel, the emission results are corrected to 12% CO ₂ . (b) For fuel burning equipment that burns fuels other than wood, the emission results are corrected to 50% excess air. (c) For purposes of this rule, representative compliance source test results are data that was obtained: (A) No more than ten years before April 16, 2015; and (B) When a source is operating and maintaining air pollution control devices and emission reduction processes at the highest reasonable efficiency and effectiveness to minimize emissions based on the current configuration of the fuel burning equipment and pollution control equipment.	A test method should always be specified with each standard in order to be able to show compliance. Representative source test data is clarified.	SIP
32	045			Process Weight Emission Limitations and Determination of Process Weight		
32	045-A.	32	045(1)	Replace:	Clarification and to more closely align with DEQ	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				<p>“A. The maximum allowable emissions of particulate matter for specific processes shall be a function of process weight and shall be determined from Table 1 of Title 32.”</p> <p>With this: “(1) No person may cause, suffer, allow, or permit the emissions of particulate matter in any one hour from any process in excess of the amount shown in 32-8010, for the process weight rate allocated to such process.”</p>		
32	045-B.	32	045(2), (3)	<p>Replace: “B. The maximum allowable emissions of particulate matter from hot mix asphalt plants shall be determined from Table 1 of Title 32 except that the maximum allowable particulate emissions from processes greater than 60,000 pounds per hour shall be limited to 40 pounds per hour.”</p> <p>With this: “(2) Process weight is the total weight of all materials introduced into a piece of process equipment. Solid fuels charged are considered part of the process weight, but liquid and gaseous fuels and combustion air are not. (a) For a cyclical or batch operation, the process weight per hour is derived by dividing the total process weight by the number of hours in one complete operation, excluding any time during which the equipment is idle. (b) For a continuous operation, the process weight per hour is derived by dividing the process weight by a typical period of time, as approved by LRAPA. (3) Where the nature of any process or operation or the design of any equipment permits more than one interpretation of this rule, the interpretation that results in the minimum value for allowable emission applies.”</p>	Correction/Clarification and to more closely align with DEQ	SIP
33	030	32	050	Move Concealment and Masking Emissions section.	Clarification and to allow LRAPA to more-broadly apply this section.	SIP
32	055	32	055	Change “emission” to “deposition”	Particulate matter larger than 250 microns is deposited on property, not emitted	NA
32	055	32	055	Change to:	Clarification and to be as stringent as the corresponding DEQ rule (OAR 340-208-0450).	NA

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				<p>“No person may cause or permit the emission of particulate matter larger than 250 microns in size at sufficient duration or quantity as to create an observable deposition upon the real property of another person.”</p>	<p>DEQ included the following reasons/issues in their April 2015 rule adoption document:</p> <p>“While AOI and DEQ may have negotiated the current language in 2001, the current language creates a problem of enforceability.</p> <p>The current rule states:</p> <p>“No person may cause or permit the emission of particulate matter larger than 250 microns in size at sufficient duration or quantity as to create an observable deposition upon the real property of another person when notified by the department that the deposition exists and must be controlled.”</p> <p>The phrase “when notified by the department that the deposition exists and must be controlled” was added in 2001. This phrase results in an unusual rule that is interpreted as follows: a source can only be in violation of this rule after DEQ staff inform the source that the deposition exists and must be controlled. In other words, any occurrences of the deposition that occur before DEQ staff have informed the source that the deposition exists and must be controlled cannot be cited as violations of this rule. There are few, if any other rules in Divisions 200 through 268 that operate in this unusual manner. Normally, a rule itself serves as the notification that a certain activity or emission is not allowed, and DEQ does not have to provide a second notification before it can cite a facility for a violation of a rule. DEQ can see no reason why OAR 340-208-0450 should not operate in the same manner.</p> <p>DEQ recognizes that a source may not be aware that it has created an observable deposition upon another’s real property and may therefore incorrectly certify compliance with the rule. But this problem is not unique to this rule, and does not justify the unusual requirement to give a second notice before a violation can be cited. For example, a facility may exceed an opacity standard, but if the exceedance is not observed by anyone, then a facility may in this instance also</p>	

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					<p>incorrectly certify compliance with the standard. In both of these cases, the key concept is that compliance or noncompliance with a rule or standard is verified by observation (i.e. monitoring).</p> <p>DEQ agrees that this rule is directed at addressing nuisances, but DEQ does not agree that this rule is duplicative of OAR 340-208-0300, which states in part that “No person may cause or allow air contaminants from any source subject to regulation by the department to cause a nuisance.” OAR 340-208-0300 prohibits causing a nuisance, but does not define nuisance. Unlike OAR 340-208-0300, OAR 340-208-0450 specifically addresses the emission of particulate matter larger than 250 microns in size, such that an observable deposition is created upon the real property of another person.” [end DEQ quote]</p>	
				Gaseous Emission Limitations		
32	070	32	070	Move “only” to before “applicable to sources” from the end of the phrase	Clarification	SIP
32	070	32	070	Add “except recovery furnaces regulated in title 33”	The change in the definition of fuel burning equipment pulls in recovery furnaces so they need to be exempt from the sulfur dioxide standards in title 33. There are sulfur dioxide standards for recovery furnaces in title 33.	SIP
32	070-1,2	32	070(1),(2)	Change Lb. to pounds	Correction	SIP
32	075	32	075	Federal Acid Rain Regulations Adopted by Reference		
32	075-1	32	075(1)	Change to: “(1) 40 CFR Parts 72, 75, and 76 are 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" means the Oregon DEQ and the term "Administrator" means the Administrator of the United States EPA.”	CFR date is included in Reference Materials section, 12-025	NA
32	095	NA	NA	Delete note and section: “See LRAPA Title 48 for rules pertaining to fugitive emissions.”	Correction. Note that has been there since at least October 9, 2001 is no longer needed.	
32	100-1	32	100(1)	Change to: “(1) LRAPA may approve alternative emission controls for VOC and NOx emissions in a Standard ACDP or	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				<p>LRAPA Title V Operating Permit for use within a single source such that a specific emission limit is exceeded, provided that:</p> <p>(a) Such alternatives are not specifically prohibited by a rule or permit condition;</p> <p>(b) Net total emissions for each regulated pollutant from all emissions units involved (i.e., “under the bubble”) are not increased above the PSEL;</p> <p>(c) The owner or operator of the source demonstrates the net air quality under 38-0520;</p> <p>(d) No other air contaminants including malodorous, toxic or hazardous pollutants are substituted;</p> <p>(e) BACT and LAER, where required by a previously issued permit pursuant to LRAPA Title 38 (NSR), LRAPA Title 46 (NSPS), and LRAPA Title 44 (NESHAP), where required, are not relaxed;</p> <p>(f) Specific emission limits are established for each emission unit involved (“under the bubble”) such that compliance with the PSEL can be readily determined;</p> <p>(g) The owner or operator of the source applies for a permit or permit modification and such application is approved by LRAPA; and</p> <p>(h) The emissions unit that reduces its emissions achieves the reductions by reducing its allowable emission rate, and not by reducing production, throughput, or hours of operation.”</p>		
32	100-2	32	100(2)	Change to: “(2) The permit will include a net total emissions limit on total emissions from all devices or emissions units involved (“under the bubble”).”	Clarification	SIP
32	100-3	32	100(3)	Change to: “(3) Alternative emission controls, in addition to those allowed in subsection (1), may be approved by LRAPA and EPA as a source specific SIP amendment.”	Clarification	SIP
32	Table 1	NA	8010	Assign a section number to the process weight table and format table with borders	Clarification	SIP
33				Prohibited Practices and Control of Special Classes of Industry		
33	005	33	005	Add: “The definitions in title 12 and in the individual sections in this title apply to this title. If the same term is defined	Clarification.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				in this title and title 12, the definition in this title applies to this title.”		
33	020	NA	NA	Delete note: <u>Section 33-020 Incinerator and Refuse Burning Equipment</u> <i>Section 33-020 rescinded and new, separate incinerator rules adopted 03/08/94. See Title 30.</i>	No longer needed.	SIP
33	030	32	050	Move “Concealment and Masking of Emissions” to title 32	The section is moved to title 32 to make it more broadly applicable.	SIP
33	055	NA	NA	Delete note: “ <u>Section 33-055 Sulfur Content of Fuels</u> (Moved to Title 32, Section 065, on 11/10/94.)”	No longer needed.	SIP
33	060			Board Products Industries (Hardboard, Particleboard, Plywood, Veneer)		
33	060-1.A.	33	060(3)(B)(i)	Include the definition of “average operating opacity” with the standard and clarify: "Average operating opacity" means the average of 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.”	Clarification	SIP
NA	NA	33	060(1)	Add definition of “baseline emission rate”: “•"Baseline emissions rate" means a source's actual emissions rate during the baseline period, as defined in title 12, expressed as pounds of emissions per thousand square feet of finished product, on a 1/8" basis.”	Clarification and to align with DEQ’s version of the definition for their corresponding rule(s)	SIP
33	060-1.B.	NA	NA	Delete the definition of “Board products”	Definition not needed as the term is unused	SIP
33	060-1.C.	12	010	Move definition of “EPA Method 9” to title 12	See discussion above in title 12 in definition of “EPA Method 9.” Move to title 12 and change reference to 40 CFR Part 60 Appendix A-4	SIP
33	060-1.D.	NA	NA	Delete the definition of “Fuel Moisture Content By Weight Greater Than 20 Percent”	Incorporated language into 33-060(3)(a)(C)(i) and (ii)	SIP
33	060-1.E.	NA	NA	Delete the definition of “Fuel Moisture Content By Weight Less Than 20 Percent”	Incorporated language into 33-060(3)(a)(C)(i) and (ii)	SIP
33	060-1.F.	12	010	Delete the definition of “Hardboard”	See discussion above in title 12 in definition of “hardboard. Definition already included in title 12	SIP
33	060-1.G.	NA	NA	Delete definition of “maximum opacity”	Maximum opacity is really not a defined term other than requiring EPA Method 9 to be used to determine compliance. The compliance method has been included with the standard.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
33	060-1.H.	12	010	Move definition of “particleboard” to title 12	See discussion above in title 12. Definition same as title 33. Move to title 12	SIP
33	060-1.I.	12	010	Delete definition of “particulate matter” and use modified title 12 definition	See discussion above in title 29 in definition of “particulate matter.” Definition different from division 12, 29, and 33. Delete and use a modified version of title definition. Move specific test requirements to rule with standard. Create a testing and monitoring section in 33-060(6).	SIP
33	060-1.J.	12	010	Move definition of “plywood” to title 12. “Plywood” means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it.	Term used in title 37 but not defined there.	SIP
33	060-1.L.	12	010	Move definition of “veneer” to title 12	See discussion above in title 12 in definition of “veneer.” Move to title 12	SIP
33	060-1.M.	12	010	Move definition of “wood fired veneer dryer” title 12	See discussion above in title 12 in definition of “wood fired veneer dryer.” Move to title 12	SIP
33	060-A.(1)	33	060(3)(a)(A)	Change reference from (d) to (c)	Correction	SIP
33	060-3.A.(2)(a), (b)	33	060(3)(a)(B)(i), (ii)	Change to: “(B) No person may operate any veneer dryer such that visible air contaminants emitted from any dryer stack or emission point exceed: (i) A daily average operating opacity of 10 percent on more than two days within any 12-month period, with the days separated from each other by at least 30 days, as measured by EPA Method 9; and (ii) A maximum opacity of 20 percent at any time as measured by EPA Method 9.” Delete note: “Where the presence of uncombined water is the only reason for the failure to meet the above requirement, this requirement shall not apply.”	Clarification. Include the definition language with the standard. Uncombined water is excluded in the method for reading visible emissions, so the note is not needed.	SIP
33	060-3.A.(3)	33	060(3)(a)(C)	Incorporate fuel moisture content into rule and add test method: “(i) 0.75 pounds per 1,000 square feet of veneer dried (3/8 inch basis) for units using fuel which has a moisture content equal to or less than 20 percent by weight on a wet basis as measured by ASTM D4442-84; (iii) 1.50 pounds per 1,000 square feet of veneer dried (3/8 inch basis) for units using fuel which has a moisture content greater than 20 percent by weight on a wet basis as measured by ASTM D4442-84; or	Avoids confusion about indirect heat transfer (e.g., boilers), direct heat transfer (e.g., dryers), and internal combustion devices (e.g., gas turbines).	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				(iii) 0.40 pounds per 1,000 pounds of steam generated in boilers which exhaust gases to the veneer dryer. ”		
33	060-3.B.	33	060(3)(b)	Change lbs/hr to pounds/hour	Clarification	SIP
33	060-3.E.	33	060(3)(e)	Change to: “(e) Monitoring and Reporting: LRAPA may require any veneer dryer facility to establish an effective program for monitoring the visible air contaminant emissions from each veneer dryer emission point. The program must be reviewed and approved by LRAPA and must consist of the following:”	Clarification	SIP
33	060-3.E.(2)	33	060(3)(e)(B)	Change to: “(B) All data obtained must be recorded on copies of a "Veneer Dryer Visual Emissions Monitoring Form" provided by LRAPA or on an alternative form which is approved by LRAPA; and”	Clarification	SIP
33	0060-3.F	NA	NA	Delete open burning limitation	Open burning is regulated under title 47	SIP
33	060-4.A	33	060(4)(a)	Change to: “(a) Every person operating or intending to operate a particleboard manufacturing plant must enclose truck dump and storage areas holding or intended to hold raw materials to prevent windblown particle emissions from these areas from being deposited upon property not under the ownership of said person;”	Clarification	SIP
33	060-4.D	33	060(4)(d)	Replace “lbs/hr” with “pounds per hour”	Clarification	SIP
33	0060-4.G	NA	NA	Delete open burning limitation	Open burning is regulated under title 47	SIP
33	060-5.A	33	060(5)(a)	Change to: “(a) Every person operating or intending to operate a hardboard manufacturing plant must enclose all truck dump and storage areas holding or intended to hold raw materials to prevent windblown particle emissions from these areas from being deposited upon property not under the ownership of said person;”	Clarification	SIP
33	060-5.D.	33	060(5)(d)	Replace “lbs/hr” with “pounds per hour” and revise to more closely match DEQ’s version: “(d) The combined particulate emissions from all emissions sources at the plant must not exceed a plant specific hourly average emission rate determined by multiplying the plant production capacity by one (1.0) pound per 1,000 square feet of production. The plant production capacity is the maximum production in terms of 1000 square feet on a 1/8 inch finished basis for a	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				typical operating shift divided by the number of hours in the operating shift.”		
33	060-5.E.	33	060(5)(e)	Add “except as allowed by paragraph (b)” at the end	Correction. Paragraph (b) allows an exception for a lower temperature than 1500 F from the requirement to incinerate gases and vapors in a hardboard tempering oven.	SIP
33	060-5.G.	33	060(5)(g)	Change to: “(g) No person may operate any hardboard tempering oven unless all gases and vapors emitted from said oven are treated in a fume incinerator capable of raising the temperature of said gases and vapors to at least 1500°F for 0.3 seconds or longer except that specific operating temperatures lower than 1500°F may be approved by LRAPA using the procedures in 40 CFR 63.2262 of the NESHAP for Plywood and Composite Wood Products.” By deleting: “In no case shall fume incinerators installed pursuant to this section be operated at temperatures less than 1000° F.”	Remove reference to odors since this requirement is to control VOC emissions. The NESHAP already includes procedures for approving lower temperatures so it is not necessary here. The deleted phrase is not needed because there are provisions in the NESHAP for setting a lower temperature.	SIP
33	060-5.H.	NA	NA	Delete paragraph H. “H. Any person who proposes to control emissions from hardboard tempering ovens by means other than fume incineration shall apply to LRAPA for authorization to utilize alternative controls. The application shall be submitted pursuant to LRAPA 34-035 and shall describe in detail the plan proposed to control odorous emissions and indicate on a plot plan the location of the nearest property not under ownership of the applicant.”	Paragraph H. is not needed because the hardboard tempering ovens in Oregon are controlled by fume incineration.	SIP
33	0060-5.I	NA	NA	Delete open burning limitation	Open burning is regulated under title 47	SIP
33	060(6)	NA	NA	Add a section for Testing and Monitoring	A test method should always be specified with each standard in order to be able to show compliance	SIP
33	065			Charcoal Producing Plants		
33	065-1.-5.	33	065(1)-(5)	Change “shall” to “are”, “must”, or “may”	Correction/consistency	NA
33	070			Kraft Pulp Mills		
33	070-1	NA	NA	Delete the definition of “continual monitoring”	The term “continual monitoring” is not used	SIP
33	070-1	33	070(1)	Revise definition of “standard dry cubic meter” and change the term to “dry standard cubic meter”	Revise to match term used in rule and to be consistent with DEQ’s definition added to division 234	SIP
33	070-1	33	070(1)	Correct spelling of condensable in the definition of “non-condensibles”	Correction	SIP

Attachment D: Crosswalk of proposed revisions

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
33	070-1	12	010	Delete definition of “parts per million” and use title 50 definition	See discussion above in title 12 in definition of “parts per million.” Definition different title 50. Clarify title 50 definition and move to title 12	SIP
33	070-1	33	070(1)	Change to: "Recovery furnace" means the combustion device in which dissolved wood solids are incinerated and pulping chemicals recovered from the molten smelt. For section 33-070, this term includes a direct contact evaporator, if present."	Clarification	SIP
33	070-1	NA	NA	Delete definition of “Significant Upgrading of Pollution Control Equipment”	Incorporate the definition into the text of the rule	SIP
33	070-1	12	010	Delete definition of “total reduced sulfur”	Definition already in title 12	SIP
33	070-3,6	33	070(3), (6)	Change “lbs.” to “pound” in all cases	Consistency	SIP
33	070-3	33	070(3)	Change “shall not exceed” to “may not exceed”	Correction	SIP
33	070-3.A.(4)	33	070(3)(a)(D)	Change “in no case shall” to “in no case may” and replace the semi-colon with a period at the end of the subsection	Correction	SIP
33	070-3.A.(5)(b)	33	070(3)(a)(E)(ii)	Change to: “(ii) Miscellaneous Sources and Practices. If LRAPA determines that sewers, drains, and anaerobic lagoons significantly contribute to an odor problem, a program for control will be required.”	Clarification	SIP
33	070-3.B.(4)	33	070(3)(b)(D)	Change to: “(d) Replacement of or modification or a rebuild of an existing particulate pollution control device for which a capital expenditure of 50 percent or more of the replacement cost of the existing device is required, other than ongoing routine maintenance, after July 1, 1988 will result in more restrictive standards as follows:”	Clarification. The defined term was not used in the text so incorporate the definition of “significant upgrading of pollution control equipment” into the text.	SIP
33	070-3.D	33	070(3)(d)	Change to: “(d) Emissions from each kraft mill source, with the exception of the mill’s emissions attributable to a recovery furnace, may not equal or exceed 20 percent for a period exceeding three (3) minutes in any one (1) hour.”	Clarification. Recovery furnaces have an opacity limit in 33-070(3)(b)(A)(iii)	SIP
33	070-4.A.	33	070(4)(a)	Delete “air quality” from “significant air quality impact” since the defined term is “significant impact”	Clarification	SIP
33	070-6.B., etc.	33	070(5)(b), 070(5)(b)(B)- (D),	Change “in accordance with” to “using”	Plain language	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
			070(5)(c)(A), (B), 070(5)(d)			
33	070-6.C.(4)	33	070(5)(b)(C)	Change to: “(C) Unless otherwise authorized or required by permit, at least once per year, vents from other sources as required in subparagraph 33-070(3)(a)(E), other sources, must be sampled to demonstrate the representativeness of the emissions of TRS using EPA Method 16, 16A, 16B or continuous emissions monitors. Sampling using these EPA methods must consist of three (3) separate consecutive runs of one hour each, using the DEQ Source Sampling Manual. Continuous emissions monitors must be operated for three consecutive hours in accordance with the DEQ Continuous Monitoring Manual. All results must be reported to LRAPA.”	Clarification and correction	NA
33	070-6.B(4)	33	070(5)(b)(D)	Change to: “(D) Smelt dissolving tank vents must be sampled for TRS quarterly except that testing may be semi-annual when the preceding six source tests were less than 0.0124 gram/kg BLS (0.025 pound/ton BLS) using EPA Method 16, 16A, 16B or continuous emission monitors. Sampling using these EPA methods must consist of three separate consecutive runs of one-hour each using the DEQ Source Sampling Manual.”	Clarification and correction	NA
33	070-6.C(1)	33	070(5)(c)(A)	Add the source test methods for particulate matter: “Each mill must sample the recovery furnace, lime kiln and smelt dissolving tank vent for particulate emissions as measured by EPA Method 5 or 17, using the DEQ Source Sampling Manual. Particulate matter emission determinations by EPA Method 5 must use water as the cleanup solvent instead of acetone, and consist of the average of three separate consecutive runs having a minimum sampling time of 60 minutes each, a maximum sampling time of eight hours each, and a minimum sampling volume of 31.8 dscf each.”	The definition of particulate matter has been moved to title 12. The test methods are being separated from the definition and included with the standard.	SIP
NA	NA	33	070(5)(c)(A)(i)- (iii)	Add adjustments for oxygen correction: “(i) When applied to recovery furnace gases "dry standard 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%. (ii) When applied to lime kiln gases "dry standard cubic meter" requires adjustment of the gas volume to that	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				which would result in a concentration of 10% oxygen if the oxygen concentration exceeds 10%. (iii) The mill must demonstrate that oxygen concentrations are below the values in (A) and (B) above or furnish oxygen levels and corrected data.”		
33	070-6.F	33	070(5)(f)	Change to: “(f) New Source Performance Standards Monitoring. New or modified sources that are subject to the New Source Performance Standards, 40 CFR Part 60, Subpart BB, must conduct monitoring or source testing as required by Subpart BB. In addition, when these rules are more stringent than Subpart BB, LRAPA may require some or all of the relevant monitoring in this section.”	Clarification	SIP
33	070-7	33	070(6)	Change to: “If required by LRAPA or by permit, each mill must report data each calendar month by the last day of the subsequent calendar month as follows:”	Clarification	SIP
33	070-7	33	070(6)(f)	Delete “Where transmissometers are not feasible, the mass emission rate shall be determined by alternative sampling approved by LRAPA.”	This alternative is not necessary. All pulp mills have transmissometers.	SIP
33	070-7-G.	33	070(6)(g)	Correct spelling of “condensable”	Condensable used throughout this rule	SIP
33	070-9	33	070(8)	Change to: “If LRAPA determines that an upset condition is chronic and correctable by installing new or modified process or control procedures or equipment, the owner or operator must submit to LRAPA a program and schedule to effectively eliminate the deficiencies causing the upset conditions. Such reoccurring upset conditions causing emissions in excess of applicable limits may be subject to civil penalty or other appropriate action.”	Clarification	SIP
33	075			Hot Mix Asphalt Plants		
33	075-1	33	075(1)	Delete definition of “Collection Efficiency”	Included in title 12.	
33	075-1	33	075(1)	Delete definition of “Particulate matter”	Included in title 12.	
33	075-2.A.	33	075(2)(a)	Change to: “(a) No person shall operate any hot mix asphalt plant, either portable or stationary, located within any area of the state outside special control areas unless all dusts and gaseous effluents generated by the hot mix asphalt plant are controlled by a control device or devices with a removal efficiency for particulate matter of at least 80 percent by weight.”	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
33	075-2.A.	33	075(2)(a)	Add: “To determine compliance with this standard, the owner or operator must conduct a particulate matter source test using DEQ Method 5 at the inlet and outlet of the control device. If it is not feasible to conduct a PM source test at the inlet to the control device, the owner or operator must provide documentation demonstrating that the control device is designed to meet the standard and prepare and implement an operation and maintenance plan for ensuring that the control device will have at least an 80 percent removal efficiency when operated. “	Clarification. A test method should always be specified with each standard in order to be able to show compliance	SIP
33	075-2.B.	33	075(2)(b)	Change to: “(b) No person may operate any hot mix asphalt plant, either portable or stationary, located within any special control area of the state without installing and operating systems or processes for the control of particulate emissions so as to comply with the emission limits established by the process weight table in section 33-500. Compliance is determined using DEQ Method 5. All source tests must be done using the DEQ Source Sampling Manual.”	Clarification. A test method should always be specified with each standard in order to be able to show compliance. Renumber table so that each table has its own rule number. Change reference from the table in title 32 to the table now included in title 33.	SIP
33	075-2.B.	33	075(2)(c)	Move the following to its own paragraph: “(c) Hot mix asphalt plants are subject to the emission limitations in sections 32-010, 32-015, and 46-535, as applicable.”	Clarification	SIP
NA	NA	33	075(2)(c)	Add: “(d) If requested by LRAPA, the owner or operator must develop a fugitive emission control plan.”	If fugitive emissions are an issue, LRAPA will request that a fugitive emission control plan be developed and implemented.	SIP
33	075-3.	33	075(3)	Delete “or regulation” at the end of the sentence	Clarification	SIP
33	075-4.	NA	NA	Repeal Portable Hot Mix Asphalt Plants	Requirements for portable hot mix asphalt plants are included in the general permit for asphalt plants. LRAPA does not do a control device approval when the plant moves. The source is required to get approval from the local land use authority and the permits include the emission limits and standards for each area where a portable source could be located. No other approval is needed when a source moves. However, the source needs to notify LRAPA, but that is a condition of the permit.	SIP
33	075-5.A	33	075(5)(a)	Change “from the plant” to “from a hot mix asphalt plant”	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
33	075-5.B	33	075(5)(b)	Add "truck" to "traffic"	Clarification	SIP
33	080			Reduction of Animal Matter		
33	080-1.D.	33	080(1)(d)	Change "shall not apply" to "do not apply"	Correction	SIP
33	080-2.B.	33	080(2)(b)	Change to: “(b) Except as otherwise required under the Oregon Public Records Law, ORS 192.410 to 192.505, when requested by the plant manager any information relating to processing or production must be kept confidential by LRAPA and may not be disclosed or made available to competitors or their representatives in the rendering industry.”	Clarification. The public records law may require disclosure in some cases.	SIP
NA	NA	33	500	Add process weight table for determining particulate matter emissions	Clarification. Section previously referenced the identical table included in title 32.	
34				Stationary Source Notification Requirements	None	
34	NA	NA	NA	Delete "stationary" from "stationary source"	Correction. Some portable sources are subject to the Notice of Construction rules	SIP
34	005	34	005	Add title 29 as another title that has definitions that would apply to this title; delete references to definitions in title 42 and OAR division 218.	Add reference to title 29 definitions; LRAPA and DEQ (OAR) definitions have been reorganized; the new/revised definition reference matches DEQ's in OAR 340-210-0020.	
NA	NA	34	010(1)	Add applicability to: “(1) This title applies to air contaminant sources, to stationary sources, and to modifications of existing portable sources that are required to have permits under title 37.”	Correction. These rules could apply to sources that emit air contaminants and portable sources if required to have a permit, in addition to stationary sources.	SIP
34	010-1	34	010(2)	Add "the following" at the end	Clarification	SIP
34	010-1.A	34	010(2)(a)	Change to: “(a) All new sources not otherwise required to obtain a permit under title 37 or OAR 340 division 218. Sources that are required to submit a permit application under title 37 or OAR 340 division 218 are not required to submit a Notice of Construction application under this rule;”	Clarification for new sources that are not required to submit a Notice of Construction application	SIP
NA	NA	34	010(2)(b)	Add: “(b) Modifications at existing sources, including sources that have permits under title 37 or OAR 340 division 218; and”	Clarification for modifications at existing sources that are required to submit a Notice of Construction application	SIP
34	010-1.B	34	010(2)(c)	Change to: “(c) All sources that use air pollution control devices used to comply with emissions limits, or used to avoid the requirement to obtain an LRAPA Title V Operating Permit (OAR 340 division 218) or Major NSR or Type A	Clarification for pollution control equipment that are required to submit a Notice of Construction application	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				State NSR (LRAPA title 38) requirements, or MACT standards (LRAPA title 44)."		
34	010-2	34	010(3)	Change "Section 34-010 and 34-034 through 34-038 do not apply to the following sources:" to "34-010 and 34-034 through 34-038 do not apply to the following sources:"	Clarification	SIP
34	010-2.A	34	010(3)(a)	Change to: "(a) Agricultural operations or equipment that is exempted by 12-020;"	Correction/clarification; match DEQ's version	SIP
34	010-2.C	34	010(3)(c)	Add "ed" to limit	Correction	SIP
NA	NA	34	010(3)(d)	Add: "(d) Portable sources, except modifications of portable sources that have permits under title 37 or OAR 340 218; and"	Correction. Add portable sources to the list of sources that are exempt from the Notice of Construction rules unless the portable source is required to obtain a permit under title 37 or division 218.	SIP
34	010-2.D	34	010(3)(d)	Change wording to "unless they are subject to NESHAP or NSPS requirements."	Clarification	SIP
34	015	34	015	Remove information request authority limitation for only sources subject to Title 34.	Establishes comparable DEQ authority under 340-214-0114. EPA comment states this is needed to meet the requirements of 40 CFR 51.211 and 5.230(3) and (f).	
35	0160	34	016	Move "Records; Maintaining and Reporting" from title 35 to title 34 and add requirement and add: "(5) The owner or operator of any source required to obtain a permit under title 37 or OAR 340 218 must retain records of all required monitoring data and supporting information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. For the owner or operator of a source permitted under title 37, this requirement takes effect on July 1, 2015."	Clarification. ACDP sources that are subject to NESHAP requirements and Title V sources are required to retain records for 5 years. LRAPA will change recordkeeping requirements for all sources to 5 years for consistency and to avoid confusion.	SIP
NA	NA	34	017	Add a new section to address credible evidence.	From DEQ's OAR 340-214-0120 rule	SIP
NA	NA	34	020(3)(e)	Add "(e) It must not be emissions data."	Clarification. Oregon Revised Statute 468.095(2) does not allow emissions data to be classified as confidential.	SIP
34				Registration	None	
34	025-2,3, 4, and 5	34	025(2),(3),(4), and (6)	Delete "air contaminant" in front of "sources"	Not necessary	SIP
NA	NA	34	025(6)	Add the following new subsection: "(6) The owner or operator of an air contaminant source that is subject to a federal NSPS or NESHAP in 40 CFR	Allows LRAPA to register sources of concern so long as the source(s) is not already required to	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				part 60 or 40 CFR part 63 and that is not located at a source that is required to obtain a permit under title 37 (Air Contaminant Discharge Permits) or OAR 340 division 218 (Oregon Title V Operating Permits), must register and maintain registration with LRAPA pursuant to section 34-030 if requested in writing by LRAPA (or by EPA at LRAPA's request)."	have a permit; matches DEQ's version (OAR 340-210-0100(3)).	
34	030-3,4	34	030(3), (4)	Make structure of registration requirements similar in each section	Clarification and consistency	SIP
NA	NA	34	030(5)	Add the following new subsection: “(5) In order to obtain registration pursuant to 34-025(6), the following information must be submitted by a registrant: (a) Name, address and nature of business or institution; (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 air contaminant source subject to regulation; (e) Identification of the applicable regulation; (f) Confirmation that approval to construct and operate the air contaminant source was obtained in accordance with section 34-010 and sections 34-034 through 34-038; (g) Confirmation that the air contaminant source is operating in compliance with all applicable state rules and regulations, including but not limited to section 32-010 (visible air contaminant limitations) and section 32-020 or section 32-030 (grain loading standards); (h) Confirmation that the air contaminant source is operating in compliance with all applicable federal rules and regulations, including but not limited to 40 CFR part 60 and part 63 standards and work practice requirements, such as routine tune-up for boilers; and (i) Any other information requested by LRAPA.	Clarifies requirements to register sources of concern so long as the source(s) is not already required to have a permit; matches DEQ's version (OAR 340-210-0110(5)).	
34	030-7	34	030(8)	Change to: “(8) In order to re-register, or maintain registration, 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, in which case the person must not have had their registration terminated or revoked since the change in ownership.”	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
NA	NA	34	030(9)	Add the following new subsection: “(9) If a registered air contaminant source is sold or transferred, the sale or transfer must be reported to LRAPA by either the former owner or the new owner within 30 days of the date of sale or transfer. The new owner of the registered air contaminant source must register the air contaminant source within 30 days of the date of sale or transfer in accordance with subsections (2) and (4).”	Clarification for registered sources that are sold or transferred; matched DEQ’s version (OAR 340-210-0120(4))	SIP
34				Notice of Construction and Approval of Plans		
34	034-2	34	034(2)	Change “stationary source” to “existing source”	Clarification	SIP
34	035-1	34	035(1)	Add “meets the criteria in subsections (a) through (f)”	Clarification	SIP
34	035-1.A., 1.B.	34	035(1)(a), (1)(b)	Add “from the source” after “would not increase emissions”	Clarification. Emissions are from the source, not individual “stationary sources” for comparison to the netting basis and significant emission rate	SIP
34	035-1.A	34	035(1)(a)	Change “de minimis level” to “de minimis emission level”	Clarification.	SIP
34	035-1.B	34	035(1)(b)	Change “significant emissions rate” to “SER”	Clarification.	SIP
34	035-1.A, 1.C.	34	035(1)(a), (1)(c)	Correct spelling of de minimis	Correction	SIP
34	035-1.C.	34	035(1)(c)	Change to: “(c) Would not increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than the de minimis levels defined in LRAPA title 12;”	Clarification. Emissions from the source are compared to de minimis levels	SIP
NA	NA	34	035(1)(f), (2)(f)	Add requirement that changes that are required to obtain a permit under title 37 would not qualify as a Type 1 or Type 2 changes.	Corrects a problem regarding changes that otherwise qualify as a Type 1 change but should be required to obtain a permit under title 37. There have been instances when companies have replaced a NESHAP subject chrome plating line with entirely new equipment or have replaced the control device. In each instance the associated emissions are well below the de minimis rate and the change meets the Type 1 criteria. The review process in these instances is more complicated than for what Type 1 category was intended and therefore, a permit is required.	SIP
34	035-2	34	035(2)	List requirements for Type 2 changes rather than reference changes in 035(1)	Clarification	SIP
34	035-2.C	34	035(2)(c)	Change to:	Clarification. Emissions are from the stationary source for comparison to the SER	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				“(c) Would not increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than or equal to the SER;”		
34	035-3	34	035(3)	Change to: “(3) Type 3 changes include construction or modification of sources or air pollution control devices where such a change does not qualify as a Type 4 change under section (4) and;”	Clarification. Type 4 changes can result in federally enforceable PTE limits and possibly require a TACT or MACT determination, and such changes would therefore qualify under both Type 3 and 4. This language makes it clear that if they qualify for both, then they’re Type 4 not 3.	SIP
34	035-3.A	34	035(3)(a)	Change to: “(a) Would increase emissions from the source above the PSEL by more than the de minimis emission level defined in title 12 before applying unassigned emissions or emissions reduction credits available to the source but less than the SER after applying unassigned emissions or emissions reduction credits available to the source for sources required to have a permit;”	Clarification. An increase in PESL should be calculated before applying unassigned emissions or emission reduction credits	SIP
34	035-3.B	34	035(3)(b)	Change to: “(b) Would increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than the SER but are not subject to 42-0041(4)(b);”	Clarification. 42-0041-3.B. was renumbered to 42-0041(4)(b)	SIP
34	035-4	34	035(4)	Change to: “(4) Type 4 changes include construction or modification of sources or air pollution control devices where such a change or changes would increase emissions from the source above the PSEL, after applying unassigned emissions or emissions reduction credits available to the source, or netting basis of the source by more than the SER.”	Clarification	SIP
NA	NA	34	036(1)(p)	Add a new paragraph: “(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.”	Clarification. LRAPA currently requires a LUCS for ACDP applications in 37-0040 but this change aligns LRAPA construction application requirements with DEQ’s (OAR 340-210-230)	SIP
34	036-3	34	036(3)	Change “LRAPA must be notified” to “The owner or operator must notify LRAPA”	Clarification	SIP
34	037-1.A.	34	037(1)(a)	Change to: “(a) For Type 1 changes, the owner or operator may proceed with the construction or modification 10 calendar	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				days after LRAPA receives the notice required in 34-036 or on the date that LRAPA approves the proposed construction in writing, whichever is sooner, unless LRAPA notifies the owner or operator in writing that the proposed construction or modification is not a Type 1 change.”		
34	037-1.B.	34	037(1)(b)	Change to: “(b) For Type 2 changes, the owner or operator may proceed with the construction or modification 60 calendar days after LRAPA receives the notice required in 34-036 or on the date that LRAPA approves the proposed construction in writing, whichever is sooner, unless LRAPA notifies the owner or operator in writing that the proposed construction or modification is not a Type 2 change.”	Clarification	SIP
34	037-1.D. [Note:]	34	037(1)(d)	Add “requirements” to New Source Review and delete “[Note: In non-attainment areas and maintenance areas” and “ 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.]”	Put the language in the rule, rather than a note. Clarify that Type 4 changes may also be subject to title 38, New Source Review.	SIP
34	037-3.B.	34	037(3)(b)	Add “,device, activity, process,” to source	Clarification	SIP
34	037-5.	34	037(5)	Change to: “(5) Hearing. A person against whom an order prohibiting construction or modification is directed may request a contested case hearing within 20 days from the date of mailing the order. The request 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 title 14.”	Clarification; Hearing provisions are in title 14 rather than title 31 so as to be more congruent with DEQ’s version (LRAPA title 14 = DEQ division 11, generally).	SIP
34	038-1	34	038(1)	Change to: “(1) The approval to construct does not provide approval to operate the constructed or modified source or air pollution control device unless otherwise allowed by subsection (2) or (3) or under the applicable ACDP or Oregon Title V Operating Permit programs (title 37 and OAR 340 division 218).”	Clarification	SIP
34	038-2.A.	34	038(2)(a)	Change paragraph to: “(a) For sources that are not required to obtain a permit in accordance with 37-0020, Type 1 and 2 changes may be operated without further approval subject to the	Clarification	

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				conditions of LRAPA's approval to construct provided in accordance with 34-037."		
NA	NA	34	038(2)(a)(A)	Add new subparagraph: “(A) Approval to operate does not relieve the owner of the obligation of complying with applicable requirements that may include but are not limited to the general opacity standards in 32-010 and general particulate matter standards in 32-015 and 32-030.”	Clarification	SIP
NA	NA	34	038(2)(a)(B)	Add new subparagraph: “(B) If required by LRAPA as a condition of the approval to construct or at any other time in accordance with 34-030, the owner or operator must conduct testing or monitoring to verify compliance with applicable requirements. All required testing must be performed in accordance with 35-0140.”	Clarification	SIP
NA	NA	34	038(2)(a)(C)	Add new subparagraph: “(C) The owner or operator must register the air contaminant source with LRAPA if required as a condition of the approval to construct or at any other time in accordance with 34-030.”	Clarification	SIP
34	038-2.B.	34	038(2)(b)	Change to: “(b) For new sources that are required to obtain an ACDP in accordance with 37-0020, the ACDP, which allows operation, is required before operating the newly constructed equipment.”	Clarification. It is the equipment that will be operated, not the change type.	SIP
34	040	12	030	Move section titled: “Compliance Schedules for Existing Sources Affected by New Rules” from title 34 to title 12	Clarification	SIP
34	080	NA	NA	Delete note that refers reader from title 34 to title 36 for rules pertaining to excess emissions	Clarification; note no longer needed.	SIP
34	160	NA	NA	Delete note that refers reader from title 34 to title 38 for rules pertaining to new source review	Clarification; note no longer needed.	SIP
35				Stationary Source Testing and Monitoring		
35	0010	NA	NA	Add title 29 or division 204 as another title or division that has definitions that would apply to this title	Add reference to title 29 and division 204 definitions	SIP
35	0110	NA	NA	Change to: “Sections 35-0110 through 35-0160 apply to all stationary sources in Lane County. Stationary source includes portable sources that are required to have permits under title 37.”	Correction. LRAPA and DEQ permit some portable sources so all requirements apply to stationary sources and the permitted portable sources.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
35	0120(3)	NA	NA	Update Source Sampling Manual and Continuous Monitoring Manual	The Source Sampling Manual (1992) and the Continuous Monitoring Manual (1992) have been updated to reflect current methods and procedures.	SIP
35	0120(3)(b)	NA	NA	Change to: “(b) Approves the use of an equivalent or alternative method as defined in title 12;”	Equivalent method and alternative method are defined in title 12	SIP
35	0130(2)(c)	NA	NA	Change to: “(c) The “procedures” referred to in 40 CFR 51.164 are the LRAPA’s Major NSR procedures (38-0010 through 38-0070 and 38-0050 through 38-0540 of LRAPA rules), and the review procedures for new, or modifications to, minor sources, at LRAPA’s review procedures for new or modified minor sources (34-0200 to 34-0220, 38-0010 through 38-0038, or 38-0200 through 38-0270 and 38-0500 through 38-0540)”	Correction and clarification. LRAPA has added rules for State New Source Review in this title so the distinction between major and minor new source review must be made. The cross reference to the Notice of Construction and Approval of Plans in title 34 is incorrect.	SIP
35	0140(1)	NA	NA	Update Source Sampling Manual	The Source Sampling Manual (1992) has been updated to reflect current methods and procedures.	SIP
35	0140(2)	NA	NA	Change to: “(2) LRAPA may approve an equivalent or alternative method as defined in title 12.”	Equivalent and alternative methods are defined in title 12 so do not need to be defined here.	SIP
35	0160	34	016	Move “Records; Maintaining and Reporting” from title 35 to title 34 and add: “(5) The owner or operator of any source required to obtain a permit under title 37 or OAR 340 218 must retain records of all required monitoring data and supporting information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. For the owner or operator of a source permitted under title 37, this requirement takes effect on July 1, 2015.”	Clarification. ACDP sources that are subject to NESHAP requirements and Title V sources are required to retain records for 5 years. LRAPA will change recordkeeping requirements for all sources to 5 years for consistency and to avoid confusion.	SIP
35				Compliance Assurance Monitoring		
35	0200 - 0280	NA	NA	Remove from or do not include in SIP	DEQ’s correction in their version of these rules: “The note that this rule is included in the Oregon SIP is not included in any of these rules but the rules were approved into the Oregon SIP on 01/22/03 in 68 FR2891. With this SIP submittal, DEQ is asking to remove these rules from the SIP because they apply only to Title V sources.” These sections are not (yet) included in LRAPA’s SIP, but the DEQ reason/issue description is included here for clarity.	NA

Attachment D: Crosswalk of proposed revisions

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
35	ALL	NA	NA	Delete CFR date	CFR date is included in Reference Materials rule, 12-025	NA
35	0200 (2)(a)(E)	NA	NA	Correct name of title 42 to include “Stationary Source...”	Correction	NA
35	0220 (5)	NA	NA	Change “requires” to “require”	Correction	NA
35	0230 (1)(b)	NA	NA	Change “218-0080” to “218-0180”	Correction. OAR 340-218-0180 is Significant Permit Modifications	NA
35	0270(2)(a)	NA	NA	Delete “below” after OAR 340-218-0050(3)	Correction	NA
35	0280(1)	NA	NA	Correct spelling of “complying”	Correction	NA
36				Excess Emissions		
36	001-1	36	001(1)	Add “Emissions in excess of applicable standards are not excess emissions if the standard is in an NSPS or NESHAP and the NSPS or NESHAP exempts startups, shutdowns and malfunctions as defined in the applicable NSPS or NESHAP.”	Clarification. During their rulemaking, DEQ received a comment that the rules should exclude startup, shutdown, and malfunction events from excess emission requirements where currently allowed by federal regulation or permit specific requirements.	SIP
36	001-2.A.	36	001(2)(a)	Add: “the owner or operator immediately report”	Clarification. Align with DEQ’s version of this paragraph (OAR 340-214-0300(1)).	SIP
36	001-2.C	36	001(2)(c)	Change to: “(c) Identify criteria for LRAPA to use in determining whether it will take enforcement action against an owner or operator for an excess emission; and”	Clarification. Align with DEQ’s version of this paragraph (OAR 340-214-0300(3)).	SIP
36	001-2.D.	36	001(2)(d)	Add “of sources with Oregon Title V Operating Permits” to the provision for affirmative defense.	Like DEQ, LRAPA is limiting emergency as an affirmative defense to Title V permitted sources but is including emergency as one of the criteria to consider in taking enforcement action.	SIP
36	005-1, 2, 3, 5, 6, 8, 9, 10	NA	NA	Remove definitions for “Event”, “Excess Emissions”, “Immediately”, “Process Upset”, “Shutdown”, “Startup”, “Unavoidable”, “Upset” or “Breakdown”.	Delete all of the definitions in title 36, except “large source” and “small source”. The deleted definitions are included in title 12 and, in some instances, contain different wording, which is confusing.	SIP
36	005-4	36	005(4)	Change to: “(4) “Large Source”, as used in this title, means any stationary source required to maintain a Title V Operating Permit or whose actual emissions or potential controlled emissions while operating full time at the design capacity are equal to or exceed 100 tons per year of any regulated air pollutant other than GHG.”	Delete “, or which is subject to a National Emissions Standard for Hazardous Air Pollutants (NESHAP). Where PSELs have been incorporated into the ACDP, the PSEL will be used to determine actual emissions.” from the definition of large source. The general provisions for NESHAP sources have excess emission reporting and some individual NESHAPs have their own excess emission reporting – like NSPS so don’t need to include these sources in the immediate reporters.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					The sentence about PSELs being used to determine actual emissions is redundant with requirement that PSELs limit PTE so this sentence is not necessary.	
36	005-7	36	005(7)	Change to: “(7) "Small Source" means any other stationary source that is not a large source and that operates under a basic, general, simple or standard ACDP.”	Clarification and correction. The “basic” permit category was inadvertently omitted when the definition of small source was changed in 2008	SIP
36	010-2	36	010(2)	Change to: “(2) The owner or operator must obtain prior LRAPA authorization of startup and shutdown procedures. The owner or operator must submit to LRAPA a written application for approval of new procedures or modifications to existing procedures. The application must be submitted in time for LRAPA to receive it at least seventy-two (72) hours prior to the first occurrence of a startup or shutdown event to which the procedures apply. The application must:”	Clarification. The wording is revised to clarify the owner/operator requirements and align the language with DEQ’s version (OAR 340-214-0310(2))	SIP
36	010-3	36	010(3)	Change to: “(3) LRAPA will approve the procedures if it determines that they are consistent with good pollution control practices, will minimize emissions during such period to the extent practicable, and that no adverse health impact on the public will occur. The owner or operator must record all excess emissions in the excess emissions log as required in 36-025(3). Approval of the procedures does not shield the owner or operator from an enforcement action, but LRAPA in determining whether a penalty action is appropriate will consider whether the procedures were followed.”	Clarification. The wording is revised to clarify the owner/operator requirements and align the language with DEQ’s version (OAR 340-214-0310(3))	SIP
36	010-4	36	010(4)	Change to: “(4) Once LRAPA approves startup/shutdown procedures, the owner or operator does not have to notify LRAPA of a planned startup or shutdown event unless it results in excess emissions.”	Clarification. The wording is revised to clarify the owner/operator requirements and align the language with DEQ’s version (OAR 340-214-0310(4))	SIP
36	010-5	36	010(5)	Change to: “(5) When notice is required by subsection (4), it must be made in accordance with 36-020(1)(a).”	Clarification. The wording is revised to clarify the owner/operator requirements and align the language with DEQ’s version (OAR 340-214-0310(5))	SIP
36	010-6	36	010(6)	Change to: “(6) The owner or operator is subject to the requirements under All Other Excess Emissions in 36-020 if the owner	Clarification. The wording is revised to clarify the owner/operator requirements and align the	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				or operator fails to obtain LRAPA approval of startup and shutdown procedures in accordance with subsection (2).”	language with DEQ’s version (OAR 340-214-0310(6))	
36	010-8	36	010(8)	Change “Non-attainment to “nonattainment” and add “PM2.5 or” before PM10 nonattainment area	Correction	SIP
36	020-1	36	020(1)	Change to: “(1) If the owner or operator anticipates that scheduled maintenance of air contaminant sources or air pollution control devices may result in excess emissions, the owner or operator must obtain prior LRAPA authorization of procedures that will be used. The owner or operator must submit a written application for approval of new procedures or modifications to existing procedures. The application must be submitted in time for LRAPA to receive it at least 72 hours before the first occurrence of a maintenance event to which the procedures apply. The application must:”	Clarification. The scheduled maintenance rule appears to apply to processes and not control equipment. The rule should also apply to control equipment maintenance activities.	SIP
36	015-1.A.	36	015(1)(a)	Change to: “(a) The reasons explaining the need for maintenance, including but not limited to: why the maintenance activity is necessary; why it would be impractical to shut down the source operation during the maintenance activity; if applicable, why air pollution control devices must be by-passed or operated at reduced efficiency during the maintenance activity; and why the excess emissions could not be avoided through better scheduling for maintenance or through better operation and maintenance practices;”	Clarification.	SIP
36	015-1.C.	36	015(1)(c)	Add: “Identification of” to the beginning of the sentence: “The nature of the air contaminants likely to be emitted during the maintenance period, and the estimated amount and duration of the excess emissions, including measures such as the use of overtime labor and contract services and equipment that will be taken to minimize the length of the maintenance period; and”	Clarification.	SIP
36	015-1.D.	36	015(1)(d)	Add: “during the scheduled maintenance.” to the end of the sentence: “Identification of specific procedures to be followed which will minimize excess emissions at all times”	Clarification.	SIP
36	015-2	36	015(2)	Change to: “LRAPA will approve the procedures if it determines that they are consistent with good pollution control practices, will minimize emissions during such period to the extent	Clarification.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				practicable, and that no adverse health impact on the public will occur. The owner or operator must record all excess emissions in the excess emissions log as required in 36-025(3). Approval of the above procedures does not shield the owner or operator from an enforcement action, but LRAPA will consider whether the procedures were followed in determining whether an enforcement action is appropriate.”		
36	015-6	36	015(6)	Do not capitalize “nonattainment area” and add “PM2.5 or” before PM10 nonattainment areas	Correction	SIP
36	020-1.A.	36	020(1)(a)	Add: “unless otherwise specified by a permit condition.” To the end of the sentence: “(a) The owner or operator of a large source, as defined by 36-005(4), must immediately notify LRAPA the first onset per calendar day of any excess emissions event,”	Clarification	SIP
36	020-2.B.	36	020(2)(b)	Move the word “immediately” within the sentence: “(b) The owner or operator, of a small source, as defined by 36-005(7), need not immediately notify LRAPA of excess emissions events unless otherwise required by permit condition, written notice by LRAPA, or if the excess emission is of a nature that could endanger public health.”	Clarification	SIP
36	020-2	36	020(2)	Change the last sentence from: “Such action by LRAPA would be taken upon consideration of the following factors:” To read: “LRAPA will consider the following factors:”	Clarification	SIP
36	020-2.D.	36	020(2)(d)	Change the last sentence from: “Whether continued excess emissions are determined by LRAPA to be avoidable.” To read: “Whether continued excess emissions were avoidable.”	Clarification; align with DEQ’s version.	SIP
36	020-3	36	020(3)	Change to read: “(3) If there is an on-going period of excess emissions, the owner or operator must cease operation of the equipment or facility no later than forty-eight (48) hours after the beginning of the excess emission period, if the condition causing the emissions is not corrected within that time. The owner or operator does not have to cease operation if LRAPA approves procedures to minimize excess emissions until the condition causing the excess	Clarification; minor wording changes to align with DEQ’s version.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				emissions is corrected or brought under control. Approval of these procedures will be based on the following information supplied to the LRAPA:”		
36	020-4	36	020(4)	Change to read: “(4) LRAPA will approve the procedures if it determines that they are consistent with good pollution control practices, will minimize emissions during such period to the extent practicable, and that no adverse health impact on the public will occur. The owner or operator must record all excess emissions in the excess emission log as required in 36-025(3). At any time during the period of excess emissions LRAPA may require the owner or operator to cease operation of the equipment or facility in accordance with subsection (2). Approval of these procedures does not shield the owner or operator from an enforcement action, but LRAPA will consider whether the procedures were followed in determining whether enforcement action is appropriate.”	Clarification; minor wording changes to align with DEQ’s version.	SIP
36	025-1	36	025(1)	Change “A Title V permit” to “an LRAPA Title V Operating Permit”	Correction	SIP
36	030	NA	NA	Change “In determining whether to assess a penalty for excess emissions, LRAPA considers, based upon information submitted by the owner or operator, the following criteria:” To: “In determining whether to take enforcement action for excess emissions, LRAPA considers, based upon information submitted by the owner or operator, the following:”	Clarification; align with DEQ’s version.	SIP
36	030	NA	NA	Change periods to semicolons at the end of each subsection	Correction	SIP
36	030-3	36	030(3)	Add: “owner or operator took” to the sentence so that it reads: “(3) Whether the owner or operator took appropriate remedial action;”	Clarification; align with DEQ’s version.	SIP
NA	NA	36	0350(5)	Add: “(5) Whether any federal New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants applies and whether the excess emission event caused a violation of the federal standard;”	Add this provision to the criteria for determining whether to take enforcement action for excess emissions. EPA can approve a SIP revision that creates an affirmative defense to claims for penalties in enforcement actions regarding excess emissions caused by malfunctions as long as the defense does not apply to SIP provisions that derive from federally promulgated performance standards or emission limits, such as New Source	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					Performance Standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAPS).	
NA	NA	36	0350(6)	Add: “Whether the excess emission event was due to an emergency.”	LRAPA is limiting emergency as an affirmative defense to Title V permitted sources but is including emergency as one of the criteria to consider in taking enforcement action.	SIP
36	030	NA	NA	Change periods to semicolons at the end of each subsection and subparagraph, except for the last item in each list where the period is retained.	Correction	SIP
36	030-5.B	36	030(7)(b)	Add “and” at the end of (b)	Correction	SIP
36	040	NA	NA	Change title to “Emergency as an Affirmative Defense for Title V Permitted Sources	Correction. This provision only applies to Title V sources with Title V permits.	SIP
36	040-1	36	040(1)	Add “in an LRAPA Title V permit”	Correction. This provision only applies to Title V sources with Title V permits.	SIP
36	040-1.A	36	040(1)(a)	Change to: “(a) An emergency occurred and caused the excess emissions;”	Clarification	SIP
37				Air Contaminant Discharge Permits		
37	0010	NA	NA	Add: “pursuant to ORS 468A.040 through 468A.060 and related statutes for sources of air contaminants.” To the end of the sentence: “This title prescribes the requirements and procedures for obtaining Air Contaminant Discharge Permits (ACDPs).”	Clarification to add Oregon Revised Statue (ORS) authority.	SIP
37	0020	NA	NA	Change title to “Applicability and Jurisdiction”	Clarification	SIP
37	0020	37	8010 & 8020	Renumber tables so that each table has its own rule number. Change reference from 37-0020 to 37-8010 or 37-8020, whichever is applicable and change parts to sections	Clarification	SIP
37	0020	NA	NA	Add table names	Clarification	SIP
37	0020	37	0020(1)	Number the lead-in paragraph to section 37-0020	Clarification	SIP
37	0020	37	0020(2)	Add: “(2) Sources in any one of the categories in 37-8010 Table 1 (Table 1) must obtain a permit. If a source meets the requirements of more than one of the source categories and the source is not eligible for a Basic ACDP or a General ACDP that has been authorized by LRAPA, then the source must obtain a Simple or Standard ACDP. Source categories are not listed in alphabetical order.	Clarification. Move the language from the tables into the text	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				<p>(a) The commercial and industrial sources in Table 1, Part A must obtain a Basic ACDP under 37-0056 unless the source chooses to obtain a General, Simple or Standard ACDP. For purposes of 37-8010 Table 1, Part A, 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.</p> <p>(b) Sources in any one of the categories in Table 1, Part B must obtain one of the following unless otherwise allowed in Table 1, Part B: (A) A General ACDP, if one is available for the source classification and the source qualifies for a General ACDP under 37-0060; (B) A Simple ACDP under 37-0064; or (C) A Standard ACDP under 37-0066 if the source fits one of the criteria of Table 1, Part C or does not qualify for a Simple ACDP.</p> <p>(c) Sources in any one of the categories in Table 1, Part C must obtain a Standard ACDP under the procedures set forth in 37-0066.”</p>		
37	0020-1	37	0020(3)	<p>Change to: “(3) No person may construct, install, establish, develop or operate any air contaminant source which is listed in 37-8010 Table 1 without first obtaining an Air Contaminant Discharge Permit (ACDP) from DEQ or LRAPA and keeping a copy onsite at all times, unless otherwise deferred from the requirement to obtain an ACDP in paragraph (1)(b) or LRAPA has granted an exemption from the requirement to obtain an ACDP under paragraph (1)(e) . No person may continue to operate an air contaminant source if the ACDP expires, or is terminated or revoked; except as provided in 37-0082.”</p>	Clarification. If a source finds their source category in Table 1, they may quit looking and not realize that another source category also applies to them.	SIP
37	0020-1.A. & B.	37	0020(3)(a)	<p>Change to: “(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 DEQ and LRAPA. DEQ or LRAPA, depending 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, DEQ will be responsible for issuing the permit, unless the source applies initially to be</p>	Clarification. Combine subsections (a) and (b)	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				permitted to operate only in Lane County, then LRAPA will be responsible for issuing the permit”		
37	0020-1.C	37	0020(3)(b)	Change to: “(b) An air contaminant source required to obtain an ACDP or ACDP Attachment pursuant to a NESHAP under title 44 or NSPS under title 46 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 ACDP 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 twelve months.”	Clarification	SIP
NA	NA	37	0020(3)(d)	Add: “(d) 37-0060(1)(b)(A), 37-0062(2)(b)(A), 37-0064(4)(a), and 37-0066(3)(a), do not relieve a permittee from the responsibility of complying with federal NESHAP or NSPS requirements that apply to the source even if LRAPA has not incorporated such requirements into the permit.”	Clarification/correction	SIP
NA	NA	37	0020(3)(e)	Add: “(e) LRAPA may exempt a source from the requirement to obtain an ACDP if it determines that the source is subject to only procedural requirements, such as notification that the source is affected by an NSPS or NESHAP.”	Clarification/correction	SIP
37	0020-2	37	0020(4)	Change “LRAPA Title V Operating Permit program” to “Oregon Title V Operating Permit program” in the sentence: “(4) No person may construct, install, establish, or develop any source that will be subject to the Oregon Title V Operating Permit program without first obtaining an ACDP from LRAPA.”	Correction. The “Title V Operating Permit program” belongs to “Oregon”, but LRAPA issues “LRAPA Title V Operating permits”.	
37	0020-5	37	0020(7)	Change “deminimis levels” to “de minimis emission levels”	Correction	SIP
37	0025-2	NA	NA	Change to: “(2) General ACDP. A General ACDP is a permit for a category of sources for which individual permits are unnecessary in order to protect the environment, as determined by LRAPA. An owner or operator of a source	Clarification and correction	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				may be assigned to a General ACDP if LRAPA has issued a General ACDP for the source category and: (a) The source meets the qualifications specified in the General ACDP; (b) LRAPA determines that the source has not had ongoing, recurring, or serious compliance problems; and (c) LRAPA determines that a General ACDP would appropriately regulate the source.”		
NA	NA	37	0025(5)(a)	Add: “(a) Owners and operators of sources and activities listed in Table 1, Part B of 37-8010 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. Any source required to obtain a Simple ACDP may obtain a Standard ACDP. 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: (A) The nature, extent, and toxicity of the source's emissions; (B) The complexity of the source and the rules applicable to that source; (C) The complexity of the emission controls and potential threat to human health and the environment if the emission controls fail; (D) The location of the source; and (E) The compliance history of the source.”	This whole section is moved here from section 37-0064, in order to make this section comparably address applicability for all permit types.	SIP
37	0025-5.B	37	0025(5)(d)	Change to: “(d) Generic PSELS for all regulated pollutants emitted at more than the de minimis emission level as provided in title 42;”	Plain language and clarification	SIP
37	0025-6	NA	NA	Switch section (a) and (b) and add “Applicability” before the new section (a)	This will match the approach of describing applicability first and contents second.	SIP
37	0025-6.B	37	0025(6)(b)(B)	Change “Generic PSELS” to “Generic PSEL levels”	Clarification	SIP
37	0030	NA	NA	Add title 29 as another title that has definitions that would apply to this title	Add reference to title 29 definitions	SIP
37	0030	12	005 “Permit modification”	Delete the definition of “permit modification” or “modified permit.” Change references to “permit modification” which is already defined in title 12	“Permit Modification” is defined in title 12 and has the same meaning at this definition: <ul style="list-style-type: none"> • Permit modification” means a permit revision that meets the applicable requirements of LRAPA title 37, title 38, 	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					or OAR 340-218-0160 through 340-218-0180	
NA	NA	37	0030	<p>Add:</p> <p>“(1) “Basic technical modification” includes, but is not limited to changing source test dates if the equipment is not being operated, and similar changes.</p> <p>(2) “Complex technical modification” includes, but is not limited to incorporating a complex new compliance method into a permit, adding a complex compliance method or monitoring for an emission point or control device not previously addressed in a permit, adding a complex new applicable requirement into a permit due to a change in process or change in rules, and similar changes.</p> <p>(3) “Moderate technical modification” includes, but is not limited to adding a 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, incorporating NSPS and NESHAP requirements, and similar changes.</p> <p>(4) “Non-technical modification” means name changes, change of ownership, correction of typographical errors and similar administrative changes.</p> <p>(5) “Simple technical modification” includes, but is not limited to modifying a compliance method to use different emission factors or process parameters, changing reporting dates or frequency, and similar changes.”</p>	Restructure and clarification. Move the notes at the end of 37-0020 Table 2 which define the different types of permit mods to the definition section.	SIP
37	0040-1	NA	NA	Restructure subsection (1) by making it the lead-in paragraph (a) for the requirements for new permits. Restructure paragraphs (a) through (l) into subparagraphs	Restructure	SIP
37	0040-1.J	37	0040(1)(a)(J)	Change “in accordance with” to “in”	Plain language	SIP
NA	NA	37	0040(1)(a)(L)	Add language for NSR/PSD applications: “(L) Any information required by titles 38 and 40, including but not limited to control technology and analysis, air quality impact analysis; and information related to offsets and net air quality benefit, if applicable; and”	Correction. Approval for NSR/PSD permits is through the ACDP program. The requirements for an NSR/PSD permit application should be included.	SIP
NA	NA	37	0040(1)(b)	Add a requirement for when applications for new permits should be submitted:	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				“(b) Applications for new permits must be submitted at least 60 days prior to when a permit is needed. When preparing an application, the applicant should also consider the timelines provided in paragraph (2)(b), as well as 38-0030, permit applications subject to NSR, to allow LRAPA adequate time to process the application and issue a permit before it is needed.”		
37	0040-2	37	0040(2)	Restructure subsection (2) to separate out the requirements for renewals with no significant changes to the permit	Restructure	SIP
37	0040-2 & 3	NA	NA	Change “the applicant must provided” to “the applicant must provide”	Correction	SIP
NA	NA	37	0040(2)(b)	Add: “(b) The owner or operator must submit an application for renewal of the existing permit by no later than: (A) 30 days prior to the expiration date of a Basic ACDP; (B) 120 days prior to the expiration date of a Simple ACDP; or (C) 180 days prior to the expiration date of a Standard ACDP.”	Add requirements for submittal of ACDP renewal applications and align them with internal timeliness targets	SIP
NA	NA	37	0040(2)(c)	Add: “(c) LRAPA must receive an application for reassignment to General ACDPs and attachments within 30 days prior to expiration of the General ACDPs or attachment.”	Clarification. Add requirements for submittal of an application for reassignment to a general ACDP	SIP
37	0040-3	NA	NA	Change to: “(3) Permit Modifications. For Simple and Standard ACDP modifications, the applicant must provide the information in subsection (1) relevant to the requested changes to the permit and a list of any new requirements applicable to those changes. When preparing an application, the applicant should also consider the timelines provided in paragraph (2)(b), as well as section 38-0030, permit applications subject to NSR, to allow LRAPA adequate time to process the application and issue a permit before it is needed.”	Clarification. Add requirements for when an application for a permit modification should be submitted	SIP
37	0040-5	NA	NA	Move the requirement for submittal of an application at least 60 days before a permit or modified permit is needed to subsection (3)	Correction	SIP
37	0040-7	NA	NA	Change to:	Clarification	SIP

Attachment D: Crosswalk of proposed revisions

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				“(7) A copy of permit applications subject to Major NSR under title 38, including all supplemental and supporting information, must also be submitted directly to the EPA.”		
37	0040-9	37	0040(9)	Change to: “(9) Once an application is deemed complete by LRAPA, all applications must submit the appropriate fees invoiced by LRAPA as specified in Table 2 of 37-8020.”	Clarification that LRAPA will invoice a source after an application is received. DEQ’s corresponding rule requires the fee be included with the application.	SIP
37	0052-1	37	0052(1)	Add “and 34-037”	Correction. 34-037 also contains Type 3 changes	SIP
37	0052-2.A.	37	0052(2)(a)	Change “in accordance with” to “in” and add “subsection” in front of 37-0040(1)	Plain language	SIP
37	0052-4.B.	37	0052(4)(a)	Change to: “(a) A requirement that construction must commence within 18 months after the permit is issued if required by 38-0030(4);”	This requirement comes from NSR/PSD requirements so tie it to title 38.	SIP
37	0052-5.A	37	0052(5)(a)	Change to: “(a) A Construction ACDP requires that LRAPA provide public notice under title 31 as a Category III permit action.”	Clarification and plain language	SIP
37	0052-5.B	37	0052(5)(b)	Change “later” to “at a later date” and add “paragraph” before (1)(b)	Clarification	SIP
37	0052-5.C	37	0052(5)(c)	Change to: “(c) Issuance of a modified Construction ACDP requires the following public notice, as applicable:”	Clarification	SIP
37	0052-5.C-1)	37	0052(5)(c)(A)	Change to: “(A) Public notice as a Category I permit action under title 31 for non-technical modifications and basic and simple technical modifications; or”	Clarification	SIP
37	0052-5.C-1)	37	0052(5)(c)(B)	Change to: “(B) Public notice as a Category II permit action under title 31 for moderate and complex technical modifications.”	Clarification	SIP
NA	NA	37	0052(6)	Add: “(6) Construction ACDPs may not be renewed.”	Add a requirement that construction ACDPs may not be renewed. Construction ACDPs are issued for 5 years currently with an initial permitting fee of \$11,080. There are no annual fees for a construction ACDP that would cover the cost of a renewal. Also, LRAPA does not want the possibility of extending unsigned emissions that may be in the permit.	SIP
37	0054-1	37	0054(1)	Add “unexpected or” before emergency and “activity requiring an ACDP” after emergency	37-0025 allows for short term activity ACDPs for unexpected or emergency activities, operations, or	SIP

Attachment D: Crosswalk of proposed revisions

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					emissions. This change makes 37-0054 consistent with 37-0025	
37	0054-2	37	0054(2)	Delete “set forth”	Plain language	SIP
37	0054-3.A	37	0054(3)(a)	Change to: “(a) A Short Term Activity ACDP must include conditions that ensure adequate protection of property and preservation of public health, welfare, and resources.”	Clarification	SIP
37	0054-3.B	37	0054(3)(b)	Change “does not” to “may not”	Clarification	SIP
37	0054-3.C	37	0054(3)(c)	Change “automatically terminates” to “will automatically terminate”	Clarification	SIP
37	0054-3.D	37	0054(3)(d)	Delete this paragraph (d)	This language is already included in paragraph (a)	SIP
37	0054-4	37	0054(4)	Change to: “(4) Permit issuance public notice procedures. A Short Term Activity ACDP requires public notice as a Category I permit action under title 31.”	Clarification and plain language	SIP
37	0056-1	37	0056(1)	Change “in accordance with” to “according to”	Plain language	SIP
37	0056-2	37	0056(2)	Delete “set forth”	Plain language	SIP
37	0056-3.A	37	0056(3)(a)	Change “contains” to “will contain”	Clarification	SIP
37	0056-3.B	37	0056(3)(b)	Change “does not” to “may not”	Clarification	SIP
37	0056-3.C	37	0056(3)(c)	Change “requires” to “will require that”	Clarification	SIP
37	0056-4	37	0056(4)	Change to: “(4) Permit issuance public notice procedures. A Basic ACDP requires public notice as a Category I permit action according to title 31.”	Plain language	SIP
37	0060-1.A-1)	37	0060(1)(a)(A)	Change “several” to “multiple”	Correction	SIP
37	0060-1.B-1)	37	0060(1)(b)(A)	Add the phrase “excluding any federal requirements not adopted by the Board”	Correction and align with DEQ’s version.	SIP
37	0060-1.B-2)	37	0060(1)(b)(B)	Add “emission” to “de minimis level” and change “in accordance with” to “according to.”	Clarification and plain language	SIP
37	0060-1.C	37	0060(1)(c)	Change to: “(c) Permit issuance public notice procedures: A new General ACDP requires public notice as a Category III permit action according to title 31. A reissued General ACDP or a modification to a General ACDP requires public notice as a Category II permit action according to title 31.”	Clarification	SIP
37	0060-1.C	37	0060(1)(d)	Make the last sentence of paragraph (c) into a new subsection (d):	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				“(d) LRAPA will retain all General ACDPs on file and make them available for public review at LRAPA.”		
37	0060-2.A	37	0060(2)(a)	Change “in accordance with” to “according to”	Plain language	SIP
37	0060-2.B.	37	0060(2)(b)	Change to: “(b) Fees. Applicants must pay the fees set forth in Table 2 of 37-8020. The fee class for each General ACDP is Fee Class One unless otherwise specified as follows:”	Plain language	SIP
NA	NA	37	0060(2)(b)(X)	Add: “(X) Emergency generators and firewater pumps, if a permit is required – Fee Class Two.”	Emergency generators and firewater pumps that meet the criteria must get permits.	SIP
37	0060-2.B-25)	NA	NA	Delete: “25) Any General ACDP not listed above — Fee Class One.”	This language is included in paragraph (b)	SIP
37	0060-2.C.-1)	37	0060(2)(c)(A)	Change “in accordance with” to “according to”	Plain language	SIP
37	0060-2.C.-4)	37	0060(2)(c)(D)	Change “in accordance with” to “according to”	Plain language	SIP
37	0060-2.C.-5)	37	0060(2)(c)(E)	Change to: “(E) A source requesting to be assigned to a General ACDP Attachment, in accordance with 37-0062, for a source category in a higher annual fee class than the General ACDP to which the source is currently assigned, must be reassigned to the General ACDP for the source category in the higher annual fee class.”	Plain language and clarification	SIP
37	0060-4	37	0060(4)	Change to: “(4) Rescission. LRAPA may rescind an individual source's assignment to a General ACDP if the source no longer meets the requirements of the permit. In such case, the source must submit an application within 60 days for a Simple or Standard ACDP upon notification by LRAPA of LRAPA’s intent to rescind the General ACDP. Upon issuance of the Simple or Standard ACDP, or if the source fails to submit an application for a Simple or Standard ACDP, LRAPA will rescind the source's assignment to the General ACDP.”	Clarify the language for rescission of a General ACDP and add a requirement that the source must apply for a Simple or Standard permit upon notification of rescission. If the source no longer qualifies for the general permit because of violations, provide a simple way to cancel the general permit and require a simple or standard permit.	SIP
37	0062-2.A-1)	37	0062(2)(a)(A)	Change “several” to “multiple”	Correction	SIP
37	0062-2.A-4)	37	0062(2)(a)(D)	Change “in accordance with” to “under” and do not capitalize division	Plain language and correction	SIP
37	0062-2.B-1)	37	0062(2)(b)(A)	Add the phrase “excluding any federal requirements not adopted by the Board”	Correction and align with DEQ’s version.	SIP
37	0062-2.C	37	0062(2)(c)	Change to:	Clarification and plain language	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				“(c) Attachment issuance public notice procedures: A General ACDP Attachment requires public notice as a Category II permit action according to title 31.”		
37	0062-2.C	37	0062(2)(d)	Make the last sentence of subsection (c) into a new subsection (d): “(d) LRAPA will retain all General ACDP Attachments on file and make them available for public review at LRAPA.”	Clarification	SIP
37	0062-3.B	37	0062(3)(b)	Change to: “(b) Fees. Applicants must pay the fees in Table 2 of 37-8020 for each assigned General ACDP Attachment. The fee class for each General ACDP Attachment is Fee Class Five.”	Consistency	SIP
37	0062-3.C.1)	37	0062(3)(c)(A)	Change “in accordance with” to “according to”	Plain language	SIP
37	0062-3.C.3)	37	0062(3)(c)(C)	Change to: “(C) Assignment to a General ACDP Attachment terminates when the General ACDP Attachment expires or is modified, terminated or revoked.”	Correction	SIP
37	0062-3.C.4)	37	0062(3)(c)(D)	Change to: “(D) 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 to which the source is currently assigned. Instead a source must be reassigned to the General ACDP for the source category in the higher annual fee class in accordance with 37-0060(2)(c)(E) and may be assigned to one or more General ACDP Attachments associated with source categories in an equal or lower annual fee class.”	Plain language and clarification	SIP
37	0062-3.C.4)	37	0062(3)(d)	Change “in accordance with” to “according to”	Plain language	SIP
37	0064	NA	NA	Fix capitalization of sources listed in categories	Correction	SIP
37	0064-1	NA	NA	Subsection (1) was moved to section 37-0025	Restructure	SIP
37	0064-2	37	0064(1)	Change “in accordance with” to “according to”	Plain language	SIP
37	0064-3	37	0064(2)	Change to: “(2) Fees. Applicants for a new or modified Simple ACDP must pay the fees set forth in Table 2, 37-8020. Applicants for a new Simple ACDP must initially pay the High Annual Fee. Once the initial permit is issued, annual fees for Simple ACDPs will be assessed based on the following:”	Clarification	SIP
37	0064-3.A	37	0064(2)(a)	Do not capitalize “source” or “low fee”	Correction	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
37	0064-3.A-1)	37	0064(2)(a)(A)	Change to: “(A) The source is, or will be, permitted under only one of the following categories in 37-8010 Table 1, Part B:”	Clarification. Category 25 electrical power generators and their relationship to simple-low fee sources and permitting has caused confusion. The current rule wording is unclear as to their categorization and due to this wording there is an issue of regional inconsistency in assigning to the proper permit category. Category 25 should be a category by itself that qualifies for low fees. Category 25 can also be combined with categories 12 and 74 and the source would still qualify for the low fee.	SIP
37	0064-3.A.-1)(b)	37	0064(2)(a)(A)(ii)	Change to: “(ii) Category 13. Boilers and other fuel burning equipment (can be combined with category 25. Electric Power Generation);”	Clarification	SIP
NA	NA	37	0064(2)(a)(A)(ii)	Add: “(iii) Category 25. Electric Power Generation;”	Clarification	SIP
37	0064-3.A.-1)(g)	37	0064(2)(a)(A)(vii)	Spell out year	Clarification	SIP
37	0064-3.A.-1)(j)	37	0064(2)(a)(A)(xi)	Change to: “(xii) Category 75. All other sources not listed in Table 1, 37-8010 (can be combined with category 25. Electrical power generation); or”	Clarification and simplification. The deleted language just repeats the provisions already described under Category 75. There is no reason to repeat it in both places.	SIP
37	0064-3.A.-2)	37	0064(2)(a)(B)	Change to: “(B) The actual emissions from the calendar year immediately preceding the invoice date are less than five tons/year of PM10 in a PM10 nonattainment or maintenance area or PM2.5 in a PM2.5 nonattainment or maintenance area, and less than 10 tons/year for each criteria pollutant; and”	Clarification and correction	SIP
37	0064-3.A.-3)	37	0064(2)(a)(C)	Change to: “(C) The source is not creating a nuisance under title 49.”	Delete “an air quality problem” since it is not defined. Just refer to “creating a nuisance”	SIP
37	0064-3.B	37	0064(2)(b)	Change to: “(b) High Fee -- Any source required to have a Simple ACDP (37-8010 Table 1 Part B) that does not qualify for the low fee under paragraph (2)(a) will be assessed the high fee.”	Correction	SIP
37	0064-3.C.	37	0064(2)(c)	Change to: “(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	Correction	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				late fees in 37-8020 Table 2. Late fees start upon issuance of the initial invoice. In this case, LRAPA will issue a new invoice specifying applicable fees.”		
37	0064-4	37	0064(3)	Add: “Each Simple ACDP must include the following:”	Clarification	SIP
37	0064-4.A	37	0064(3)(a)	Add the phrase “excluding any federal requirements not adopted by the Board”	Correction and align with DEQ’s version.	SIP
37	0064-4.B	37	0064(3)(b)	Add “emission” to “de minimis level” and change “in accordance with” to “under”	Clarification and plain language	SIP
37	0064-5	37	0064(4)	Add “public notice” before “procedures	Clarification	SIP
37	0064-5.A	37	0064(4)(a)	Change to: “(a) Issuance of a new or renewed Simple ACDP requires public notice as a Category II permit according to title 31.”	Clarification and plain language	SIP
37	0064-5.B-1)	37	0064(4)(b)(A)	Change to: “(A) Public notice as a Category I permit action for non-technical basic and simple technical modifications require according to title 31; or”	Clarification and plain language	SIP
37	0064-5.B-2)	37	0064(4)(b)(B)	Change to: “(B) Public notice as a Category II permit action for moderate and complex technical modifications according to title 31.”	Clarification and plain language	SIP
37	0066-1	37	0066(1)	Change “in accordance with” to “according to”	Plain language	SIP
37	0066-1.A	37	0066(1)(a)	Change to: “(a) New or modified Standard ACDPs that are not subject to Major NSR, but have emissions increases above the significant emissions rate are subject to the requirements of State NSR. The application must include an analysis of the air quality and, for federal major sources only, the visibility impacts of the source or modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts.”	Clarification	SIP
37	0066-1.B	37	0066(1)(b)	Change to: “(b) For new or modified Standard ACDPs that are subject to Major NSR, the application must include the following information as applicable:”	Clarification	SIP
37	0066-1.B-1), 2) & 3)	37	0066(1)(b)(A), (B) & (C)	Change “source or modification” to “major source or major modification”	Clarification	SIP
37	0066-1.B-2)	37	0066(1)(b)(B)	Change to:	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				“(B) An analysis of the air quality and, for federal major sources only, the visibility impacts of the major source or major modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts; and”		
37	0066-1.B-3)	37	0066(1)(b)(C)	Change to: “(C) An analysis of the air quality and, for federal major sources only, the visibility impacts, and the nature and extent of all commercial, residential, industrial, and other source emission growth, which has occurred since the baseline concentration year in the area the major source or major modification would affect.”	Clarification. January 1, 1978 was chosen in the initial round of rules because baseline period was 1977/78 instead of the August 1977 Clean Air Act date. The baseline concentration year now varies by pollutant.	SIP
37	0066-3	37	0066(3)	Change to: “(3) Permit content. Each Standard ACDP must include the following:”	Clarification	SIP
37	0066-3.B	37	0066(3)(b)	Add “levels” to Generic PSEL and change “as specified in” to “under”	Clarification, plain language and correction	SIP
37	0066-4.A	37	0066(4)(a)	Change to: “(a) Issuance of a new or renewed Standard ACDP requires public notice under title 31 as follows:”	Clarification	SIP
37	0066-4.A.-1)	37	0066(4)(a)(A)	Change to: “(A) Public notice as a Category III permit action for permit actions that will increase allowed emissions but that are not a Major NSR or Type A State NSR permit actions under title 38, or as a Category II permit action if the permit will not increase allowed emissions.”	Clarification and plain language	SIP
37	0066-4.A.-2)	37	0066(4)(a)(B)	Change to: “(B) Public notice as a Category IV permit action for permit actions that are Major NSR or Type A NSR permit actions under title 38.”	Clarification and plain language	SIP
37	0066-4.B.	37	0066(4)(b)	Change to: “(b) Issuance of a modified Standard ACDP requires public notice under title 31 as follows:”	Clarification	SIP
37	0066-4.B.-1)	37	0066(4)(b)(A)	Change to: “(A) Public notice as a Category I permit action for non-technical modifications and basic and simple technical modifications.”	Clarification and plain language	SIP
37	0066-4.B.-2)	37	0066(4)(b)(B)	Change to: “(B) Public notice as a Category II permit action for moderate and complex technical modifications if there	Clarification and plain language	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				will be no increase in allowed emissions, or as a Category III permit action if there will be an increase in emissions; or.”		
37	0066-4.B.-3)	37	0066(4)(b)(C)	Change to: “(C) Public notice as a Category IV permit action for major modifications subject to NSR under title 38.”	Clarification and plain language	SIP
NA	NA	37	0068	Add a new section that allows LRAPA to add new requirements to existing Simple or Standard ACDPs by assigning the source to an ACDP Attachment issued under subsection (2). An ACDP Attachment would apply to an affected source until the new requirements are incorporated into the source’s Simple or Standard ACDP at the next permit renewal or at the time of permit modification.	Streamlining efficiency that allows new requirements to be applied to the source by way of an “ACDP Attachment” rather than modifying the permit to include the requirements.	SIP
37	0070	NA	NA	Change section title to “ Section 37-0070 Permitting a Source with Multiple Activities or Processes at a Single Adjacent or Contiguous Site ”	Clarification. LRAPA does not want to issue a single permit to multiple sources, but also doesn’t want Table 1 to be interpreted as requiring a separate permit for each listed activity or source. Source is defined by the SIC, but could include supporting activities with different SIC. The key is that LRAPA is issuing a single permit to a source with multiple related activities and processes, but will not issue a single permit for multiple sources.	SIP
37	0070	NA	NA	Change to: “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 37-8010 may obtain a Standard ACDP, even if not otherwise required to obtain a Standard ACDP under this title.”	Correction	SIP
NA	NA	37	0082(1)(b)	Add: “(b) If a timely and complete renewal application has been submitted, the existing permit will remain in effect until final action has been taken on the renewal application to issue or deny a permit.”	Clarification. This language is from OAR 340-218-0130 Permit Renewal and Expiration for Title V permits.	SIP
37	0082-3	NA	0082(3)	Change to: “(3) Reinstatement of Terminated Permit: A permit automatically terminated under any of paragraphs (2)(b) through (2)(d) may only be reinstated by the permittee by applying for a new permit. The permittee must also pay the applicable new source permit application fees in this	LRAPA does not want to charge the applicable new source permit application fees if the owner/operator inadvertently forgot to submit a timely application for permit renewal. If the renewal application is submitted within 3 months	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				division, unless the owner or operator submits the renewal application within three months of the permit expiration date.”	of the expiration date, the new source permit application fee will not be charged.	
216	0082	NA	NA	Change hyphen to through	Clarification	SIP
37	0082-4.A	37	0082(4)(a)	Change to: “(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. LRAPA will provide notice of the intent to revoke the permit to the permittee under title 31. The notice will include the reasons why the permit will be revoked, and include an opportunity for the permittee to request a contested case hearing prior to the revocation. A permittee’s written request for hearing must be received by LRAPA within 60 days from service of the notice on the permittee, and must state the grounds of the request. The hearing will be conducted as a contested case hearing under ORS 183.413 through 183.470 and title 14. The permit will continue in effect until the 60th day after service of the notice on the permittee, if the permittee does not timely request a hearing, or until a final order is issued if the permittee timely request a hearing.”	Clarification and plain language	SIP
37	0082-4.B	NA	0082(4)(b)	Change to: “(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 under title 31. The notification will set forth the specific reasons for the revocation or refusal to renew and will provide an opportunity for the permittee to request a contested case hearing for review of the revocation or refusal to renew. A permittee’s written request for hearing must be received by LRAPA within 90 days of service of the notice on the permittee and must state the grounds for the request. The hearing will be conducted as a contested case hearing under ORS 183.413 through 183.470 and title 14. The revocation or refusal to renew becomes final without further action by LRAPA if a request for a	Clarification and plain language	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				hearing is not received within the 90 days. If a request for a hearing is timely received, the revocation or refusal to renew will remain in place until issuance of a final order.”		
37	0084	NA	NA	Change to: “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 contested case hearing within 20 days. 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 under ORS 183.413 through 183.470 and title 14. If a hearing is requested, the existing permit will remain in effect until after a final order is issued following the hearing. The permit issuance procedures will be conducted in accordance with 37-0056(4) for Basic ACDPs, 37-0064(5) for Simple ACDPs, and 37-0066(4) for Standard ACDPs.”	Clarification and plain language	SIP
37	0090-1	37	0090(1)	Change to: The fees in Table 2 Section 37-80920 will increase by four (4) percent on July 1 of each year.	The Board’s Resources & Projects Committee recommended and the Board approved a 4% increase in ACDP fees at their October 2016 meeting. The 4% increase in ACDP fees would replace the current CPI increase (on July 1 st of each year).	SIP
37	0094-1	NA	0094(1)	Change to: “(1) A permittees that temporarily suspends 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.”	Clarification	SIP
37	0094-2	NA	0094(2)	Change to: “(2) LRAPA will prorate annual fees for temporary closure based on the length of the closure in a calendar year, but will not be less than one half of the regular annual fee for the source.”	Clarification	SIP
37	0094-3	NA	0094(3)	Change to: “(3) A source who has received LRAPA approval for payment of the temporary closure fee must obtain	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				authorization from LRAPA prior to resuming permitted activities. An owner or operator of the source 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.”		
37	Tables	NA	NA	Fix capitalization	Correction	SIP
37	8010	NA	NA	Change to: “The following source categories must obtain a permit as required by Section 37-0020 Applicability”	Clarification	SIP
37	8010 Parts A and B	NA	NA	Delete “set forth” and “hereof”	Plain language	SIP
37	8010 Parts A and B	NA	NA	Change “hr.” to “hour” and “yr.” to “year”	Clarification	SIP
37	8010 Part A	NA	NA	Add “Basic ACDP” to the title	Clarification	SIP
37	8010 Part A.1	NA	NA	Change to: “1. Reserved ”	Correction; “Decorative chrome plating” has been moved back into Part B.20.	SIP
37	8010 Part A.3	NA	NA	Add “both portable and stationary” to concrete manufacturing	Clarification	SIP
37	8010 Part A.4	NA	NA	Delete “and Pathological Waste”	Correction. Pathological waste incinerators must comply with the applicable requirements in title 30 and cannot be permitted under a Basic ACDP.	SIP
37	8010 Part A.2	NA	NA	Change the boiler and other fuel-burning equipment category from “2.5 or more MMBTU...” to “2.0 or more MMBTU...”	Correction. Below 2.0 MMBtu, boilers and other fuel burning equipment are considered “categorically insignificant activities” under tile 12.	SIP
37	8010 Part A 7.	NA	NA	Change to: “Surface coating operations whose actual or expected usage of coating materials is greater than 250 gallons/year, but less than 250 gallons/month, excluding sources that exclusively use non-VOC and non-HAP containing coatings.”	Clarification and correction. Establishes a “de minimis” activity level below which, a Basic ACDP is not required; 100 gallon/year de minimis cut off was in the proposed rules and was taken from Texas Commission of Environmental Quality (TCEQ). LRAPA solicited comments on a range of coating usage de minimis cutoff levels from 100 gallons/year to 250 gallons/year. LRAPA received a comment during the comment period that it should be 250 gallons/year which is still significantly more stringent than DEQ’s 250 gallon/month cut off below which they do not permit sources.	SIP

Attachment D: Crosswalk of proposed revisions

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
37	8010 Part A 9.	NA	NA	Change to: “Sawmills and/or planing mills and/or millwork and/or wood furniture and fixtures manufacturing of more than 5,000 but less than 25,000 board feet/maximum 8 hour finished product.”	Clarification and correction. Establishes a “de minimis” activity level below which, a Basic ACDP is not required; 5,000 board/feet de minimis cut off is taken from previous versions of LRAPA rules (pre-2008) and DEQ rules (pre-2007).	SIP
37	8010 Part B	NA	NA	Add “General, Simple or Standard ACDP” to the title	Clarification	SIP
37	8010 Part B	NA	NA	Add a period after each source category	Correction	SIP
37	8010 Part B.6	NA	NA	Add “manufacturing” to Asphalt felts or coating	Clarification	SIP
37	8010 Part B.10	NA	NA	Add “Lead-Acid” to battery manufacturing and re-manufacturing	Clarification	SIP
37	8010 Part B.17	NA	NA	Add “10,000 or more tons/year throughput” to Cereal preparations and associated grain elevators	Clarification; correction; align with DEQ’s version of the category	SIP
37	8010 Part B.19	NA	NA	Change “Alkalies” to “Alkali”	Correction	SIP
37	8010 Part B.20	NA	NA	Add “Decorative and” “and Anodizing subject to a NESHAP under LRAPA title 44” to Chrome plating	Clarification and correction. Some chrome plating is not subject to a NESHAP and LRAPA doesn’t want to permit them. Decorative chrome plating is being moved from the Part A activity list back into the Part B list. LRAPA has adjusted the General ACDP fee category for Decorative chrome plating so that it is equivalent to the Basic ACDP annual fee.	SIP
37	8010 Part B.22	NA	NA	Add “, both stationary and portable,” to Concrete manufacturing including redimix and CTB	Clarification. LRAPA and DEQ permit both portable and stationary concrete manufacturing	SIP
37	8010 Part B.23	NA	NA	Delete “and Pathological Waste” and create a new, separate activity code for “pathological waste incinerators”	Clarification. Pathological waste incinerators will be added under a separate category to avoid confusion. In addition, there is no threshold for amount of material input for pathological waste incinerators. DEQ’s 1990 EQC staff report for the original rule adoption clearly states that “The key provision of this law states that “all pathological wastes shall be treated by incineration in an incinerator that provides complete combustion...” unless incineration is not “reasonably available”.	SIP
					The staff report also states that DEQ did not recommend establishing a cut-off level for small capacity incinerators under which either no emission standards or monitoring equipment would apply, or only certain standards would apply. The report further states that “the Department believes that establishing less	

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					stringent requirements for small incinerators would not be consistent with the overall goal of uniformly protecting the public from air pollution, especially highly toxic forms of air pollution. While the Department recognizes that smaller incinerators will be more adversely affected by the costs associated with the proposed limits and controls, establishing less stringent limits and controls would represent applying a “double standard” to waste incineration, leaving some of the public at higher risk to air toxics air pollutants. The Department believes that until more is known about safe levels of exposure to dioxin and other carcinogenic compounds, uniform standards should be established for waste incineration which afford the greatest level of protection to the public and the environment by applying the best available control technology.”	
37	8010 Part B.24	NA	NA	Change to: “Degreasing operations, halogenated solvent cleanings subject to a NESHAP under title 44.”	Clarification	SIP
37	8010 Part B.33	NA	NA	Change to: “Glass and glass container manufacturing subject to a NESHAP under LRAPA title 44 or a NSPS under LRAPA title 46.”	Clarification. Require permits for this source category only if there are applicable requirements, not small artisans.	SIP
37	8010 Part B.35	NA	NA	Delete this category of grain terminal elevators since the sources can be included in category 34: Grain Elevators used for intermediate storage 10,000 or more tons/year throughput	Simplification.	SIP
37	8010 Part B.41	NA	NA	Delete this category of “liquid storage tanks” since the sources can be included with other permitted activities (e.g., GDFs, etc.)	Correction. DEQ’s version of this category applies to liquid storage tanks subject to RACT under division 232. LRAPA does not have any areas subject to RACT and does not want to require permits for sources storing non-volatile liquids (e.g., water).	SIP
37	8010 Part B.43	NA	NA	Change to: “Manufactured home, mobile home and recreational vehicle manufacturing”	Clarification	SIP
37	8010 Part B.78	NA	NA	Add “under title 44” to NESHAP	Clarification	SIP
37	8010 Part B.45	NA	NA	Add “manufacturing” to millwork and change “bd. ft.” to “board feet”	Clarification	SIP
37	8010 Part B.46	NA	NA	Add “manufacturing” to molded container	Clarification	SIP

Attachment D: Crosswalk of proposed revisions

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
37	8010 Part B.79	NA	NA	Add "title 44" to NESHAP	Clarification	SIP
37	8010 Part B.81	NA	NA	Add "title 44" to NESHAP	Clarification	SIP
37	8010 Part B.80	NA	NA	Add "title 44" to NESHAP	Clarification	SIP
37	8010 Part B.52	NA	NA	Delete this category of "paper or other substrate coating" since the sources can be included with other permitted activities (e.g., Surface coating, etc.)	Correction. DEQ's version of this category applies to liquid storage tanks subject to RACT under division 232. LRAPA does not have any areas subject to RACT and does not want to require permits for sources coating paper or other substrates with non-volatile liquids (e.g., water).	SIP
37	8010 Part B.54	NA	NA	Add "under title 44" to NESHAP	Clarification	SIP
37	8010 Part B.82	NA	NA	Add "under title 44" to NESHAP	Clarification	SIP
37	8010 Part B.61	NA	NA	Change to "both stationary and portable,"	Consistency	SIP
37	8010 Part B.62 & 72.	NA	NA	Change "bd. ft." to "board feet"	Clarification	SIP
37	8010 Part B.65	NA	NA	Add "engines" to internal combustion for sewage treatment facilities	Clarification	SIP
37	8010 Part B.66.	NA	NA	Change "stationary or portable" to "both stationary and portable"	Consistency	SIP
37	8010 Part B.68	NA	NA	Delete this category of "surface coating manufacturing" since the sources can be included with other permitted activities (e.g., Surface coating, paints and allied products manufacturing, etc.)	Correction. DEQ's version of this category applies to surface coating in manufacturing subject to RACT under division 232. LRAPA does not have any areas subject to RACT and does not want to require permits for sources performing surface coating with non-volatile liquids (e.g., water) as part of their manufacturing process.	SIP
37	8010 Part B.73	NA	NA	Change to: "Wood preserving (including waterborne with actual or projected emissions of greater than 1 ton/year VOC and/or HAP.)"	Expands authority to require an ACDP for certain waterborne wood preservation activities. LRAPA recently became aware that some facilities that conduct exclusively waterborne wood preservation activities can have or approach significant VOC and HAP emission levels of almost 10 tons/year. Facilities with actual emissions of more than 10 tons/year of VOC as required by B.75, but this would require a Simple ACDP for sources with emissions between 1 ton/year and 10 tons/year.	SIP
37	8010 Part B.74	NA	NA	Change to: "All other sources, both stationary and portable, not listed herein that LRAPA determines an air quality concern exists or one which would emit significant malodorous emissions."	Clarification. LRAPA has added "both stationary and portable" to category 74 (sources which would emit significant malodorous emissions) instead of adding a new category for portable sources.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
37	8010 Part B.75	NA	NA	Change to: “All other sources, both stationary and portable, not listed herein which would have actual emissions, if the source were to operate uncontrolled, of 5 or more tons per year of direct PM2.5 or PM10 if located in a PM2.5 or PM10 nonattainment or maintenance area, or 10 or more tons per year of any single criteria pollutant if located in any part of Lane County.”	Clarification. LRAPA has added “both stationary and portable” to category 75 (sources with 5 tons per year of PM2.5 or PM10 or 10 of other criteria pollutants) instead of adding a new category for portable sources.	SIP
NA	NA	37	8010 Part B.84.	Add a new category for “Chemical manufacturing facilities that do not transfer liquids containing organic HAP listed in Table 1 of 40 CFR part 63 subpart VVVVVV to tank trucks or railcars and are not subject to emission limits in Table 2, 3, 4, 5, 6, or 8 of 40 CFR part 63 subpart VVVVVV.”	New. This category of sources is required to obtain a permit in Part B.	SIP
NA	NA	37	8010 Part B.85	Add: “Stationary internal combustion engines if: a. For emergency generators and firewater pumps, the aggregate engine horsepower rating is greater than 30,000 horsepower; or b. For any individual non-emergency or non-fire pump engine, the engine is subject to 40 CFR part 63, subpart ZZZZ and is rated at 500 horsepower or more, excluding two stroke lean burn engines, engines burning exclusively landfill or digester gas, and four stroke engines located in remote areas; or c. For any individual non-emergency engine, the engine is subject to 40 CFR part 60, subpart IIII and: A. The engine has a displacement of 30 liters or more per cylinder; or B. The engine has a displacement of less than 30 liters per cylinder and is rated at 500 horsepower or more and the engine and control device are either not certified by the manufacturer to meet the NSPS or not operated and maintained according to the manufacturer’s emission-related instructions; or d. For any individual non-emergency engine, the engine is subject to 40 CFR part 60, subpart JJJJ and is rated at 500 horsepower or more and the engine and control device are either not certified by the manufacturer to meet the NSPS or not operated and maintained according to the manufacturer’s emission-related instructions.”	Emergency generators and firewater pumps over 500 hp and larger non-emergency engines with ongoing monitoring and emission testing requirements need a permit for RICE NESHAP requirements.	SIP
NA	NA	37	8010 Part B.86	Add: “86. Pathological waste incinerators”	Correction. See discussion above for 8010 Part B. 23 for crematory incinerators	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
NA	NA	37	8010 Part B.87	Add “87. Clay ceramics manufacturing subject to an area source NESHAP under title 44.”	Clarification and correction. LRAPA currently doesn’t have any sources in this category.	SIP
NA	NA	37	8010 Part B.88	Add “88. Secondary nonferrous metals processing subject to an Area Source NESHAP under title 44.”	Clarification and correction. LRAPA currently doesn’t have any sources in this category.	SIP
37	8010 Part C	NA	NA	Add “Standard ACDP” to the title	Clarification	SIP
37	8010 Part C 1.	NA	NA	Change to: “1. Incinerators for PCBs, other hazardous wastes, or both.”	Clarification	SIP
37	8010 Part C 3.	NA	NA	Delete “baseline emission rate, or” from all sources electing to maintain the source’s baseline emission rate, or netting basis	Sources have a netting basis based on the baseline emission rate so “baseline emission rate” is no longer needed	SIP
NA	NA	37	8010 Part C 4.	Add: “All sources that request a Plant Site Emission Limit equal to or greater than the significant emission rate for a regulated pollutant”	Sources that are on Standard ACDPs have PSELS equal to or greater the SER for any pollutant. If all PSELS are less than the SER, the source qualifies for a General, Basic or Simple ACDP	SIP
37	Table 1 Part C, 4.a – 4.f	NA	NA	Delete: 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. 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. f. Motor vehicle surface coating and mobile equipment surface coating operations subject to an area source	Simplification. All of the categories listed in 4a-4.f are included in Part B for sources that must get a general, simple or standard ACDP. Category 4d is being added to Part B. Repeating them in Part C as sources which may qualify for a different type of permit is redundant.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				NESHAP using less than 20 gallons of coating per year. ”		
37	Table 1 Part C.5	NA	NA	Delete: “All sources having the Potential to Emit more than 100,000 tons CO2e of GHG emissions in a year.”	On June 23, 2014, the U.S. Supreme Court determined that the Clean Air Act neither compels nor permits EPA to adopt rules requiring a facility to obtain a Title V or Prevention of Significant Deterioration permit on the sole basis of its potential greenhouse gas emissions. LRAPA is revising the GHG permitting rules to follow the Supreme Court Decision.	SIP
37	8010 Part C.6	37	8010 Part C.5	Change to: “All sources having the potential to emit 100 tons or more of any regulated pollutant, except GHG, in a year.”	See above	SIP
37	8010 Part C.7	37	8010 Part C.6	Change to: “All sources having the potential to emit 10 tons or more of a single hazardous air pollutant in a year.”	See above	SIP
37	8010 Part C.9	37	8010 Part C.7	Change to: “All sources having the potential to emit 25 tons or more of all hazardous air pollutants combined in a year.”	See above	SIP
37	8010 Part C.7, C.8, and C.9	37	8010 Part C 6, 7, 8	Do not capitalize “sources” or “potential to emit”	Correction	SIP
37	0020, Table 2	37	8020, Table 2	Add new rule number for Table 2. Increase all ACDP fees by 10%	Clarification, reorganization. The LRAPA Board voted unanimously to direct LRAPA to adopt a 10% increase in ACDP fees at their October 13, 2016 meeting.	SIP
37	8020 Part 1 g.	NA	NA	Change “PSD/NSR” to “Major NSR or Type A State NSR”	Clarification. Type A State NSR is very similar to Major NSR but for non-federal major sources so the fees should be the same.	SIP
37	8020 Part 1 g.	NA	NA	Delete the Standard ACDP (PSD for GHG only) fee along with the footnote	LRAPA is revising the GHG permitting rules to follow the Supreme Court Decision and will not require a facility to obtain a Title V or Prevention of Significant Deterioration permit on the sole basis of its potential greenhouse gas emissions.	SIP
37	8020 Part 2	NA	NA	Move greenhouse gas reporting fee to this table	Correction. The greenhouse gas reporting fee is an annual fee, not a specific activity fee.	SIP
37	8020 Part 3	NA	NA	Delete the numbers after the types of special activity fees. Move the numbered items to the definitions in 37-0030.	Clarification and correction	SIP
37	8020 Part 3 b through e.	NA	NA	Delete “Non-PSD/NSR”	Clarification. These changes can also apply to NSR/PSD permit changes	SIP
37	8020 Part 3 f.	NA	NA	Change “PSD/NSR” to “Major NSR or Type A State NSR Permit”	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
37	8020 Part 3 g.	NA	NA	Change “PSD/NSR” to “Major NSR or Type A State NSR”	Clarification	SIP
37	8020 Part 3 k.	NA	NA	Delete the GHG PSD Permit Modification fee and associated footnote	LRAPA is revising the GHG permitting rules to follow the Supreme Court Decision and will not require a facility to obtain a Title V or Prevention of Significant Deterioration permit on the sole basis of its potential greenhouse gas emissions.	SIP
37	8020 Part 4 1 through 5	NA	NA	Change the foot notes to the table and move them all, except for the compliance order note to the definitions in 37-0030	Clarification. The changes that fall into the different categories of permit modifications are not clear and some occur in more than one type of change.	SIP
38				New Source Review		
38	NA	NA	NA	Change title of division to New Source Review	LRAPA has added rules for State New Source Review in this section so this title now covers both Major and minor (or State) New Source Review Major NSR plus Type A State NSR is equivalent to the NSR program in title 38 as it existed from 10-16-08 to [INSERT BOARD ADOPTION DATE OF RULES]. To avoid backsliding, Type A State NSR must continue to meet the requirements that would have applied under the previous NSR requirements. Type B State NSR is equivalent to the “PSEL rule” (42-0041) as it existed during the same time period.	SIP
NA	NA	224	All	Delete “or precursor(s)”	The definition of regulated pollutant includes precursors	SIP
38	0010	NA	NA	Change title to “Applicability, General Prohibitions, General Requirements, and Jurisdiction”	Clarification	SIP
NA	NA	38	0010(1)	Add: “(1) Except as provided in paragraph (c), the owner or operator of a source undertaking one of the following actions must comply with the applicable Major New Source Review requirements of 38-0010 through 38-0070 and 38-0500 through 38-0540 for such actions prior to construction or operation: (a) In an attainment, unclassified or sustainment area: (A) Construction of a new federal major source; (B) Major modification at an existing federal major source; or (C) Major modification at an existing source that will become a federal major source because emissions of a	Add rules that specify which sources have to comply with Major New Source Review. The Utility Air Regulatory Group and numerous other parties, including several states, challenged EPA’s rule and on June 23, 2014, the U.S. Supreme Court determined that the Clean Air Act neither compels nor permits EPA to adopt rules requiring a facility to obtain a Title V or Prevention of Significant Deterioration permit on the sole basis of its potential greenhouse gas emissions.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				<p>regulated pollutant are increased to the federal major source level or more.</p> <p>(b) In a nonattainment, reattainment or maintenance area: (A) Construction of a new source that will emit 100 tons per year or more of the nonattainment, reattainment or maintenance pollutant; (B) A major modification for the nonattainment, reattainment or maintenance pollutant, at an existing source that emits 100 tons per year or more of the nonattainment, reattainment or maintenance pollutant; or (C) A major modification for the nonattainment, reattainment or maintenance pollutant, at an existing source that will increase emissions of the nonattainment, reattainment or maintenance pollutant to 100 tons per year or more.</p> <p>(c) The owner or operator of a source is subject to Prevention of Significant Deterioration for GHGs under 38-0070 if the owner or operator is first subject to 38-0070 for a pollutant other than GHGs, and the source meets the criteria in subparagraph (A) or (B); (A) The source is a new source which will emit GHGs at a rate equal to or greater than the SER; or (B) The source is an existing source which is undertaking a major modification for GHGs.”</p>	<p>The Court didn’t completely invalidate EPA’s authority to require permitting for greenhouse gases; it determined that EPA reasonably interpreted the Clean Air Act to require facilities to comply with Prevention of Significant Deterioration permitting requirements for greenhouse gases if they were required to apply for a Prevention of Significant Deterioration permit based on emissions of other regulated pollutants. LRAPA is revising the GHG permitting rules to follow the Supreme Court Decision and to align NSR requirements with DEQ’s (division 224).</p>	
NA	NA	38	0010(2)	<p>Add: “(2) Except as provided in paragraph (c), the owner or operator of a source that is undertaking an action that is not subject to Major NSR under subsection (1) and is one of the actions identified in paragraphs (a) or (b) must comply with the applicable State New Source Review requirements of 38-0010 through 38-0038, 38-0245 through 38-0270 and 38-0500 through 38-0540 for such action prior to construction or operation. (a) In a nonattainment, reattainment or maintenance area: (A) Construction of a new source that will have emissions of the nonattainment, reattainment or maintenance pollutant equal to or greater than the SER; or (B) Major modification for the nonattainment, reattainment or maintenance pollutant, at an existing source that will have emissions of the nonattainment, reattainment or maintenance pollutant equal to or greater than the SER over the netting basis.</p>	<p>Add rules that specify which sources have to comply with State New Source Review</p>	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				<p>(b) In any designated area, for actions other than those identified in paragraph (a):</p> <p>(A) Construction of a new source that will have emissions of a regulated pollutant equal to or greater than the SER; or</p> <p>(B) Increasing emissions of a regulated pollutant to an amount that is equal to or greater than the SER over the netting basis.</p> <p>(c) GHGs are not subject to State NSR.</p> <p>(d) Type A and Type B State NSR: State NSR actions are categorized as follows:</p> <p>(A) Actions under subsection (a), and actions for which the source must comply with 38-0245(2), are categorized as Type A State NSR actions; and</p> <p>(B) Actions under subsection (b) are categorized as Type B State NSR unless the source must comply with 38-0245(2).”</p>		
38	0010-1 & 2	38	0010(3)	<p>Change to:</p> <p>(3) The owner or operator of a source subject to section (1) or (2) must apply this division based on the type of designated area where the source is located for each regulated pollutant, taking the following into consideration:</p> <p>(a) The source may be subject to this division for multiple pollutants;</p> <p>(b) Some pollutants, including but not limited to NO_x, may be subject to multiple requirements in this division both as pollutants and as precursors to other pollutants;</p> <p>(c) Every location in the state carries an area designation for each criteria pollutant and the entire state is treated as an unclassified area for regulated pollutants that are not criteria pollutants; and</p> <p>(d) Designated areas may overlap.”</p>	Clarification	SIP
NA	NA	38	0010(4)	<p>Add:</p> <p>“(4) Where this title requires the owner or operator of a source to conduct analysis under or comply with a section in LRAPA title 40, the owner or operator must complete such work in compliance with 40-0030 and 40-0040.”</p>	Clarification	SIP
38	0010-3	38	0010(5)	<p>Change to:</p> <p>(5) Owners and operators of all sources may be subject to other LRAPA rules, including, but not limited to, Notice of Construction and Approval Plans (34-034 through 34-038), ACDPs (LRAPA title 37), Title V permits (OAR</p>	All sources are subject to the listed applicable requirements, not just sources that are not subject to either Major or State New Source Review	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				340 division 218), Highest and Best Practicable Treatment and Control Required (section 32-005 through 32-009), 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), as applicable.”		
38	0010-4	38	0010(6)	Change to: “(6) An owner or operator of a source that meets the applicability criteria of subsections (1) or (2) may not begin actual construction, continue construction or operate the source without complying with the requirements of this title and obtaining an air contaminant discharge permit (ACDP) issued by LRAPA authorizing such construction or operation.”	Clarification. These changes are intended to clarify and be consistent with the holding in <i>Sierra Club v. PGE</i> , 663 F. Supp.2d 983, 992 (D. Or. 2009) that “the PSD program applies to both the construction and the operation of a major source.”	SIP
38	0010-5	NA	NA	Delete: “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 CO2e 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 CO2e or more over the netting basis,”	See above	SIP
38	0010-6	NA	NA	Delete: “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.”	See above	SIP
38				Major New Source Review		
12	005	38	0025(1)	Add definition of major modification from title 12 and change lead-in to: “(1) Except as provided in subsections (3) and (4), "major modification" means a change at a source described in subsection (2) for any regulated pollutant subject to NSR since the later of:	The definition of major modification only applies to this division and explains how to determine if a major modification takes place. This procedural requirement does not belong in the definitions of title 12. This also provides clarification of when a major modification is triggered.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				(a) The baseline period for all regulated pollutants except PM2.5; (b) May 1, 2011 for PM2.5; or (c) The most recent Major or Type A State NSR action for that regulated pollutant.”	There is no baseline period for PM2.5 so the changes must be tracked since the netting basis was last established.	
12	005	38	0025(2)	<p>Change to: “(2) Description of a major modification: (a) Any physical change or change in the method of operation of a source that results in emissions described in paragraphs (A) and (B): (A) A PSEL or actual emissions that exceed the netting basis by an amount that is equal to or greater than the SER; and (B) The accumulation of emission increases due to all physical changes and changes in the method of operation that is equal to or greater than the SER. For purposes of this paragraph, emission increases shall be calculated as follows: For each unit with a physical change or change in the method of operation occurring at the source since the later of the dates in paragraphs (1)(a) through (1)(c) as applicable for each pollutant, subtract the unit’s portion of the netting basis from its post-change potential to emit taking into consideration any federally enforceable limits on potential to emit. Emissions from categorically insignificant activities, aggregate insignificant emissions, and fugitive emissions must be included in the calculations. (b) For purposes of this section: (A) “The unit’s portion of the netting basis” means the portion of the netting basis assigned to or associated with the unit in question, taking into consideration the following, as applicable: (i) The unit’s portion of the netting basis when the netting basis is established under 42-0046(2); and (ii) Any adjustments under 42-0046(3) that affect the unit’s portion of the netting basis. (B) Emission increases due solely to increased use of equipment or facilities that existed or were permitted or approved to construct in accordance with LRAPA title 34 during the applicable baseline period are not included, except if the increased use is to support a physical change or change in the method of operation.</p>	Restructure and clarify how to calculate emissions increases to determine whether a major modification has taken place. Reword the requirement that emissions from categorically insignificant activities, aggregate insignificant emissions and fugitive emissions must be included in the calculations. The reset of the netting basis has been moved to title 42.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				(C) If a portion of the netting basis or PSEL or both was set based on PTE because the source had not begun normal operations but was permitted or approved to construct and operate, that portion of the netting basis or PSEL or both must be excluded until the netting basis is reset as specified in 42-0046(3)(d) and 42-0051(3)."		
12	005	38	0025(3)	Change to: “(3) “Major modification” means any change including production increases, at a source that obtained a permit to construct and operate after the applicable baseline period but has not undergone Major NSR or Type A State NSR, that meets the criteria in paragraphs (a) or (b): (a) The change would result in a PSEL increase of the de minimis level or more for any regulated pollutant at a federal major source in attainment, unclassified or sustainment areas; or (b) The change would result in a PSEL increase of the de minimis level or more for the sustainment, nonattainment, reattainment or maintenance pollutant if the source emits such pollutant at the SER or more in a sustainment, nonattainment, reattainment, or maintenance area. (c) This subsection does not apply to PM2.5 and greenhouse gases. (d) Changes to the PSEL solely due to the availability of more accurate and reliable emissions information are exempt from being considered an increase under this section.”	Restructure and clarify. The requirement applies in all areas of the state so add sustainment and reattainment areas.	
12	005	38	0025(4)	Move “Major modifications for ozone precursors or PM2.5 precursors also constitute major modifications for ozone and PM2.5, respectively.” to subsection (4)	Restructure	SIP
12	005	38	0025(5)	Change to: “(5) Except as provided in subsections (1), (3), and (4), the following are not major modifications: (a) Increases in hours of operation or production rates that would cause emission increases above the levels allowed in a permit but would not involve a physical change or change in method of operation of the source. (b) Routine maintenance, repair, and replacement of components. (c) Temporary equipment installed for maintenance of the permanent equipment if the temporary equipment is in	Clarify	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				place for less than six months and operated within the permanent equipment's existing PSEL. (d) Use of alternate fuel or raw materials, that were available during, and that the source would have been capable of accommodating in the baseline period.”		
NA	NA	38	0025(6)	Add: “(6) When more accurate or reliable emissions information becomes available, a recalculation of the PSEL, netting basis, and increases/decreases in emissions must be performed to determine whether a major modification has occurred.”	Clarification. When better emissions information becomes available, LRAPA will use that information to determine whether a major modification has occurred.	SIP
NA	NA	38	0025	Add the Note: “NOTE: This rule was moved verbatim from title 12 and amended.”	Clarification	SIP
38	0030	NA	NA	Change title to “New Source Review Procedural Requirements”	Clarification. These procedural requirements are for both Major New Source Review and State New Source Review.	SIP
38	0030-1	NA	NA	Change to: “(1) Information Required. The owner or operator of a source subject to Major NSR or State NSR 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 or approved by LRAPA and include the information required to apply for a permit or permit modification under: (a) LRAPA title 37 for Major NSR or Type A State NSR action; or (b) LRAPA title 37 or OAR 340 division 218, whichever is applicable, for Type B State NSR actions.”	Clarification. Require an application for a permit or permit modification. LRAPA may accept application information on forms other than those supplied by LRAPA, especially spreadsheets for calculating emissions. Clarify that Major NSR and Type A State NSR actions require information for processing under title 38. If a Type B State NSR action is requested for a PSEL increase using existing capacity, it can be processed under title 37 or division 218, depending on the type of permit.	SIP
38	0030-3	38	0030(2)	Change to: “(2) Application Processing: (a) For Type B State NSR, LRAPA will review applications and issue permits using the procedures in LRAPA title 37 or OAR 340 division 218, whichever is applicable. (b) For Major NSR and Type A State NSR: (A) Notwithstanding the requirements of 37-0040(11), within 30 days after receiving an ACDP permit application to construct, or any additional information or amendment to such application, LRAPA will advise the applicant whether the application is complete or if there	Clarification and simplification. Clarify when an application is considered complete. Clarify that Major NSR and Type A State NSR actions require information for processing under title 37. If a Type B State NSR action is requested for a PSEL increase using existing capacity, it can be processed under title 37 or division 218, depending on the type of permit. The Category IV public participation procedures will be used for Major NSR and Type A State	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				<p>is any deficiency in the application or in the information submitted. For purposes of this section, an application is complete as of the date on which LRAPA received all required information;</p> <p>(B) Upon determining that an application is complete, LRAPA will undertake the public participation procedures in title 31 for a Category IV permit action; and</p> <p>(C) LRAPA will make a final determination on the application within twelve months after receiving a complete application.”</p>	<p>NSR permit applications and are explained in title 31.</p> <p>Change the time when LRAPA will make a final determination on the application from six months to twelve months. Past practice for LRAPA to make a final determination on an application has been at least 12 months, if not longer. The rule changes reflect the reality of Major NSR application processing.</p>	
NA	NA	38	0030(3)	<p>Add:</p> <p>“(3) An owner or operator that obtained approval of a project under this division must obtain approval for a revision to the project according to the permit application requirements in this title and LRAPA title 37 or OAR 340 division 218, whichever is applicable, prior to initiating the revision. If construction has commenced, the owner or operator must temporarily halt construction until a revised permit is issued. The following are considered revisions to the project that would require approval:</p> <p>(a) A change that would increase permitted emissions;</p> <p>(b) A change that would require a re-evaluation of the approved control technology; or</p> <p>(c) A change that would increase air quality impacts.”</p>	<p>Clarification. If the owner or operator needs to modify the approved project, construction must be temporarily halted to ensure air quality is protected by doing any additional analysis that may be required.</p>	SIP
38	0030-2	38	0030(4)	<p>Delete “Other Obligations” and change to:</p> <p>“(4) For major NSR and Type A State NSR permit actions, an ACDP that approves construction must require construction to commence within 18 months of issuance. Construction approval terminates and is invalid if construction is not commenced within 18 months after LRAPA issues such approval, or by the deadline approved by LRAPA in an extension under subsection (5). Construction approval also terminates and is invalid 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. An ACDP may approve a phased construction project with separate construction approval dates for each subsequent phase and, for purposes of applying this section, the construction approval date for the second and subsequent phases will be treated as the construction approval issuance date.”</p>	<p>Restructure</p>	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
NA	NA	38	0030(5)(a)	<p>Add: “(5) For major NSR and Type A State NSR permit actions, LRAPA may grant for good cause two 18-month construction approval extensions as follows: (a) Except as provided in subsection (i), for the first extension, the owner or operator must submit an application to modify the permit that includes the following: (A) A detailed explanation of why the source could not commence construction within the initial 18-month period; and (B) Payment of the simple technical permit modification fee in 37-8020 Part 3.”</p>	Clarify what is required for the first extensions to NSR/PSD construction permits. LRAPA will grant the first extension provided there have not been any changes to the project which would negatively affect air quality.	SIP
NA	NA	38	0030(5)(b)	<p>Add: “(b) Except as provided in paragraph (i), for the second extension, the owner or operator must submit an application to modify the permit that includes the following for the original regulated pollutants subject to Major NSR or Type A State NSR: (A) A detailed explanation of why the source could not commence construction within the second 18-month period; (B) A review of the original LAER or BACT analysis for potentially lower limits and a review of any new control technologies that may have become commercially available since the original LAER or BACT analysis; (C) A review of the air quality analysis to address any of the following: (i) All ambient air quality standards and PSD increments that were subject to review under the original application; (ii) Any new competing sources or changes in ambient air quality since the original application was submitted; (iii) Any new ambient air quality standards or PSD increments for the regulated pollutants that were subject to review under the original application; and (iv) Any changes to EPA approved models that would affect modeling results since the original application was submitted, and (D) Payment of the moderate technical permit modification fee plus the modeling review fee in 37-8020 Part 3.”</p>	Clarify what is required for the second extensions to NSR/PSD construction permits.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
NA	NA	38	0030(5)(c)	Add: “(c) Except as provided in paragraph (i), the permit will be terminated 54 months after it was initially issued if construction does not commence during that 54 month period. If the owner or operator wants approval to construct beyond the termination of the permit, the owner or operator must submit an application for a new Major NSR or Type A State NSR permit.”	Clarification. LRAPA will not grant third extensions. The owner or operator must apply for a new NSR permit.	SIP
NA	NA	38	0030(5)(d)	Add: “(d) If construction is commenced prior to the date that construction approval terminates, the permit can be renewed or the owner or operator may apply for a Title V permit as required in OAR 340-218-0190.”	Clarification	SIP
NA	NA	38	0030(5)(e)	Add: “(e) To request a construction approval extension under paragraph (a) or (b), the owner or operator must submit an application to modify the permit at least 30 days but not more than 90 days prior, to the end of the current construction approval period.”	Clarification. Add requirements for submittal of an application for construction extension	SIP
NA	NA	38	0030(5)(f)	Add: “(f) Construction may not commence during the period from the end of the preceding construction approval to the time LRAPA approves the next extension.”	Clarification. Construction cannot commence until LRAPA approves the extension request.	SIP
NA	NA	38	0030(5)(g)	Add: “(g) LRAPA will make a proposed permit modification available using the following public participation procedures in title 31: (i) Category II for an extension that does not require an air quality analysis; or (ii) Category III for an extension that requires an air quality analysis.”	The public participation procedures for Category II provide a 30 period to submit written comments. If an air quality analysis is required for the second extension, the public participation procedures for Category III provides a 35 day period to submit written comments and a provision for a hearing, if one is scheduled.	SIP
NA	NA	38	0030(5)(h)	Add: “(h) LRAPA will grant a permit modification extending the construction approval for 18 months from the end of the first or second 18-month construction approval period, whichever is applicable, if: (A) Based on the information required to be submitted under paragraph (a) or (b), LRAPA determines that the proposed source will continue to meet NSR requirements; and (B) For a second extension, the area impacted by the source has not been redesignated subsequent to the permit	Clarification. Extensions will be granted for consecutive 18-month periods.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				issuance date from attainment to sustainment or nonattainment, or from sustainment to nonattainment.”		
NA	NA	38	0030(5)(i)	Add: “(i) If the area where the source is located is redesignated to sustainment or nonattainment before any extension is approved, the owner or operator must demonstrate compliance with the redesignated area requirements if the source is subject to Major or Type A State NSR for the redesignated pollutant, and must obtain the appropriate permit or permit revision before construction may commence. The new permit or permit revision under this subsection will be considered to start a new initial 18-month construction approval period.”	Clarification. If an area has become a sustainment or nonattainment area before an extension is approved, the source must demonstrate compliance with the applicable NSR requirements if it triggers for the redesignated pollutant.	SIP
38	0030-2.C & D	38	0030(7)	Change to: “(7) Sources that are subject to OAR 340 division 218, LRAPA Title V Permits, are subject to the following: (a) Except as prohibited in subsection (b), approval to construct a source under an ACDP issued under title 37 authorizes construction and operation of the source, until the later of: (A) One year from the date of initial startup of operation of the source subject to Major NSR or Type A State NSR; or (B) 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. (b) Where an existing LRAPA Title V Operating Permit prohibits construction or a change in operation, the owner or operator must obtain a Title V permit revision before commencing the construction, continuing the construction or making the change in operation.”	Correction and restructure. Construction approval under an ACDP is in title 37	SIP
38	0030-3	NA	NA	Delete (3) Application Processing	This section was moved to subsection (2)	SIP
38	0080	38	0034	Move “Exemptions” and change to: “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 source subject to Major NSR or a Type A State NSR action must comply with only the control technology requirements in the applicable section, but are exempt from the remaining requirements of the applicable sections provided that the source subject to	Restructure and clarify	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				Major NSR or a Type A State NSR action would not impact a Class I area or an area with a known violation of a ambient air quality standard or a PSD increment.”		
NA	NA	38	0034	Add: “NOTE: This rule was moved verbatim from 38-0080 and amended.”	Clarification	
38	0100	38	0038	Move “Fugitive and Secondary Emissions”	Restructure	SIP
38	0100	38	0038	Change to: “For sources subject to Major NSR or Type A State NSR, 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 source or modification is subject to Major or Type A State NSR. Once a source is subject to Major or Type A State NSR, secondary emissions also become subject to the air quality impact analysis requirements in this division and title 40.”	Clarification. Secondary emissions are not included in the emission calculations of potential emissions to determine if a proposed source is subject to NSR. Once the source is identified as a major source or a modification is major, secondary emissions become subject to the air quality analysis requirements of title 40.	SIP
NA	NA	38	0038	Add the Note: “NOTE: This rule was moved verbatim from 38-0100 and amended.”	Clarification	SIP
38	0040	NA	NA	Change title to: “Review of Sources Subject to Major NSR or Type A State NSR for Compliance With Regulations”	LRAPA has changed the definition of major source so the distinction between major and federal major must be made.	SIP
38	0040	NA	NA	Change to: “The owner or operator of a source subject to Major NSR must demonstrate the ability of the source to comply with all applicable air quality requirements of LRAPA.”	Clarification	SIP
NA	NA	NA	NA	Add the title “Major New Source Review”	LRAPA has added rules for State New Source Review in this section so this division now covers both major and minor new source review	SIP
NA	NA	38	0045	Add a section for Requirements for Sources in Sustainment Areas: “Within a designated sustainment area, a source subject to Major NSR must meet the requirements listed below for each sustainment pollutant: (1) Section 38-0070; and (2) Net Air Quality Benefit: Satisfy 38-0510 and 38-0520 for ozone sustainment areas or 38-0510 and 38-0530(2)	This provision will help the area from becoming a nonattainment area and will also allow sources to construct in areas that are not yet designated as nonattainment areas. BACT will minimize emissions and the net air quality benefit requirements will ensure that AQ will not be harmed.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				and (4) for non-ozone sustainment areas, whichever is applicable, unless the source can demonstrate that the impacts are less than the significant impact levels at all receptors within the sustainment area.”		
38	0050	NA	NA	Change to: “Within a designated nonattainment area, and when referred to this rule by other rules in this title a source subject to Major NSR must meet the requirements listed below for each nonattainment pollutant:”	LRAPA has changed the definition of major source so the distinction between major and federal major must be made. Consistency	SIP
38	0050-1	38	0050(1)	Add “of the source” and delete “significant emission rate” and parentheses around SER	Clarification	SIP
38	0050-1.A-2)	38	0050(1)(a)(B)	Change to: “(B) Each emissions unit that emits the nonattainment pollutant and is included in the most recent netting basis and contributed to the emissions increase calculated in 38-0025(2)(a)(B) for the nonattainment pollutant or precursor.”	Correction and clarification. Tie back to the units/changes in the definition of major modification.	SIP
38	0050-1.C	38	0050(1)(c)	Add “Major”	LRAPA has changed the definition of major source so the distinction between major and federal major must be made.	SIP
38	005001.C-1)	38	0050(1)(c)(A)	Change to: “(A) The physical change or change in the method of operation at a unit that contributed to the emissions increase calculated in 38-0025(2)(a)(B) was made in compliance with Major NSR requirements in effect when the change was made, and”	Correction and clarification. Tie back to the units/changes in the definition of major modification. Also, clarify what “change” means.	SIP
38	0050-1.D	38	0050(1)(d)	Change to: “(d) Physical changes or changes in the method of operation to individual emissions units that contributed to the emissions increase calculated in 38-0025(2)(a)(B) but only increased the potential to emit less than 10 percent of the SER are exempt from this section unless:”	Correction and clarification. Tie back to the units/changes in the definition of major modification. Also, this uses “modification” rather than change, so make consistent with (A) and clarify what is meant.	SIP
38	0050-1.D-2)	38	0050(1)(d)(B)	Change to: “(B) They are part of a discrete, identifiable, larger project that was constructed within the previous 5 years and that resulted in emission increases equal to or greater than 10 percent of the SER; or”	Clarification	SIP
NA	NA	38	0050(2)	Add : “(2) Air Quality Protection: (a) Air Quality Analysis: The owner or operator of a federal major source must comply with 40-0050(4) and 40-0070.	DEQ is redefining Net Air Quality Benefit for all sources in all areas. See “New Source Review Program Supplemental Discussion.”	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				(b) Net Air Quality Benefit: The owner or operator of the source must demonstrate net air quality benefit using offsets under 38-0510 and 38-0520 for ozone nonattainment areas or under 38-0510 and 38-0530(2) and (4) for non-ozone nonattainment areas, whichever is applicable.”	Under the old rules, only a federal major source had to comply with 38-0050(3) and 40-0070. With the new definition of federal major, sources that didn’t have to do 40-0070 under the old rules will have to do it under the new rules so clarify when an AQRV analysis is required.	
NA	NA	38	0050(3)	Add: “(3) Sources Impacting Other Designated Areas: The owner or operator of any source that will have a significant impact on air quality in a designated area other than the one the source is locating in must also meet the following requirements, as applicable: (a) The owner or operator of any source that emits an ozone precursor (VOC or NOx) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0520 for ozone designated areas. (b) The owner or operator of any source that emits any criteria pollutant, other than NOx as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0540 for designated areas other than ozone designated areas.”	Add a provision for requirements if a source impacts other designated area. See “New Source Review Program Supplemental Discussion.”	SIP
38	0050-3.A	38	0050(4)	Change to: “(4) The owner or operator of the source must: (a) Evaluate alternative sites, sizes, production processes, and environmental control techniques for the proposed source or major modification and demonstrate that benefits of the proposed source or major modification will significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification. (b) Demonstrate that all federal 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 FCAA.”	Restructure and simplification	SIP
38	0050-3.C	NA	NA	Delete this rule requiring visibility impact analysis	Already included in 38-0050(2)(a)	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
NA	NA	38	0055	Add a section for Requirements for Sources in Reattainment Areas: “Within a designated reattainment area, a source subject to Major NSR must meet the requirements listed below for each reattainment pollutant: (1) 38-0050 treating the reattainment pollutant as a nonattainment pollutant for that rule; and (2) The owner or operator must demonstrate that it will not cause or contribute to a new violation of an ambient air quality standard or PSD increment in title 50 by conducting the analysis under 40-0050.”	It takes time to develop maintenance plans for nonattainment areas before EPA can redesignate the area to maintenance. After LRAPA has three years of data showing that the area is meeting the NAAQS but before the maintenance plan can be developed, LRAPA wants to designate these areas as reattainment areas. This will give source more flexibility in permitting requirements as long as air quality is protected before the area is redesignated as maintenance.	SIP
38	0060	NA	NA	Change to: “Within a designated maintenance area, a source subject to Major NSR must meet the requirements listed below for each maintenance pollutant:”	Clarification and consistency	SIP
38	0060-1	38	0060(1)	Delete BACT requirements and reference 38-0070	Already included in 38-0070 so just cross reference	SIP
38	0060-2	38	0060(1) & (2)	Replace existing requirements with: “(1) 38-0070; and (2) Net Air Quality Benefit: Except for sources described in subsection (7), the owner or operator of the source must satisfy one of the requirements listed below: (a) 38-0510 and 38-0520 for ozone maintenance areas or 38-0510 and 38-0530(3) and (4) for non-ozone maintenance areas, whichever is applicable; (b) Demonstrate that the source or modification will not cause or contribute to an air quality impact in excess of the impact levels in 50-055 or OAR 340-202-0225 by performing the analysis specified in 40-0045; or”	LRAPA is redefining Net Air Quality Benefit for all sources in all areas. See “New Source Review Program Supplemental Discussion.”	SIP
38	0060-2.B	38	0060(2)(c)	Change to: “(c) Obtain an allocation from a growth allowance. The requirements of this subsection may be met in whole or in part in an ozone or carbon monoxide maintenance area with an allocation by LRAPA from a growth allowance, if available, under the applicable maintenance plan in the SIP adopted by the Board and EQC and approved by EPA.”	Clarification. The Net Air Quality Benefit requirements have been moved from 40-0090 to 38-0520 for ozone areas and 38-0530 for non-ozone areas.	SIP
38	00600-2.C & D	50	065	Move Ambient Air Quality Thresholds for CO and PM10 Maintenance Areas in title 50	Title 50 will contain all ambient standards and thresholds intended to protect ambient air quality	SIP
38	0060-3	NA	NA	Delete:	Already included in cross referenced 38-0070	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				“(3) The owner or operator of a source subject to this rule must provide an air quality analysis in accordance with 40-0050(1) and (2), and 40-0060.”		
38	0060-4	NA	NA	Delete: “(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 40-0050(4) and 40-0070. In addition to the provisions of this section, provisions of section 38-0070 also apply to federal major sources.”	Already included in cross referenced 38-0070	SIP
NA	NA	38	0060-3	Add a provision for requirements if a source is located outside but impacts a designated area: “(3) Sources Impacting Other Designated Areas: The owner or operator of any source that will have a significant impact on air quality in a designated area other than the one the source is locating in must also meet the following requirements, as applicable: (a) The owner or operator of any source that emits an ozone precursor (VOC or NO _x) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0520 for ozone designated areas. (b) The owner or operator of any source that emits any criteria pollutant, other than NO _x as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0540 for designated areas other than ozone designated areas.”	LRAPA is redefining Net Air Quality Benefit for all sources in all areas. See “New Source Review Program Supplemental Discussion.”	SIP
38	006-5.A	38	0060(4)(a)	Change to: “(a) The source must comply with the LAER requirement in 38-0050(1) in lieu of the BACT requirement in section (1); and”	Clarification	SIP
38	0060-5.B	NA	NA	Delete: “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.”	The contingency plan requirements kick in if the monitoring data exceeds the NAAQS. Therefore, LAER and offsets are required for projects in the area. Growth allowance is for ozone and CO maintenance areas and is covered in the new 38-	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					0060(4)(b). There are no growth allowances for PM2.5 or PM10.	
38	0060-5.C	38	0060(4)(b)	Change to: “(b) The source must comply with the net air quality benefit requirement in subsection (2)(a) and may not apply the alternatives provided in subsections (2)(b) and (2)(c).”	The Ambient Air Quality Limits (thresholds) for Maintenance Areas were moved to title 50 but the exemption was provided in (2)(b).	SIP
38	0060-7	38	0060(6)	Change to: “(6) Pending Redesignation Requests. This section does not apply to a source 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 38-0050 or 38-0055, whichever is applicable.”	Clarification. The source could be subject to reattainment requirements if the area is designated as reattainment.	SIP
38	0070	NA	NA	Change to: “Within a designated attainment or unclassified area, and when referred to this section by other sections in this title, a source that is subject to Major NSR for any regulated pollutant, other than nonattainment pollutants and reattainment pollutants, must meet the requirements listed below for each such pollutant, except that GHGs are only subject to subsection (2):”	Correction. Delete “for the pollutant(s) for which the area is designated attainment or unclassified.” There are pollutants that do not have NAAQS for which PSD can be triggered.	SIP
40	0050-4	38	0070(1)	Move Air Quality Monitoring to this rule	Air quality monitoring may be required for attainment or unclassified areas and belongs in title 38 rather than title 40.	SIP
40	0050-4	38	0070(1)(a)	Change title to “Preconstruction Air Quality Monitoring”	Restructure	SIP
40	0050-4	38	0070(1)(a)(A)	Change to: “(A) 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 for each regulated pollutant subject to this rule except as allowed by subparagraph (B).”	This rule was moved from title 40 so the language referring to title 38 is no longer needed.	SIP
40	0050-4	38	0070-1	Restructure (1)(a)(A) into sub-subparagraphs and move subparagraph (E) to sub-subparagraph (iv)	Clarification	SIP
40	0050-4	38	0070(1)(a)(A)(i)	Change to: “(i) The analysis must include continuous air quality monitoring data for any regulated pollutant subject to this rule that may be emitted by the source, except for volatile organic compounds.”	Clarification. Subparagraph (B) provides exceptions to the preconstruction air quality monitoring requirement	SIP
40	0050-4	38	0070(1)(a)(A)(ii)	Change to:	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				“(iii) 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 would not cause or contribute to a violation of an ambient air quality standard or any applicable PSD increment.”		
40	0050-4.A-5)	38	0070(1)(a)(A)(i v)	Change to: “(iv) When PM10/PM2.5 preconstruction monitoring is required by this section, at least four months of data must be collected, including the season LRAPA judges to have the highest PM10/PM2.5 levels. PM10/PM2.5 must be measured using 40 CFR Part 50, Appendices J and L. In some cases, a full year of data will be required.”	Restructure and clarification	SIP
40	0050-4.A-1)	38	0070(1)(a)(A)(v)	Change to: “(v) The owner or operator must submit a written preconstruction air quality monitoring plan at least 60 days prior to the planned beginning of monitoring. The applicant may not commence monitoring under the plan until LRAPA approves the plan in writing.”	Restructure and clarification	SIP
40	0050-4.A-2)	38	0070(1)(a)(A)(v i)	Change to: “(vi) Required air quality monitoring must comply with 40 CFR 58 Appendix A, "Quality Assurance Requirements for SLAMS, SPMs and PSD Air Monitoring" and with other methods on file with LRAPA.”	Plain language and correction. The title of the document is wrong. Delete the date on Appendix A. CFR date is included in Reference Materials rule in title 12.	SIP
40	0050-4	38	0070(1)(a)(A)(v ii)	Add: “(vii) With LRAPA’s approval, the owner or operator may use representative or conservative background concentration data in lieu of conducting preconstruction air quality monitoring if the source demonstrates that such data is adequate to determine that the source would not cause or contribute to a violation of an ambient air quality standard or any applicable PSD increment.”	The previous language allowing the owner or operator of a source (where required by titles 38 or 42) to substitute post construction monitoring for the requirements of preconstruction monitoring 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 is being changed. The demonstration that the air quality impact from the emissions increase would not cause or contribute to an exceedance of any air quality standard requires a competing source analysis and representative background data if the new source impacts are above the SIL. LRAPA has not allowed post construction monitoring to be substituted for preconstruction monitoring. Ambient air data from the same monitor that	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					provided the background concentration used in the modeling is used to ensure that air quality is below the NAAQS after construction. Therefore, LRAPA is changing this requirement to exempt a source from preconstruction monitoring if representative or conservative general background concentration data is available.	
40	0050-4.A-3)	38	0070(1)(a)(B)	Change to: “(B) LRAPA may exempt the owner or operator of a source from preconstruction monitoring for a specific regulated 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 the general background concentration of the regulated pollutant within the source impact area, as defined in title 40, are less than the following significant monitoring concentrations:”	Clarification. Source Impact Area is defined in title 40	SIP
40	0050-4.A-3)-3)	38	0070(1)(a)(B)(i v)	Change the PM2.5 significant monitoring concentration from 4 ug/m3 to 0 ug/m3	<p>The <i>Sierra Club v. EPA</i> decision held that no exemptions from the one-year monitoring requirement for PM2.5 were permitted (except that an applicant could prove that monitoring for a shorter period was sufficient).</p> <p>EPA revised the existing concentration for the PM2.5 SMC to zero micrograms per cubic meter (0 mg/m3). The EPA did not entirely removing PM2.5 as a listed pollutant in the SMC provisions because to do so might lead to the issuance of permits that contradict the holding of the Court as to the statutory monitoring requirements. Both sections 51.166(i)(5)(iii) and 52.21(i)(5)(iii) permit the reviewing authority to exempt a permit applicant from the monitoring requirements if “[t]he pollutant is not listed in paragraph (i)(5)(i) of this section.” Were EPA to completely remove PM2.5 from the list of pollutants in sections 51.166(i)(5)(i)(c) and 52.21(i)(5)(i)(c) of the PSD regulations, PM2.5 would no longer be a listed pollutant and the paragraph (iii) provision could be interpreted as giving reviewing authorities the discretion to exempt permit applicants from the requirement to conduct</p>	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					monitoring for PM2.5, in contravention of the Court's decision and the CAA. Instead, the EPA revised the concentration listed in sections 51.166(i)(5)(i)(c) and 52.21(i)(5)(i)(c) to 0 mg/m3. This means that there is no air quality impact level below which a reviewing authority has the discretion to exempt a source from the PM2.5 monitoring requirements. By continuing to include PM2.5 as a pollutant in the list contained in sections 51.166(i)(5)(i) and 52.21(i)(5)(i), with the numerical value replaced with 0 mg/m3, EPA avoided any concern that paragraph (iii) of the two affected sections could be applied to excuse permit applicants from adequately addressing the monitoring requirement for PM2.5.	
40	0050-4.A-3)-6)	38	0070(1)(a)(B)(v i)	Change to: “(vi) Ozone; Any net increase of 100 tons/year or more of VOCs from a source requires an ambient impact analysis, including the gathering of ambient air quality data unless the existing representative monitoring data shows maximum ozone concentrations are less than 50 percent of the ozone ambient air quality standards based on a full season of monitoring;”	Clarification	SIP
40	0050-4.A-4)	NA	NA	Delete: “(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 40-0050-2.B and must use representative or conservative General Background Concentration data.”	LRAPA will not allow the substitution of post construction for preconstruction monitoring. Post construction monitoring is covered under 38-0070(1)(b)	SIP
40	0050-4.B	38	0070(1)(b)	Change to: “(b) Post-Construction Air Quality Monitoring: LRAPA may require post-construction ambient air quality monitoring as a permit condition to establish the effect of actual emissions, other than volatile organic compounds, on the air quality of any area that such emissions could affect.”	Restructure	SIP
38	0070-1	38	0070(2)	Change to:	Correction	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				“(2) Best Available Control Technology (BACT). For a source under the applicability criteria in 38-0010(1)(a)(A), the owner or operator must apply BACT for each regulated pollutant emitted at or above a significant emission rate (SER). For a source under the applicability criteria in 38-0010(1)(a)(B) or (C), BACT applies to each regulated pollutant that is emitted at or above a SER over the netting basis and meets the criteria of major modification in 38-0025.”		
38	0070-1.A.-1)	38	0070(2)(a)(A)	Change to: “(A) Each emissions unit that emits the regulated pollutant and is not included in the most recent netting basis established for that regulated pollutant; and”	Clarification	SIP
38	0070-1.A.-2)	38	0070(2)(a)(B)	Change to: “(B) Each emissions unit that emits the regulated pollutant and is included in the most recent netting basis and contributed to the emissions increase calculated in 38-0025(2)(a)(B) for the regulated pollutant.”	Clarification. The language in this section uses different words to describe the applicability of BACT from the language in the definition of major modification in 38-0025 is confusing. These revisions refer the reader back to the units described in the definition of major modification in 38-0025.	SIP
38	0070-1.C	38	0070(2)(c)	Add “major” to NSR	LRAPA has added rules for State New Source Review in this division so the distinction between major and minor new source review must be made	SIP
38	0070-1.D	38	0070(2)(d)	Change to: “(d) Modifications to individual emissions units that have an emission increase, calculated per 38-0025(2)(a)(B), that is less than 10 percent of the SER are exempt from this section unless:”	Clarification. The exemption from BACT for emissions units with an increase less than 10% of the SER should be based on the major modification calculation of emissions increases. The reference to potential to emit is unclear what should be compared to 10% of the SER.	SIP
NA	NA	38	0070(3)	Add Air Quality Protection heading	Restructure	SIP
38	0070-2	38	0070(3)(a)	Change to: “(a) Air Quality Analysis: (A) The owner or operator of the source must comply with 40-0050 and 40-0060 for each regulated pollutant for which emissions will exceed the netting basis by the SER or more due to the proposed source or modification. (B) The owner or operator of a federal major source must comply with 40-0050(4) and 40-0070.”	Delete “subject to this rule.” The owner or operator of a source would only be in this part of the rules if it were subject to this rule. Under the old rules, only a federal major (old definition) had to comply with 40-0070. With the new definition of federal major, sources that didn’t have to do 40-0070 under the old rules will have to do it under the new rules so clarify when an AQRV analysis is required.	SIP
NA	NA	38	0070(3)(c)	Add:	In a recent lawsuit, the Sierra Club argued that EPA lacks authority to establish Significant Impact	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				“(c) The owner or operator of the source must demonstrate that it will not cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact level under 40-0050(1).”	Levels (SILs) because a proposed source or modification in an area that is close to violating the NAAQS or an increment could violate the NAAQS or increment even if its emissions would have an ambient impact below the SIL. The U.S. Court of Appeals for the D.C. Circuit vacated and remanded to EPA certain aspects of a 2010 agency rule regarding SILs and the Significant Monitoring Concentration (SMC) for fine particulate matter (PM2.5). Therefore, LRAPA has added the requirement that the new or modified source must not cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the SIL. This safeguard ensures that a new or modified source will not significantly impact the area.	
38	0070-2.B	38	0070(4)	Change to: “(4) Sources Impacting Other Designated Areas: The owner or operator of any source that will have a significant impact on air quality in a designated area other than the one the source is locating in must also meet the following requirements, as applicable: (a) The owner or operator of any source that emits an ozone precursor (VOC or NOx) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0520 for ozone designated areas. (b) The owner or operator of any source that emits any criteria pollutant, other than NOx as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under 38-0510 and 38-0540 for designated areas other than ozone designated areas.”	Add a provision for requirements if a source is located outside but impacts a designated area. LRAPA is redefining Net Air Quality Benefit for all sources in all areas. See “New Source Review Program Supplemental Discussion.”	SIP
38	0070-3	NA	NA	Delete Air Quality Monitoring	Already included in 38-0070(1)	SIP
38	0070-4	NA	NA	Delete the requirement for significantly impacting a PM10 maintenance area	Already included in 38-0070(4)	SIP
NA	NA	38	0070	Add the Note:	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				“NOTE: Subsection (1) of this rule was moved verbatim from 40-0050(4) and amended.”		
38	0080	38	0034	Move this section to 38-0034	Restructure	SIP
38	0100	38	0038	Move this section to 38-0038	Restructure	SIP
38				State New Source Review		
NA	NA	38	0245	Add Requirements for Sources in Sustainment Areas	LRAPA has added rules for State New Source Review. See DEQ’s “New Source Review Program Supplemental Discussion.” (06/16/14)	SIP
NA	NA	38	0250	Add Requirements for Sources in Nonattainment Areas	LRAPA has added rules for State New Source Review. See DEQ’s “New Source Review Program Supplemental Discussion.” (06/16/14)	SIP
NA	NA	38	0255	Add Requirements for Sources in Reattainment Areas	LRAPA has added rules for State New Source Review. See DEQ’s “New Source Review Program Supplemental Discussion.” (06/16/14)	SIP
NA	NA	38	0260	Add Requirements for sources in Maintenance Areas	LRAPA has added rules for State New Source Review. See DEQ’s “New Source Review Program Supplemental Discussion.” (06/16/14)	SIP
NA	NA	38	0270	Add Requirement for Sources in Attainment and Unclassified Areas	LRAPA has added rules for State New Source Review. See DEQ’s “New Source Review Program Supplemental Discussion.” (06/16/14)	SIP
38				Net Air Quality Benefit Emission Offsets		
NA	NA	38	0500	Add Net Air Quality Benefit for Sources Locating Within or Impacting Designated Areas	The Requirements for Demonstrating a Net Air Quality Benefit are being moved to title 38 because they are requirements for NSR/PSD. They are not air quality analysis requirements. See “New Source Review Program Supplemental Discussion.”	SIP
NA	NA	38	0510	Add Common Offset Requirements	The Requirements for Demonstrating a Net Air Quality Benefit are being moved to title 38 because they are requirements for NSR/PSD. They are not air quality analysis requirements. See “New Source Review Program Supplemental Discussion.”	SIP
NA	NA	38	0510(3)	Change: “(3) For PM2.5; inter-pollutant offsets are allowed at the following ratios: (a) 1 ton of direct PM2.5 may be used to offset 40 tons of SO2; (b) 1 ton of direct PM2.5 may be used to offset 100 tons of NOx;	The inter-pollutant offset ratios are not approvable by EPA because the offset ratios were not developed specifically for Oregon. LRAPA proposes to replace the ratios with language to determine the ratios on a case by case basis, based on EPA guidance.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				(c) 40 tons of SO ₂ may be used to offset 1 ton of direct PM _{2.5} ; (d) 100 tons of NO _x may be used to offset 1 ton of direct PM _{2.5} . to “(3) Offsets for direct PM _{2.5} may be obtained from NO ₂ and SO ₂ emissions as precursors to secondary PM _{2.5} . The interpollutant trading ratios for these emissions will be approved by LRAPA on a case by case basis. Offsets for SO ₂ and NO ₂ emissions from direct PM _{2.5} emissions will be determined in the same manner.”		
40	0090-1	38	0520	Move Requirements for demonstrating Net Air Quality Benefit for Ozone Areas	The Requirements for Demonstrating a Net Air Quality Benefit are being moved to title 38 because they are requirements for NSR/PSD. They are not air quality analysis requirements. See “New Source Review Program Supplemental Discussion.”	SIP
40	0090-1	38	0520	Change to: “When directed by the Major or State NSR rules or 42-0042, the owner or operator must comply with this section.”	Simplification. This rule covers areas other than nonattainment and maintenance	SIP
40	0090-1.A	38	0520(1)	Change to: “(1) Offsets for VOC and NO _x are required if the source will be located within an ozone designated area or closer to the nearest boundary of an ozone designated area than the ozone impact distance as defined in subsection (2).”	Simplification. This rule covers areas other than nonattainment and maintenance	SIP
40	0010-10	38	0520(2)	Change to: “(2) Ozone impact distance is the distance in kilometers from the nearest boundary of an ozone designated area within which a 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.”	Restructure. Move the definition of “ozone precursor distance” here and change to “ozone impact distance.” Precursor doesn’t have anything to do with the distance. Delete “major new or modified” since those are the only sources that would be in this section of the rules.	SIP
40	0010-10.A	38	0520(2)(a)	Change to: “(a) The Formula Method. (A) For sources with complete permit applications submitted before Jan. 1, 2003: D = 30 km (B) For sources with complete permit applications submitted on or after Jan. 1, 2003: D = (Q/40) x 30 km (C) D is the ozone impact distance in kilometers. The value for D is 100 kilometers when D is calculated to	Clarification/Style guide	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				exceed 100 kilometers. Q is the larger of the NOx or VOC emissions increase above the netting basis from the source being evaluated in tons per year. (D) If a source is located closer than D from the nearest ozone designated area boundary, the source must obtain offsets under subsections (3) and (4). If the source is located at a distance equal to or greater than D from the nearest ozone designated area boundary then the source is not required to obtain offsets.”		
40	0010-10.B	38	0520(2)(b)	Change to: “(b) The Demonstration Method. An applicant may demonstrate to LRAPA that the source or proposed source would not have a material effect on an ozone designated area other than attainment or unclassified areas. 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 have a material effect on the designated area under high ozone conditions, the ozone impact distance is zero kilometers.”	The demonstration method will be used in sustainment and reattainment areas along with nonattainment and maintenance areas.	SIP
40	0090-1.B	38	0520(3)	Change to: “(3) The required ratio of offsetting emissions reductions from other sources (offsets) to the emissions increase from the proposed source or modification (emissions) and the location of sources that may provide offsets is as follows:”	Plain language	SIP
40	0090-1.B.-1)	38	0520(3)(a)	Change to: “(a) For new or modified sources locating within an ozone nonattainment area, the offset ratio is 1.1:1 (offsets:emissions). These offsets must come from sources within either the same designated area as the new or modified source or from sources in another ozone nonattainment area with equal or higher nonattainment classification that contributes to a violation of the ozone ambient air quality standards in the same ozone designated area as the new or modified source.	This rule applies to areas other than nonattainment	SIP
40	0090-1.B.-2)	38	0520(3)(b)	Change to: “(b) For new or modified sources locating within an ozone maintenance area, the offset ratio is 1.1:1 (offsets:emissions). These offsets may come from sources within either the maintenance area or from a source that	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				is closer to the nearest maintenance area boundary than that source's ozone impact distance."		
40	0090-1.B.-3)	38	0520(3)(c)	Change to: “(c) For new or modified sources locating outside the designated area not including attainment or unclassified areas, but closer than the ozone impact distance of the nearest boundary of the designated area, the offset ratio is 1:1 (offsets:emissions). These offsets may come from within either the designated area or from a source that is closer to the nearest maintenance area boundary than that source's ozone impact distance.”	Clarification	SIP
40	0090-1.A.-4)	NA	NA	Delete: “(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 (40-0020(11)).”	This rule is not necessary since the requirements are included in subsection (4)	SIP
40	0020-10	38	0520(4)	Change to: “(4) The amount of required offsets and the amount of provided offsets from contributing sources varies based on whether the proposed source or modification and the sources contributing offsets are located outside the ozone designated area other than attainment or unclassified areas. The required offsets and the provided offsets are calculated using either the formula method or the demonstration method, as follows, except that sources located inside an ozone nonattainment area must use the formula method.”	Restructure	SIP
40	0010-10.A-1)(a)	38	0520(4)(a)(A)(ii)	Change to: “(ii) For sources with complete permit applications submitted on or after January 1, 2003: RO = (SQ minus (SD multiplied by 40/30))”	Clarification	SIP
40	0010-10.A-1)(b)	38	0520(4)(a)(B)	Change to: “(B) Contributing sources may provide offsets (PO) calculated as follows: PO = CQ minus (CD multiplied by 40/30)”	Clarification	SIP
40	0010-10.A-3)	38	0520(4)(a)(C)	Change to: “(C) 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	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				exceed required offsets (RO) by the ratio described in subsection (3).”		
40	0010-10.A-4)(b)	38	0520(4)(a)(D)(ii)	Change to: “(ii) SQ (source quantity) is the source’s emissions increase of NOx or VOC in tons per year above the netting basis.”	This rule applies to areas other than nonattainment	SIP
40	0010-10.A-4)(c)	38	0520(4)(a)(D)(ii)	Change to: “(iii) SD is the source distance in kilometers to the nearest boundary of the designated area except attainment or unclassified areas. SD is zero for sources located within the designated area except attainment or unclassified areas.”	This rule applies to areas other than nonattainment	SIP
40	0010-10.A-1)(e)	38	0520(4)(a)(D)(v)	Change to: “(v) CQ (contributing quantity) is the contributing source’s emissions reduction in tons per year calculated as the contemporaneous pre-reduction actual emissions less the post-reduction allowable emissions from the contributing source (as provided in OAR 340-268-0030(1)(b)).”	Clarification. The pre-reduction emissions are <i>actual emissions</i> , and the post-reduction emissions are <i>allowable</i> (PSELS).	SIP
40	0010-10.A-1)(f)	38	0520(4)(a)(D)(v)	Change to: “(vi) CD is the contributing source’s distance in kilometers from the nearest boundary of the designated area except attainment or unclassified areas. For a contributing source located within the designated area except attainment or unclassified areas, CD equals zero.”	This rule applies to areas other than nonattainment	SIP
40	0010-10.B	38	0520(4)(b)	Change to: “(b) The Demonstration Method. An applicant may demonstrate to LRAPA using dispersion modeling or other analyses the level and location of offsets that would be sufficient to provide actual reductions in concentrations of VOC or NOx in the designated area during high ozone conditions as the ratio described in subsection (3). The modeled reductions of ambient VOC or NOx concentrations resulting from the emissions offset must be demonstrated over a greater area and over a greater period of time within the designated area as compared to the modeled ambient VOC or NOx concentrations resulting from the emissions increase from the source subject to this rule. If LRAPA determines that the demonstration is acceptable, then LRAPA will approve the offsets proposed by the applicant.”	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
NA	NA	38	0520(1)(c)	Add: “(c) Offsets obtained for a previous PSEL increase that did not involve resetting the netting basis can be credited toward offsets currently required for a PSEL increase.”	If a new source was first permitted at 50 tpy, and assuming they don’t go through PSD, then their netting basis is zero and they need to get offsets according to the formula. If they then want to increase the PSEL to 75 tpy, their netting basis is still zero and ostensibly, they need to get offsets based on a 75 tpy increase. One might hope that LRAPA would see fit to give credit for offsets used for the original 50 tpy and the source would only have to get offsets for the 25 tpy increase, but the rules don’t seem to contemplate that situation.	SIP
NA	NA	38	0520	Add: “NOTE: This rule was moved verbatim from 40-0010-10 and 11 and 40-0090-1 and amended.”	Clarification	
NA	NA	38	0530	Add Requirements for Demonstrating Net Air Quality Benefit for Non-Ozone Areas	The Requirements for Demonstrating a Net Air Quality Benefit are being moved to title 38 because they are requirements for NSR/PSD. They are not air quality analysis requirements. See “New Source Review Program Supplemental Discussion.”	SIP
NA	NA	38	0540	Add Sources in a Designated Area Impacting Other Designated Areas	The Requirements for Demonstrating a Net Air Quality Benefit are being moved to title 38 because they are requirements for NSR/PSD. They are not air quality analysis requirements. See “New Source Review Program Supplemental Discussion.”	SIP
40				Air Quality Analysis Requirements		
40	0010	40	0010(1)	Change to: “(1) This title contains the definitions and requirements for air quality analysis. This title does not apply unless a rule in another title refers to this title or a section in this title. For example, title 38 New Source Review, refers to provisions in this title for specific air quality analysis requirements.”	Clarification and correction. LRAPA has added rules for State New Source Review so the division has been renamed to “New Source Review”	SIP
40	0020	NA	NA	Add title 29 and division 204 as another tile and division, respectively, that has definitions that would apply to this title	Add reference to title 29 and division 204 definitions	SIP
40	0020-1.A	NA	0020(1)(a)	Add 40 CFR Part 62 to the definition of “allowable emissions”	The definition of “Allowable Emissions” should also include 40 CFR Part 62, since that is where the federal standards are for any existing incineration sources.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
40	0020-2	NA	NA	Delete the definition of “background light extinction”	“Background light extinction” not used in this or any other title	SIP
40	0020-3	40	0020(2)	Add “major” to “source” and “modification” in the “background concentration” definition	LRAPA has added rules for State New Source Review in this title so the distinction between major and minor new source review must be made	SIP
NA	NA	40	0020(3)	Add: “(3) “Baseline concentration year” means the calendar year used to determine the baseline concentration for a particular regulated pollutant in a particular designated area.”	Clarification	SIP
40	0020-4	NA	0020(4)	Change to: “(4) “Competing PSD increment consuming source impacts” means the total modeled concentration above the modeled baseline concentration resulting from increased and decreased emissions of all other sources since the baseline concentration year that are expected to cause a significant concentration gradient in the vicinity of the source. Determination of significant concentration gradient may take into account factors including but not limited to ROI formula, spatial distribution of existing emission sources, topography, and meteorology. Allowable emissions may be used as a conservative estimate of increased emissions, in lieu of actual emissions, in this analysis.”	Decreases in emissions since the baseline concentration year should also be included in a competing PSD increment consuming source analysis. Allowable emissions should not include creased emissions to be a conservative estimate. The Range of Influence is a formula that doesn’t take into account actual topography. The change allows more flexibility in evaluating the impact from sources on a case-by-case basis. This is language taken from EPA’s Appendix W to Part 51—Guideline on Air Quality Models – 8.2.3 Recommendations (Multi-Source Areas).	SIP
40	0020-5	NA	0020(5)	Change to: “(5) “Competing AAQS source impacts” means total modeled concentrations of the subject pollutant resulting from allowable emissions of all other sources expected to cause a significant concentration gradient in the vicinity of the source or sources under consideration. Determination of significant concentration gradient may take into account factors including but not limited to ROI formula, spatial distribution of existing emission sources, topography, and meteorology.”	Clarification. The Range of Influence is a formula that doesn’t take into account actual topography. The change allows more flexibility in evaluating the impact from sources on a case-by-case basis. This is language taken from EPA’s Appendix W to Part 51—Guideline on Air Quality Models – 8.2.3 Recommendations (Multi-Source Areas).	SIP
40	0020-6	NA	0020(6)	Change to: “(6) “FLAG” refers to the Federal Land Managers' Air Quality Related Values Work Group Phase I Report — REVISED, published at 75 Federal Register 66125, Oct. 27, 2010.”	Clarification/Style guide	SIP
40	0020-7	NA	0020(7)	Change to: “(7) “General background concentration” means impacts from natural sources and unidentified sources that were	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				not explicitly modeled, and may be determined based on either site-specific ambient monitoring or, with LRAPA approval, on representative ambient monitoring from another location.”		
40	0020-8	40	0020(8)	Do not capitalize “nitrogen deposition”	Correction	SIP
NA	NA	40	0020(9)	Add definition of “predicted maintenance area concentration”	Align with OAR 340-225-0020(8) in DEQ’s rules. LRAPA currently does not have any PM10 maintenance areas with a predictive maintenance area concentration.	SIP
40	0020-9	38	0520	Move definition of “ozone precursor distance” to title 38	This definition is part of the requirements for VOC and NOx offsets in ozone nonattainment and maintenance areas. Therefore, it belongs with the offset requirements in title 38.	SIP
40	0020-10	38	0520	Move definition of “ozone precursor offsets” to title 38	This definition is part of the requirements for VOC and NOx offsets in ozone nonattainment and maintenance areas. Therefore, it belongs with the offset requirements in title 38.	SIP
40	0020-11	40	0020(10)	Change to: “(10) "Range of influence formula or “ROI formula" means the calculation of the distance in kilometers from the source impact area of the new or modified source to other emission sources that could impact that area. If there is no source impact area, the distance is calculated from the new or modified source. Any location that is closer to the source than the ROI may be considered to be “within the range of influence” of the source. The ROI formula is as follows: (a) For PSD Class II and Class III areas, the Range of Influence formula of a competing source (in kilometers) is defined by: (A) $ROI (km) = Q (tons/year) / K (tons/year km)$. (B) Definition of factors used in paragraph (a): (i) Maximum ROI is 50 km. (ii) Q is the emission rate of the potential competing source in tons per year. (iii) K (tons/year km) is a regulated pollutant specific constant as follows: (I) For PM2.5, PM10, SOx and NOx, K = 5; (II) For CO, K = 40; and (III) For lead, K = 0.15. (b) For PSD Class I areas, the Range of Influence formula of a competing source includes emissions from	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				all sources that occur within the modeling domain of the source being evaluated. LRAPA determines the modeling domain on a case-by-case basis.”		
40	0020-11.A-2)(c)	40	0020(10)(a)(B)	Delete “in the table” and add constants K to definition of “Range of Influence”	Clarification. Add constants to text	SIP
NA	NA	40	0020(11)	Add: “(11) “Single source impact” means the modeled impacts from an increase in emissions of regulated pollutants from a source without including the impacts from other sources.”	Clarification	SIP
40	0020-12	40	0020(12)	Change to: “(12) “Source impact area” means an area, or locations, where predicted impacts from the source or modification equal or exceed the Class II significant 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.”	Clarification	SIP
NA	NA	40	0030 & (1)	Add a new lead in and a new subsection (1): “When required to conduct an air quality analysis under this division: (1) The owner or operator of a source must submit a modeling protocol to LRAPA and have it approved before submitting a permit application; and”	Clarification. This has always been a requirement.	SIP
40	0030	40	0030(2)	Delete “Information Required.”	Heading not needed.	SIP
40	0030	40	0030(2)	Change to: “(2) In addition to the requirements defined in 37-0040 for permit applications, the owner or operator of a source must submit all information necessary to perform any analysis or make any determination required under this division. Such information may include, but is not limited to:”	Clarification. Title 42 no longer requires modeling analyses. Modeling for PSEL increases in title 42 has been moved to title 40. The air quality analysis and visibility analysis is not required for all sources	SIP
40	0030	40	0030(2)(b)	Change to: “(b) Stack parameter data, height above ground, exit diameter, exit velocity, and exit temperature, for all existing and proposed emission points from the source or modification;”	Clarification	SIP
40	0030-4	40	0030(2)(d)	Change “January 1, 1978” to “the baseline concentration year”	Correction. January 1, 1978 was chosen in the initial round of rules because baseline period was 1977/78 instead of the August 1977 Clean Air Act date. The baseline concentration year is pollutant specific so one date won’t work for all pollutants.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
40	0040	NA	NA	Add “other than that” and change “inappropriate” to “appropriate”	Provide an option of using another impact model in PSD Class II and III areas based on approval by LRAPA and EPA	SIP
40	0040	NA	NA	Delete reference to "Interim Procedures for Evaluating Air Quality Models (Revised)" (U.S. Environmental Protection Agency, 1984)	This document is no longer used.	SIP
40	0045	NA	NA	Change to: “Modeling: For determining compliance with the maintenance area impact levels established in 50-065 or OAR 340-202-0225, whichever is most recently adopted, the following methods must be used:”	Clarification and correction. LRAPA has added the requirement that the new or modified source must not cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the SIL. Reference the ambient air quality limits for maintenance areas that were moved to title 29.	SIP
40	0045-1	NA	0045(1)	Change to: “(1) For each maintenance pollutant, a single source impact analysis is sufficient to show compliance with the maintenance area limits if: (a) The modeled impacts from emission increases equal to or greater than a SER above the netting basis due to the proposed source or modification being evaluated are less than the Class II Significant Impact Levels specified in title 12, Table 1; and (b) The owner or operator provides an assessment of factors that may impact the air quality conditions in the area showing that the SIL by itself is protective of the maintenance area impact levels. The assessment must take into consideration but is not limited to the emission increases and decreases since the baseline concentration year from other sources that are expected to cause a significant concentration gradient in the vicinity of the source. Determination of significant concentration gradient may take into account factors including but not limited to ROI formula, spatial distribution of existing emission sources, topography, and meteorology.”	Correction and clarification. In a recent lawsuit, the Sierra Club argued that EPA lacks authority to establish Significant Impact Levels (SILs) because a proposed source or modification in an area that is close to violating the NAAQS or an increment could violate the NAAQS or increment even if its emissions would have an ambient impact below the SIL. The U.S. Court of Appeals for the D.C. Circuit vacated and remanded to EPA certain aspects of a 2010 agency rule regarding SILs and the Significant Monitoring Concentration (SMC) for fine particulate matter (PM2.5). LRAPA is requiring that owners/operators must demonstrate by the SIL by itself is protective of the maintenance area limits. This safeguard ensures that a new or modified source will not significantly impact the area.	SIP
40	0045-2	NA	0045(2)	Change to: “(2) If the requirement in section (1) is not satisfied, the owner or operator of a proposed source or modification must complete a competing source analysis to demonstrate that modeled impacts from the proposed increased emissions plus competing source impacts, plus the predicted maintenance area concentration are less than the maintenance area impact levels in 50-065 or	Restructure and correction	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				OAR 340-202-0225, whichever is most recently adopted, for all averaging times.”		
40	0045-2.B and C	NA	0045(2)(b) and (c)	Delete (b) for demonstrating compliance with the NAAQS and (c) for demonstrating compliance with the PSD increments	These requirements are less restrictive than the maintenance area limits in 50-055 plus they are already included in 40-0050.	SIP
NA	NA	40	0045(3)	Add: “(3) Any analyses performed under this section must be done in compliance with 40-0030 and 40-0040, as applicable.”	Clarification	SIP
40	0050	NA	NA	Change to: “Modeling: For determining compliance with the AAQS, PSD increments, and other requirements in PSD Class II and Class III areas, the following methods must be used:”	Clarification. LRAPA’s SO2 ambient air quality standards are different than those of EPA	SIP
40	0050-1	NA	0050(1)	Change to: “(1) For each regulated pollutant, a single source impact analysis is sufficient to show compliance with the AAQS and PSD increments if: (a) The modeled impacts from emission increases equal to or greater than a SER above the netting basis due to the proposed source or modification being evaluated are less than the Class II significant impact levels specified in title 12, Table 1; and (b) The owner or operator provides an assessment of factors that may impact the air quality conditions in the area to show that the SIL by itself ensures that the proposed source or modification will not cause or contribute to a new violation of an AAQS and PSD increment. The assessment must take into consideration but is not limited to the following factors: (A) The background ambient concentration relative to the AAQS; (B) The emission increases and decreases since the baseline concentration year from other sources that are expected to cause a significant concentration gradient in the vicinity of the source. Determination of significant concentration gradient may take into account factors including but not limited to ROI formula, spatial distribution of existing emission sources, topography, and meteorology.”	Clarification. See discussion above regarding the Sierra Club lawsuit that argued that EPA lacks authority to establish Significant Impact Levels (SILs).	SIP
40	0050-2	NA	0050(2)	Change to: “(2) If the requirement in subsection (1) is not satisfied, the owner or operator of a proposed source being	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				evaluated must complete a competing source analysis as follows: (a) For demonstrating compliance with the PSD Class II and III increments (as defined in section 50-055, Table 1 or OAR 340-202-0210, whichever is more current), the owner or operator of the 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; and (b) For demonstrating compliance with the AAQS, the owner or operator of the source must show that the total modeled impacts plus total competing source impacts plus general background concentrations are less than the AAQS for all averaging times.”		
40	0050-3	40	0050(3)	Change to: “(3) The owner or operator of a source or modification must also provide an analysis of: (a) 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 SERs as defined in title 12, Table 2. Concentration and deposition modeling may also be required for sources emitting other compounds on a case-by-case basis; and (b) 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.”	Clarification. Title 42 has been changed to refer to sources to title 38 rather than title 40	SIP
40	0050-4	38	0070(1)	Move Air Quality Monitoring to title 38	Reorganization. Air quality monitoring is a NSR/PSD requirement. It is not a part of an air quality analysis.	SIP
NA	NA	40	0050(4)	Add: “(4) Any analyses performed under this section must be done in compliance with 40-0030 and 40-0040, as applicable.”	Clarification	SIP
40	0060-1 & 2	NA	0060(1) & (2)	Change “January” to “Jan.”	Style guide	SIP
40	0060-1 & 2	NA	0060(1) & (2)	Delete “(where required by Titles 42 or 38)”	Title 42 has been changed to refer sources to title 38 rather than title 40. Section 40-0010 states “This title does not apply unless a section in	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					another title refers to this title or a section in this title." so this language is unnecessary.	
40	0060-2.A & B	NA	0060(2)(a)	Change to: “(a) For each regulated pollutant, a single source impact analysis is sufficient to show compliance with PSD increments if modeled impacts from emission increases equal to or greater than an SER above the netting basis due to the proposed source or modification being evaluated are demonstrated to be less than the Class I significant impact levels specified in title 12, Table I. If this requirement is not satisfied, the owner or operator must complete a competing source analysis to demonstrate that the increased source impacts above baseline concentration plus competing PSD increment consuming source impacts are less than the PSD Class I increments for all averaging times.”	Clarification and correction	SIP
40	0060-2.C	40	0060(2)(b)	Change to: “(b) For each regulated pollutant, a single source impact analysis is sufficient to show compliance with AAQS if modeled impacts from emission increases equal to or greater than an SER above the netting basis due to the proposed source or modification being evaluated are demonstrated to be less than the Class I significant impact levels specified in title 12, Table 1. If this requirement is not satisfied, the owner or operator must complete a competing source analysis to demonstrate compliance with the AAQS by showing that its total modeled impacts plus total modeled competing source impacts plus general background concentrations are less than the AAQS for all averaging times.”	Clarification and correction. This rule applies to Class I areas, not Class II areas.	SIP
40	0060-2.D	NA	NA	Delete: “(d) If the requirement of subsection 2.A is not satisfied, and background monitoring data for each PSD Class I area shows that the AAQS is more restrictive than the PSD increment, then the source must also complete a competing source analysis to demonstrate compliance with the AAQS by showing that its total modeled impacts plus total modeled competing source impacts plus general background concentrations are less than the AAQS for all averaging times.”	Unnecessary. Modeling for both the AAQS and increment is required. If impacts are greater than the SIL, a competing source analysis is then required.	SIP
NA	NA	40	0060(2)(c)	Add:	See above for explanation of significant impact level.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				“(c) The owner or operator also must demonstrate that the proposed source or modification will not cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact levels under paragraphs (a) and (c), in accordance with section 50-055, Table 1 or OAR 340-202-0210, whichever is more current.”		
NA	NA	40	0060(3)	Add: “(3) Any analyses performed under this section must be done in compliance with 40-0030 and 40-0040, as applicable.”	Clarification	SIP
40	0070	NA	NA	Spell out AQRV in the title	Clarification	SIP
40	0070-1	NA	0070(1)	Change to: “(1) Sources that are not federal major sources are exempt from the requirements of this rule.”	Clarification	SIP
NA	NA	40	0070(2)	Add: “(2) When directed by title 38, the requirements of this rule apply to each emissions unit that increases the actual emissions of the regulated pollutant above the portion of the netting basis attributable to that emissions unit.”	Clarification. AQRV requirements apply to each emissions unit that increases actual emissions above its portion of the netting basis.	SIP
40	0070-2	40	0070(3)	Change to: “(3) LRAPA must provide notice of permit applications involving AQRV analysis to EPA and Federal Land Managers as follows:”	Clarification. LRAPA provides notice of permit applications to EPA and Federal Land Managers	SIP
40	0070-2.A	40	0070(3)(a)	Change to: “(a) If a proposed source could impact air quality related values, including visibility, deposition, and ozone impacts 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. 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;”	Clarification	SIP
40	0070-2.C	40	0070(3)(c)	Change to: “(c) During its review of source impacts on Class I area air quality related values, pursuant to this rule, LRAPA will consider any analysis performed by the Federal Land	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				Manager that is received by LRAPA within 30 days of the date that LRAPA sent the notice required by paragraph (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;"		
40	0070-2.D	40	0070(3)(d)	Change to: “(d) As a part of the notification required in 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, of any federal mandatory Class I area. This adverse impact determination may be made even if there is no demonstration that a Class I PSD increment has been exceeded. If LRAPA agrees with the demonstration, it will not issue the permit.”	Correction and simplification	SIP
40	0070-3.A	40	0070(4)(a)	Delete reference to “title 42”	Title 42 has been changed to refer to sources to title 38 rather than title 40	SIP
40	0070-3.A	40	0070(4)(b)	Require visibility analysis in Columbia River Gorge National Scenic Area	Congruent with DEQ’s approach, LRAPA is making a visibility analysis on the Columbia River Gorge National Scenic Area mandatory if it is affected by the source. DEQ partnered with Southwest Clean Air Agency in developing the Columbia River Gorge Air Study and Strategy . The strategy uses the requirements of the federal Regional Haze Program to improve visibility in the Gorge. Therefore, LRAPA and DEQ believe that mandatory visibility analysis on the Columbia River Gorge is an important part of that strategy.	SIP
40	0070-3.B	40	0070(4)(c)	Delete “pursuant to 38-0030-1	Not necessary	SIP
40	0070-3.C	40	0070(4)(d)	Change to: “(d) 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 of visibility in a Class I area will result. If LRAPA determines that significant impairment of visibility in a	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				Class I area would result, it will not issue a permit for the proposed source.”		
40	0070-4	40	0070(5)	Change to: “(5) In consultation with the Federal Land Managers under FLAG, LRAPA may require a plume blight analysis or regional haze analysis, or both.”	Clarification and correction. Range of influence formula does not apply to Class I areas. A plume blight analysis is typically required for a source that is within 50 km of a Class I area. A regional haze analysis may be required depending on distance to Class I areas and input from the Federal Land Managers.	SIP
40	0070-5.A	40	0070(6)(a)	Delete reference to “title 42” and change “their” to “its”	Title 42 has been changed to refer to sources to title 38 rather than title 40. Correction	SIP
40	0070-5.B	40	0070(6)(b)	Change to: “(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 significant impairment of visibility in a Class I area would result, it will not issue a permit for the proposed source.”	Clarification	SIP
40	0070-6	40	0070(7)	Require deposition modeling in Class I areas and the Columbia River Gorge Scenic Area where visibility modeling is required.	Because similar pollutants affect both visibility and acid deposition, LRAPA is making deposition modeling required where visibility modeling is required.	SIP
40	0070-6	40	0070(7)	Do not capitalize “nitrogen deposition” and “sulfur deposition”	Correction	SIP
40	0070-7.A	40	0070(8)(a)	Delete reference to title 42	Title 42 has been changed to refer to sources to title 38 rather than title 40	SIP
40	0070-7.B	40	0070(8)(b)	Change to: “(b) After construction has been completed, the owner or operator must conduct such visibility monitoring if LRAPA requires visibility monitoring as a permit condition to establish the effect of the regulated pollutant on visibility conditions within the impacted Class I area.”	Clarification	SIP
40	0070-8	40	0070(9)	Change to: “(9) Additional impact analysis: The owner or operator subject to 38-0060(2) or 38-0070(3) 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.”	Change cross reference because rule numbers have changed. Keep references to “or modification” for consistency as per EPA comment.	SIP
40	0070-9	40	0070(10)	Change to:	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				“(10) 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 must be used in this recommendation. Emission offsets may also be used. If the Federal Land Manager finds that significant impairment of visibility in a Class I area would result from the proposed activities and LRAPA agrees, LRAPA will not issue a permit for the proposed source.”		
NA	NA	40	0070(11)	Add: “(11) Any analyses performed under this section must be done in compliance with 40-0030 and 40-0040, as applicable.”	Clarification	SIP
40	0090-1	38	0520	Move to title 38	The Requirements for Demonstrating a Net Air Quality Benefit are being moved to title 38 because they are requirements for NSR/PSD. They are not air quality analysis requirements. SEE “NEW SOURCE REVIEW PROGRAM SUPPLEMENTAL DISCUSSION.”	NA
40	0090-1.A	38	0520(1)	Move to title 38	See above	NA
40	0090-1.B	38	0520(3)	Move to title 38	See above	NA
40	0090-1.B-1)	38	0520(3)(a)	Move to title 38	See above	NA
40	0090-1.B-2)	38	0520(3)(b)	Move to title 38	See above	NA
40	0090-1.B-3)	38	0520(3)(c)	Move to title 38	See above	NA
40	0090-1.B-4)	38	0520(4)	Move to title 38	See above	NA
40	0090-1.C	38	0520(5)	Move to title 38	See above	NA
40	0090-2	38	0530	Move to title 38	See above	NA
40	0090-2.A-1)&2)	38	0530(2)	Move to title 38	See above. Change offset requirement to 1.2:1 if offsets do not include offsets from priority sources. Ratio reduced to 1.0:1 if using offsets from priority sources. SEE SEPARATE DOCUMENT	NA
40	0090-2.A-3)	38	0510(3)	Move to title 38	See above	NA
40	0090-2.A-4) and (a)	38	0530(5)	Move to title 38	See above	NA
40	0090-2.A-4)(b) & 2.C	38	0530(6)	Move requirements for small scale local energy project	See above	NA
40	0090-2.A-5)	38	0510	Move to title 38	See above	NA
40	0090-2.B	38	0540(1)(b)(A)(i i)	Move to title 38	See above	NA

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
40	0090-2.C	38	0540(1)(b)(A)(i v)	Move to title 38	See above	NA
40	0090-3	38	0510(2)	Move to title 38	See above	NA
40	0090-4	38	0510(1)	Move to title 38	See above. Also covered in title 41.	NA
40	0090-5	38	0510(1)	Move to title 38	See above	NA
40	0090-6	38	0510(5)	Move to title 38	See above	NA
41				Emission Reduction Credits		
NA	NA	41	0030(1)(f)	Add: “Hazardous emissions reductions required to meet the MACT standards at 40 CFR part 61 and part 63, including emissions reductions to meet the early reduction requirements of section 112(i)(5), are not creditable as emission reduction credits for purposes of Major NSR in nonattainment or reattainment areas. However, any emissions reductions that are in excess of or incidental to the MACT standards are not precluded from being credited as emission reduction credits as long as all conditions of a creditable emission reduction credit are met.”	From 11/12/97 EPA Memo: Crediting of MACT emissions reductions for NSR netting and offsets. Required HAP emission reductions are not creditable as offsets in nonattainment or reattainment areas but can be used in maintenance or sustainment areas. Emission reductions in excess of or incidental to MACT standards can be used as emission reduction credits anywhere.	SIP
NA	NA	41	0030(2)(c)(C)	Add provision for a lower amount of ERCs in Oakridge (DEQ requires that ERCs must be at least 1 ton/year in Klamath Falls and Lakeview).	ERCs from woodstoves are approximately 0.04 tons/year/woodstove. To make ERCs from wood fuel-fired devices bankable, an amount lower than 10 tons per year is needed.	SIP
41	0030-3.B	NA	0030(3)(b)	Change to: “(b) Offsets pursuant to the NSR program, title 38.”	Net Air Quality Benefit was moved to title 38	SIP
NA	NA	41	0030(4)	Add: “(4) Emission reduction credits are considered used when a complete NSR permit application is received by LRAPA to apply the emission reduction credits to netting actions within the source that generated the credit, or to meet the offset and net air quality benefit requirements of the NSR program under 38-0500 through 38-0540.”	Clarification. The existing rules do not specify when ERC are considered “used” and what happens if the proposed project changes.	SIP
41	0030-4 & 5	41	0030(5) & (6)	Add a period at the end of subsection (5) and a colon at the end of subsection (6)	Correction	SIP
41	0030-4.A	41	0030(5)(a)	Clarify that emission reduction credits not used or banked and become unassigned PSELS are no longer available for use as external offsets	Clarification	SIP
41	0030-4.B	41	0030(5)(b)	Clarify that emission reduction credits not used prior to the expiration date and revert back to the source that generated the credit will become unassigned PSELS and are no longer available for use as external offsets	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
42				Stationary Source Plant Site Emission Limits		
42	All	NA	NA	Change “ambient air standards” to “ambient air quality standards”	Clarification	
42	0020-1	NA	0020(1)	Change to: “(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 42-0020-3., as a means of managing airshed capacity by regulating increases and decreases in air emissions. Except as provided in 42-0035(5) and 42-0060, all ACDP and Title V sources are subject to PSELs for all regulated pollutants listed in the definition of SER in title 12. LRAPA will incorporate PSELs into permits when issuing a new permit or renewing or modifying an existing permit.”	Correction and clarification. Change rule citations for insignificant activities since these rules were moved. The SER definition includes paragraph (v), which sets the SER to zero for all regulated pollutants not otherwise listed in the definition so limit regulated pollutants to those that have SER not equal to zero.	SIP
42	0020-3.C	NA	0020(3)(c)	Change to: “(c) Hazardous air pollutants as listed in LRAPA title 44 Table 1; high-risk pollutants listed in 40 CFR 63.74; or accidental release substances listed in 40 CFR 68.130; or air toxics listed in OAR 340 division 246; except that PSELs are required for pollutants identified in this subsection that are also listed in the definition of SER, title 12.”	Tables 2 and 3 in title 44 were removed so the CFRs should be referenced instead. Some hazardous air pollutants have SERs in title 12 that require PSELs. This is consistent with the netting basis.	SIP
42	0020-4	NA	0020(4)	Change to: “(4) PSELs may be generic PSELs, source specific PSELs set at the generic PSEL levels, or source specific PSELs set at source specific levels. (a) A source with a generic PSEL cannot maintain a netting basis for that regulated pollutant. (b) A source with a source specific PSEL that is set at the generic PSEL level may maintain a netting basis for that regulated pollutant provided the source is operating under a Standard ACDP or Title V Operating permit.”	Clarification. PSELs can be Generic PSELs, source specific PSELs set at the same levels as the Generic PSEL but not be a Generic PSEL, or source specific PSELs at source specific levels. Clarify when netting basis can or cannot be maintained with generic or generic level PSELs.	SIP
42	0030	NA	NA	Add title 29 as another title that has definitions that would apply to this title	Add reference to title 29 definitions	SIP
42				Criteria for Establishing Plant Site Emission Limits		
42	0043-1, 2, and 3	42	0035(1) & (2)	Move General Requirements for All PSELs from 42-0043 to 42-0035 and add “Establishing” to the title	Restructure	SIP
42	0043-1	42	0035(1)	Change to: “PSELs may not exceed limits established by any applicable federal or state regulation or by any specific	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				permit conditions unless the source meets the specific provisions of 32-100 (Alternative Emission Controls)."		
42	0043-2	42	0035(2)	"LRAPA may change source specific PSELs at the time of a permit renewal, or if LRAPA modifies a permit pursuant to 37-0084, Agency Initiated Modifications, or OAR 340-218-0200, Reopenings, if"	Clarification and move from C. These types of permit changes are times when PSELs can be changed, not a trigger of when a PSEL should be changed.	SIP
42	0043-2.A	42	0035(2)(a)	Change to: "(a) LRAPA determines errors were made in calculating the PSELs or more accurate and reliable data is available for calculating PSELs; or"	Clarification	SIP
42	0043-2.C	42	0035(2)(c)	Delete and combine with (2)	Correction. These types of permit changes are times when PSELs can be changed, not a trigger of when a PSEL should be changed.	SIP
12	005 "Netting Basis"	42	0035(3)	Add "PSEL reductions required by rule, order or permit condition will be effective on the compliance date of the rule, order, or permit condition."	This provision is from the definition of netting basis and applies to all PSELs.	SIP
42	0043-3	42	0035(4)	Move and change to: "(4) Annual PSELs apply on a rolling 12 consecutive month basis and limit the source's potential to emit."	Restructure and clarification. This applies to all PSELs	SIP
42	0070-1	42	0035(5)	Move requirements for categorically insignificant activities and change to: "(5) PSELs do not include emissions from categorically insignificant activities. Emissions from categorically insignificant activities must be considered when determining Major NSR or Type A State NSR applicability under title 38."	This applies to all PSELs and the rule numbers have changed.	SIP
42	0070-2	42	0035(6)	Move requirements for aggregate insignificant activities and change to: "(6) PSELs must include aggregate insignificant emissions, if applicable."	This applies to all PSELs	SIP
42	0040 and 0041	NA	NA	Delete "Significant Emission Rate" and do not capitalize "Generic"	Correction	SIP
42	0040-2	42	0040(3)	Separate into subsection (3) and change to: "The netting basis for a source with a generic PSEL is zero for that regulated pollutant."	Clarification. The applicant can request a source specific PSEL.	SIP
42	0041-1	NA	0041(1)	Delete "an initial" from the source specific PSEL and change "Generic PSEL" to "generic PSEL level"	The source specific PSEL that is set equal to the generic PSEL level doesn't necessarily need to be the "initial" source specific PSEL	SIP
42	0041-2	NA	0041(2)	Add a provision that the source specific PSEL could be set to a level requested by the applicant	Sources can request a PSEL set at a level different than the potential to emit or the netting basis	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
42	0041-2	NA	0041(2)	Add an exception for setting the source specific PSEL for PM2.5 in subsection (3)	The source specific PSEL for PM2.5 is the PM2.5 fraction of the PM10 PSEL.	SIP
42	0041-2	NA	0041(2)	Add an exception for increasing in the PSEL in subsection (4)	Sources can request a PSEL greater than the netting basis in accordance with 42-0041(4).	SIP
12	005 "Netting Basis"	42	0041(3)	Add: "The initial source specific PSEL for PM2.5 for a source that was permitted on or before May 1, 2011 with potential to emit greater than or equal to the SER will be set equal to the PM2.5 fraction of the PM10 PSEL in effect on May 1, 2011."	Add the provision for establishing the source specific annual PSEL for PM2.5 that was in the netting basis definition. This will move procedural requirements from the definitions	SIP
NA	NA	42	0041(3)(a)	Add: "(a) Any source with a permit in effect on May 1, 2011 is eligible for an initial PM2.5 PSEL without being otherwise subject to 42-0041(4)."	Sources with permits in effect on May 1, 2011 get an initial PM2.5 PSEL based on the PM2.5 fraction of the PM10 PSEL are not required to do any modeling or go through NSR/PSD as required in 42-0041(4) if the PM2.5 PSEL is greater than an SER over the PM2.5 netting basis. Third extensions are not allowed and a new application would be required. The new application would require a whole analysis of PM2.5. PM2.5 protected under first 2 extensions of an NSR/PSD permit.	SIP
NA	NA	42	0041(3)(b)	Add: "(b) For a source that had a permit in effect on May 1, 2011 but later needs to correct its PM10 PSEL that was in effect on May 1, 2011, due to more accurate or reliable information, the corrected PM10 PSEL will be used to correct the initial PM2.5 PSEL. (i) Correction of a PM10 PSEL will not by itself trigger 42-0041(4) for PM2.5. (ii) Correction of a PM10 PSEL could result in further requirements for PM10 in accordance with all applicable regulations."	Clarification. If the PM10 PSEL was incorrect, it should be corrected before setting the PM2.5 PSEL based on the PM2.5 fraction of the PM10 PSEL. This is a one-time correction only for the initial PSEL and netting basis.	SIP
12	005 "Netting Basis"	42	0041(3)(c)	Add: "(c) If after establishing the initial PSEL for PM2.5 in accordance with this rule and establishing the initial PM2.5 netting basis in accordance with 42-0046, the PSEL is more than nine tons above the netting basis, any future increase in the PSEL for any reason would be subject to 42-0041(4)."	Initially PM2.5 PSELs will be exempt from triggering ambient air quality modeling or NSR/PSD because LRAPA did not want a source to trigger any new requirements if it was not making any modifications or production increases when PM2.5 was added as a regulated pollutant. If the PM2.5 PSEL is more than 9 tons above the netting basis, then any future increase will trigger modeling or NSR/PSD.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
42	0041-3	42	0041(4)	Change to: “(4) If an applicant wants an annual PSEL at a rate greater than the netting basis, the applicant must, consistent with 42-0035: (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, demonstrate that the applicable Major NSR or State NSR requirements in title 38 have been satisfied, except that an increase in the PSEL for GHGs is subject to the requirements of NSR specified in 38-0010(1)(c) only if the criteria in 38-0010(1)(c) are met.”	Clarify language if the source is requesting an increase in the PSEL. The source may be subject to Major NSR or State NSR. An increase in greenhouse gases emissions that is not due to a major modification would not be subject to NSR because there are no requirements for computer modeling.	SIP
NA	NA	42	0041(5)	Add: “(5) If the netting basis is adjusted in accordance with OAR 42-0051(3) then the source specific PSEL is not required to be adjusted.”	Add a provision for not adjusting the source specific PSEL if the netting basis is adjusted in accordance with 42-0051(3).	SIP
NA	NA	42	0041(6)	Add: “(6) For sources that meet the criteria in paragraphs (a), (b) and (c), the requirements of 42-0041(4) do not immediately apply, but any future increase in the PSEL greater than or equal to the de minimis level for any reason is subject to 42-0041(4). (a) A PSEL is established or revised to include emissions from activities that both existed at a source and were defined as categorically insignificant activities prior to [INSERT BOARD ADOPTION OF RULES] ; (b) The PSEL exceeds the netting basis by more than or equal to the SER solely as a result of a revision described in paragraph (a); and (c) The source would not have been subject to Major NSR or Type A State NSR under the applicable requirements of title 38 prior to [INSERT BOARD ADOPTION OF RULES] if categorically insignificant activities had been considered.”	The RICE NESHAP has requirements for emergency generators that were previously considered categorically insignificant activities. LRAPA is also making changes to fuel and gas burning equipment included in categorically insignificant activities. A source could have numerous emissions units that burn fuel or gas, whose emissions could be greater than one ton in the aggregate. Because of these changes to categorically insignificant activities, LRAPA realizes that existing sources that have these activities should not be penalized. Therefore, LRAPA is grandfathering sources that had emergency generators or small fuel or gas burning equipment as of [INSERT BOARD ADOPTION OF RULES] from potentially triggering NSR. Sources would be required to get a permit if needed but could limit PTE to stay on a general permit.	SIP
42	0041-3.B-1)	38	0250	Move to title 38	The requirements for State NSR in nonattainment areas are now in 38-0250. SEE “NEW SOURCE REVIEW PROGRAM SUPPLEMENTAL DISCUSSION.”	SIP
42	0041-3.B-2)	38	0260	Move to title 38	The requirements for State NSR in maintenance areas are now in 38-0260. SEE “NEW SOURCE	SIP

Attachment D: Crosswalk of proposed revisions

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					REVIEW PROGRAM SUPPLEMENTAL DISCUSSION.”	
42	0041-3.B-3)	38	0270	Move to title 38	The requirements for State NSR in attainment or unclassified areas are now in 38-0270. SEE “NEW SOURCE REVIEW PROGRAM SUPPLEMENTAL DISCUSSION.”	SIP
42	0041-3.B-4)	38	0250(2)(a) 0260(2)(c) 0270(1)(c)	Move to title 38	The requirement for demonstrating compliance with AQRV protection are in 38-0250 for nonattainment areas, 38-0260 for maintenance areas, and 38-0270 for attainment and unclassified areas.	SIP
42	0041-3.C	38	0010	Move to title 38	The requirements for New Source Review are in title 38	SIP
42	0042-1	NA	0042(1)	Change to: “(1) For sources located in areas with an established short term SER that is measured over an averaging period less than a full year, PSELS are required on a short term basis for those regulated 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.”	Clarification. Define a short term SER.	SIP
42	0042-1.A & A-2)	42	0042(1)(a)	Change to: “(a) For new and existing sources with potential to emit less than the short term SER, the short term PSEL will be set equal to the level of the short term generic PSEL.”	Clarification and restructure	SIP
42	0042-1.A-1)	42	0042(1)(b)	Change to: “(b) For existing sources with potential to emit greater than or equal to the short term SER, a short term PSEL will be set equal to the source's short term potential to emit or to the current permit's short term PSEL, whichever is less.”	Clarification and restructure	SIP
42	0042-1.B	42	0042(1)(c)	Change to: “(c) For new sources with potential to emit greater than or equal to the short term SER, the initial short term PSEL will be set at the level requested by the applicant provided the applicant meets the requirements of (2)(b).”	Sources can request a short term PSEL at a level greater than or equal to the short term SER if they follow the correct procedures in (2)(b)	SIP
42	0042-2	NA	0042(2)	Change to: “(2) If a permittee requests an increase in a short term PSEL that will exceed the short term netting basis by an amount equal to or at a rate greater than the initial short term SER, the permittee must satisfy the requirements of	Clarification. Offsets and growth allowance for short term PSEL increases need to be in terms of tons per year.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				paragraphs (a) or (b). In order to satisfy the requirements of paragraph (a) or (b), the short term PSEL increase must first be converted to an annual increase by multiplying the short term increase by 8,760 hours, 365 days, or 12 months, depending on the term of the short term PSEL.”		
42	0042-2.B-1)	42	0042(2)(a)	Change to: “(a) Obtain offsets in accordance with the offset provisions for the designated area as specified in 38-0510 through 38-0530, as applicable; or”	Clarification. The Requirements for Demonstrating a Net Air Quality Benefit are being moved to title 38 because they are requirements for NSR/PSD. They are not air quality analysis requirements. SEE “NEW SOURCE REVIEW PROGRAM SUPPLEMENTAL DISCUSSION.”	SIP
42	0042-2.B-2)	42	0042(2)(b)	Change to: “(b) Obtain an allocation from an available growth allowance in accordance with the applicable maintenance plan.”	Clarification and restructure	SIP
42	0042-2.B-3)	NA	NA	Delete: “(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).”	Not necessary. These are significant impact levels for CO and are contained in the definitions in title 12.	SIP
42	0042-2.B-4)	NA	NA	Delete: “(D) For federal major sources, demonstrate compliance with air quality related values (AQRV) protection in accordance with 40-0070.”	The annual PSEL should be the driver for this AQRV requirement, not short term PSEL because it is a PSD provision.	SIP
42	0042-3	NA	0042(3)	Change to: “(3) Once the short term PSEL is increased pursuant to subsection (2), the increased level becomes the basis for evaluating future increases in the short term PSEL.”	Clarification	SIP
12	005 “Netting Basis”	42	0046	Move rules about establishing the netting basis from the definition to the PSEL rule and delete the existing subsection (1) language	This will move procedural requirements from the definitions. Reorganize the definition into a more understandable structure	SIP
12	005 “Netting Basis”	42	0046(1)	Change to: “(1) A netting basis will only be established for those regulated pollutants that could subject a source to New Source Review under title 38.”	Clarification	SIP
12	005 “Netting Basis”	42	0046(1)(a)	Delete “and PSEL”	This rule is for netting basis, not the PSEL	SIP
12	005 “Netting Basis”	NA	NA	Delete: “(A) The initial netting basis is the PM _{2.5} fraction of the PM ₁₀ netting basis in effect on May 1, 2011. LRAPA	Clarification. These requirements are reworded in paragraph (2)(b).	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				may increase the initial PM2.5 netting basis by up to 5 tons if necessary to avoid exceedance of the PM2.5 significant emission rate as of May 1, 2011. (B) Notwithstanding OAR 340-222-0041(2), the initial source specific PSEL for a source with PTE greater than or equal to the SER will be set equal to the PM2.5 fraction of the PM10 PSEL.”		
12	005 “Netting Basis”	42	0046(1)(b)	Delete “and PSEL”	This rule is for netting basis, not the PSEL	SIP
NA	NA	42	0046(2)	Add: “(2) A source’s netting basis is determined as specified in paragraph (a), (b), or (c) and will be adjusted according to subsection (3):”	Clarification	SIP
NA	NA	42	0046(2)(a)	Add: “(a) For all regulated pollutants except for PM2.5, a source’s initial netting basis is equal to the baseline emission rate.”	There is no baseline emission rate for PM2.5	SIP
12	005 “Netting Basis”	42	0046(2)(b)	Add: “(b) For PM2.5, a source’s initial netting basis is equal to the overall PM2.5 fraction of the PM10 PSEL in effect on May 1, 2011 multiplied by the PM10 netting basis in effect on May 1, 2011. LRAPA may increase the initial PM2.5 netting basis by not more than 5 tons to ensure that the PM2.5 PSEL does not exceed the PM2.5 netting basis by more than the PM2.5 SER.”	Clarification and restructure	SIP
NA	NA	42	0046(2)(b)(A)	Add: “(A) Any source with a permit in effect on May 1, 2011 is eligible for a PM2.5 netting basis without being otherwise subject to 42-0041(4).”	Clarification. Initially PM2.5 PSELs will be exempt from triggering ambient air quality modeling or NSR/PSD because LRAPA did not want a source to trigger any new requirements if it was not making any modifications or production increases when PM2.5 was added as a regulated pollutant.	SIP
NA	NA	42	0046(2)(b)(B)	Add: “(B) For a source that had a permit in effect on May 1, 2011 but later needs to correct its PM10 netting basis that was in effect on May 1, 2011, due to more accurate or reliable information, the corrected PM10 netting basis will be used to correct the initial PM2.5 netting basis.”	After adding PM2.5 as a regulated pollutant, LRAPA found that some PM10 netting bases required correction before they could be used to establish PM2.5 netting bases. DEQ wrote and LRAPA followed an Internal Management Directive addressing this situation and is now including it in the rule.	SIP
NA	NA	42	0046(2)(b)(B)(i)	Add: “(i) Correction of a PM10 netting basis will not by itself trigger 42-0041(4) for PM2.5.”	Clarification. Initially PM2.5 PSELs will be exempt from triggering ambient air quality modeling or NSR/PSD because LRAPA did not	SIP

Attachment D: Crosswalk of proposed revisions

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					want a source to trigger any new requirements if it was not making any modifications or production increases when PM2.5 was added as a regulated pollutant.	
NA	NA	42	0046(2)(b)(B)(ii)	Add: “(ii) Correction of a PM10 netting basis could result in further requirements for PM10 in accordance with all applicable regulations.”	Clarification. Correcting the PM10 netting basis could result in further requirements such as a different permit, modeling, or triggering NSR/PSD.	SIP
12	005 “Netting Basis”	NA	NA	Delete: “(B) Notwithstanding 42-0041-2, the initial source specific PSEL for a source with PTE greater than or equal to the SER will be set equal to the PM2.5 fraction of the PM10 PSEL.”	This rule is for netting basis, not the PSEL	SIP
12	005 “Netting Basis”	42	0046(2)(c)	Change to: “(c) A source’s netting basis is zero for:”	Clarification	SIP
12	005 “Netting Basis”	42	0046(2)(c)(A)	Add “except as provided in paragraph (2)(b) for PM2.5”	Sources will be given a netting basis for PM2.5 without going through Major New Source Review if they had a netting basis for PM10.	SIP
12	005 “Netting Basis”	42	0046(2)(c)(B)	Move: “(B) Any regulated pollutant that has a generic PSEL in a permit; or”	Move from title 12 definition of netting basis	SIP
12	005 “Netting Basis”	42	0046(2)(c)(C)	Move: “(C) Any source permitted as portable.”	Move from title 12 definition of netting basis	SIP
12	005 “Netting Basis”	NA	NA	Delete: “(D) Any source with a netting basis calculation resulting in a negative number.”	This language is no longer necessary because of the other changes in this rule.	SIP
NA	NA	42	0046(3)	Add: “(3) A source’s netting basis will be adjusted as follows:”	Separate the ways that the netting basis can be adjusted	SIP
12	005 “Netting Basis”	42	0046(3)(a)	Change to: “(a) The netting basis will be reduced by any emission reductions required under a rule, order, or permit condition issued by the Board or LRAPA and required by the SIP or used to avoid any state (e.g., NSR) or federal requirements (e.g., NSPS, NESHAP), as of the effective date of the rule, order or permit condition”	Correction. Add language about SIP which was previously omitted.	SIP
NA	NA	42	0046(3)(a)(A)	Add: “(A) Netting basis reductions are effective on the effective date of the rule, order or permit condition that requires the reductions;”	Clarification	SIP
NA	NA	42	0046(3)(a)(B)	Add:	Clarification. For example, a source has a baseline emission rate of 200 tpy from boilers, but replaced	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				“(B) Netting basis reductions may only apply to sources that are permitted, on the effective date of the applicable rule, order or permit condition, to operate the affected devices or emissions units that are subject to the rule, order, or permit condition requiring emission reductions;”	the old boilers. If a rule, order or permit condition changes the requirements for the original boilers but not the current boilers, the original boilers are no longer a permitted piece of equipment and the reduction would not apply.	
NA	NA	42	0046(3)(a)(C)	Add: “(C) Netting basis reductions will include reductions for unassigned emissions for devices or emissions units that are affected by the rule, order or permit condition, if the shutdown or over control that created the unassigned emissions occurred within five years prior to the adoption of the rule, order or permit condition that required an emission reduction unless the unassigned emissions have been used for internal netting actions. This provision applies to emission reductions that have been placed in unassigned emissions or that are eligible to be placed in unassigned emissions but the permit that would place them in unassigned emissions has not been issued.”	Clarification. This will require reduction of unassigned emissions if the rule, order or permit condition applies to the unit that established unassigned emissions. Five years is the length of a permit cycle, if the emission reduction had been moved to unassigned emissions immediately.	SIP
NA	NA	42	0046(3)(a)(D)	Add: “(D) Netting basis reductions will not affect emission reduction credits established under title 41.”	Clarification.	SIP
NA	NA	42	0046(3)(a)(E)	Add “(E) Netting basis reductions for the affected devices or emissions units will be determined consistent with the approach used to determine the netting basis prior to the regulatory action reducing the emissions. The netting basis reduction is the difference between the emissions calculated using the previous emission rate and the emission rate established by rule, order, or permit using appropriate conversion factors when necessary.”	Clarification. DEQ wrote and LRAPA followed an Internal Management Directive addressing this situation and is now including it in the rule.	SIP
12	005 “Netting Basis”	42	0046(3)(a)(F)	Change to: “(F) The netting basis reductions will not include emissions reductions achieved under 32-006, 32-007, or title 44;”	Move from title 12 definition of netting basis. From 11/12/97 EPA Memo: Crediting of MACT emissions reductions for NSR netting and offsets. Required HAP emission reductions are not creditable as offsets but can be used if in excess of MACT standards.	. SIP
12	005 “Netting Basis”	42	0046(3)(b)	Add: “(b) The netting basis will be reduced by any unassigned emissions that are reduced under 42-0055(3)(a);”	Separate the ways that the netting basis can be adjusted from the definition of netting basis in title 12	SIP
12	005 “Netting Basis”	42	0046(3)(c)	Change to:	Separate the ways that the netting basis can be adjusted from the definition of netting basis in title 12	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				“(c) The netting basis will be reduced by the amount of emission reduction credits transferred off site in accordance with title 41;”		
12	005 “Netting Basis”	42	0046(3)(d)	Add: “(d) The netting basis will be reduced when actual emissions are reduced according to 42-0051(3);”	Simplification	SIP
NA	NA	42	0046(3)(e)	Add: “(e) The netting basis will be increased by any of the following: (A) For sources that obtained a permit on or after [INSERT BOARD ADOPTION DATE OF RULES], any emission increases approved through Major NSR or Type A State NSR action under title 38; (B) For sources that obtained a permit prior to [INSERT BOARD ADOPTION DATE OF RULES], any emission increases approved through the NSR regulations in title 38 in effect at the time; or (C) For sources where the netting basis was increased in accordance with the LRAPA PSD rules that were in effect prior to July 1, 2010, the netting basis may include emissions from emission units that were not subject to both an air quality analysis and control technology requirements if the netting basis had been increased following the rules in effect at the time.”	Clarification	SIP
NA	NA	42	0043(3)(f)	Add: “(f) The netting basis will be increased by any emissions from activities previously classified as categorically insignificant prior to [INSERT BOARD ADOPTION DATE OF RULES], provided the activities existed during the baseline period or at the time of the last NSR permitting action that changed the netting basis under paragraph (e).”	The RICE NESHAP has requirements for emergency generators that were previously considered categorically insignificant activities. LRAPA is also making changes to fuel and gas burning equipment included in categorically insignificant activities. A source could have numerous emissions units that burn fuel or gas, whose emissions could be greater than one ton in the aggregate. Because of these changes to categorically insignificant activities, LRAPA realizes that existing sources that have these activities should not be penalized. Therefore, LRAPA is grandfathering sources that had emergency generators or small fuel or gas burning equipment as of [INSERT BOARD ADOPTION DATE OF RULES] from potentially triggering NSR. The emissions from the categorically insignificant activities will be added to the netting baseline if applicable.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
42	0043-4	42	0046(4)	Change to: “(4) In order to maintain the netting basis, permittees must maintain either a Standard ACDP or an LRAPA Title V Operating Permit. A request to be assigned any other type of ACDP sets the netting basis at zero upon issuance of the other type of permit and remains at zero unless an increase is approved under paragraph (3)(e).”	Move from 42-0043 General Requirements for All PSEL. The netting basis can be increase if approved through Major New Source Review.	SIP
12	005 “Netting Basis”	42	0046(5)	Move from title 12 definition of netting basis and change to: “(5) If a source relocates to a different site that LRAPA determines is within or affects the same airshed, 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.”	Clarification to avoid confusion with the term “adjacent”	SIP
12	005 “Netting Basis”	NA	NA	Delete subsections: F and G: “F. 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. G. For permits issued after May 1, 2011 under New Source Review regulations in title 38, and where the netting basis initially equaled the potential to emit for a new or modified source, the netting basis will be reduced in accordance with the definition of actual emissions. Notwithstanding 42-0041-2, this adjustment does not require a reduction in the PSEL.”	This language is no longer necessary because of the other changes in this rule.	SIP
12	005 “Netting Basis” - I	42	0046(6)	Change to: “(6) A source’s netting basis for a regulated pollutant with a revised definition will be corrected if the source is emitting the regulated pollutant at the time the definition is revised, and the regulated pollutant is included in the source’s netting basis.”	Clarification	SIP
12	005 “Netting Basis” - J	42	0046(7)	Change to: “(7) Where EPA requires an attainment demonstration based on dispersion modeling, the netting basis must not be more than the level used in the dispersion modeling to demonstrate attainment with the ambient air quality	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				standard (i.e., the attainment demonstration is an emission reduction required by rule).”		
NA	NA	42	0046	Add the Note: “NOTE: This rule was moved verbatim from 12-005 and amended.”	Clarification	SIP
12	005 “Baseline Emission Rate” and “Baseline Period”	42	0048	Add Baseline Emission Rate and Baseline Period procedures from title 12 definitions	This will move procedural requirements from the definitions. Reorganize the definition into a more understandable structure	SIP
12	005 “Baseline Period”	42	0048(1)(a)	Change to: “(1) The baseline period used to calculate the baseline emission rate is either: (a) For any regulated pollutant other than GHG and PM2.5, 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.”	Restructure from definition of baseline period	SIP
12	005 “Baseline Period”	42	0048(1)(b)	Change to: “(b) For greenhouse gases, any consecutive 12 calendar month period during the calendar years 2000 through 2010.”	Restructure from definition of baseline period	SIP
NA	NA	42	0048(1)(c)	Add: “(c) For a pollutant that becomes a regulated pollutant subject to title 38 after May 1, 2011, any consecutive 12 calendar month period within the 24 months immediately preceding the pollutant’s designation as a regulated pollutant if a baseline period has not been defined for the regulated pollutant.”	For consistency with the definition of baseline emission rate since pollutant that become regulated after May 1, 2011 also need a baseline period defined.	SIP
12	005 “Baseline Emission Rate” - A	42	0048(2)	Change to: “(2) A baseline emission rate will be established only for those regulated pollutants subject to title 38.”	Simplification. Title 38 defines what pollutants are regulated.	SIP
12	005 “Baseline Emission Rate” - A	42	0048(3)	Move from title 12 definition of baseline emission rate and make a separate section.	Move without changes	SIP
12	005 “Baseline Emission Rate” - B	42	0048(4)	Move from title 12 definition of baseline emission rate.	Move without changes	SIP
12	005 “Baseline Emission Rate” - C	42	0048(5)	Change to: “For a pollutant that becomes a regulated pollutant subject to title 38 after May 1, 2011, the initial baseline emission rate is the actual emissions of that pollutant during the baseline period.”	Simplification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
12	005 “Baseline Emission Rate” - D	42	0048(6)	Change to: “(6) The baseline emission rate will be recalculated only under the following circumstances:”	Clarification. Restructure how the baseline emission rate will be recalculated.	SIP
12	005 “Baseline Emission Rate” - D	42	0048(6)(a)	Change to: “(a) For greenhouse gases, if actual emissions are reset in accordance 42-0051(3);”	Only the GHG baseline emission rate will be reset. The netting basis will be reset for all other pollutants, not the baseline emission rate.	SIP
12	005 “Baseline Emission Rate” - E	42	0048(6)(b)	Change to: “(b) If a material mistake or an inaccurate statement was made in establishing the production basis for the baseline emission rate; ”	Clarification	SIP
NA	NA	42	0048(6)(c)	Add: “(c) If a more reliable or accurate emission factor is available; or”	Correction, previously omitted	SIP
NA	NA	42	0048(6)(d)	Add: “(d) If emissions units that were previously not included in baseline emission rate must be included as a result of rule changes.”	Correction, previously omitted	SIP
NA	NA	42	0048(7)	Add: “(7) The baseline emission rate is not affected if emission reductions are required by rule, order, or permit condition.”	Clarification	SIP
NA	NA	42	0048	Add the Note: “NOTE: This rule was moved verbatim from title 12 and amended.”	Clarification	SIP
12	005 “Actual Emissions”	42	0051	Move from title 12 definition of actual emissions	Move procedural requirements out of definitions. Establishing and resetting actual emissions should be in Title 42 Plant Site Emission Limits.	SIP
12	005 “Actual Emissions”	222	0051(1)	Change to: “(1) A source’s actual emissions as of the baseline period are the sum total of the actual emissions from each part of the source for each regulated pollutant. The actual emissions as of the baseline period will be determined to be:”	Clarification	SIP
12	005 “Actual Emissions” A(1)	42	0051(1)(a)	Change to: “(a) Except as provided in paragraphs (b) and (c) and subsection (2), the average rate at which the source actually emitted the regulated pollutant during normal source operations over an applicable baseline period;”	Clarification and restructure so correct cross reference	SIP
12	005 “Actual Emissions” A(2)	42	0051(1)(b)	Change to: “(b) The source-specific mass emissions limit included in a source’s permit that was effective on September 8, 1981	Restructure	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				if such emissions are within 10% of the actual emissions calculated under paragraph (a); or”		
12	005 “Actual Emissions” A(3)	42	0051(1)(c)	Change to: “(c) The potential to emit of the source or part of a source as specified in subparagraphs (A) and (B). The actual emissions will be reset if required in accordance with subsection (3).”	Restructure and clarification	SIP
12	005 “Actual Emissions” A(3)i	42	0051(1)(c)(A)	Change to: “(A) Any source or part of a source that had not begun normal operations during the applicable baseline period but was approved to construct and operate before or during the baseline period in accordance with LRAPA title 34, or 37, or was not required to obtain approval to construct and operate before or during the applicable baseline period; or”	Sources can be approved to construct and operate in accordance with title 37	SIP
12	005 “Actual Emissions” A(3)ii	42	0051(1)(c)(B)	Change to: “(B) Any source or part of a source that will emit greenhouse gases that had not begun normal operations prior to Jan. 1, 2010, but was approved to construct and operate prior to Jan. 1, 2011 in accordance with title 34 or 37.”	Construction can be approved under title 37 also. Style guide.	SIP
12	005 “Actual Emissions” A(3)iii	NA	NA	Delete this subparagraph.	This requirement is covered in (i)	SIP
12	005 “Actual Emissions” B	222	0051(2)	Change to: “(2) For any source or part of a source or any modification of a source or part of a source that had not begun normal operations during the applicable baseline period, but was approved to construct and operate in accordance with LRAPA title 34, 37 or 38, actual emissions of the source or part of the source equal the potential to emit of the source or part of the source on the date source or part of the source was approved to construct and operate.”	Clarification. Adding “or part of the source” will make the language consistent with this section.	SIP
NA	NA	42	0051(3)	Add: “(3) For any source or part of a source whose actual emissions of greenhouse gases were determined pursuant to subparagraph (1)(c)(B), and for all other sources of all other regulated pollutants that are permitted in accordance with the Major New Source Review rules in title 38 on or after May 1, 2011, the potential to emit of	Restructure and separate GHGs	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				the source or part of the source will be reset to actual emissions as follows:"		
12	"Actual Emissions" C and C(1)	NA	NA	Delete	Restructure in subsection (3)	SIP
12	"Actual Emissions" C(2)	42	0051(3)(a)	Change to: “(a) Except as provided in paragraph (b), ten years from the end of the applicable baseline period under paragraph (1)(c)(B) or ten years from the date the permit is issued under subsection (2), or an earlier time if requested by the source in a permit application involving public notice, LRAPA will reset actual emissions of the source or part of the source to equal the highest actual emission rate during any consecutive 12-month period during the ten year period or any shorter period if requested by the source. Actual emissions are determined as follows:”	Restructure	SIP
NA	NA	42	0051(3)(a)(A)	Add: “(A) The owner or operator must select a consecutive 12-month period and the same 12-month period must be used for all affected regulated pollutants and all affected devices or emissions units; and”	Defines the period for which actual emissions are determined	SIP
NA	NA	42	0051(3)(a)(B)	Add: “(B) The owner or operator must determine the actual emissions during that 12-month period for each device or emissions unit that was subject to Major NSR or Type A State NSR action under title 38, or for which the baseline emission rate is equal to the potential to emit.”	Defines the devices or emissions units for which actual emissions must be determined for sources that triggered New Source Review and GHG sources whose baseline emission rate was set to potential to emit	SIP
12	"Actual Emissions" C(4)	42	0051(3)(b)	Move from title 12 definition of actual emissions.	Move without changes	SIP
12	"Actual Emissions" C(3)	42	0051(3)(c)	Delete "(highest and best practicable treatment and control)"	32-006 is Pollution Prevention and 32-007 is Operating and Maintenance Requirements	SIP
12	"Actual Emissions" C(3)	42	0051(3)(c)	Change "paragraph (2)" to "paragraph (a)"	Restructure	SIP
NA	NA	42	0051(4)	Add: “(4) Regardless of the PSEL compliance requirements specified in a permit, actual emissions from a source or part of a source may be calculated for any given 12 consecutive month period using data that is considered valid and representative of the source's or part of a source's emissions. Actual emissions must be calculated using the unit's actual operating hours, production rates,	Clarification. EPA is concerned that the current rule language requires the PSEL to be changed and then NSR applicability to be determined. This concerns them because of timing (requires permits to act first before enforcement can occur) and EPA's inability to enforce the program independently of LRAPA's actions to revise the PSEL. EPA's ability to enforce the requirement to obtain a PSD permit independent of LRAPA's	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				and types of materials processed, stored, or combusted during the selected time period.”	action to revise the PSEL is essential for SIP approval. Actual emissions must be compared to the netting basis to determine that the difference between the two is more than the SER and that a major modification has occurred. Since there is no definition of “actual emissions” that covers the concept of what is coming out of the stack right now the proposed language has been included. This proposed rule change can go both ways, for enforcement if needed and to not take enforcement if actual emissions are lower than the PSEL.	
12	005 “Actual Emissions” D	NA	NA	Delete	Restructure LRAPA does not have a section on Emission Statements for ozone nonattainment areas like DEQ does in division 214	SIP
12	005 “Actual Emissions” D	NA	NA	Delete	Restructure LRAPA has authority to implement division 220 for Title V Operating Permit Fees	NA
NA	NA	42	0051	Add the Note: “NOTE: This rule was moved verbatim from title 12 and amended.”	Clarification	SIP
42	0045	42	0055	ReNUMBER to 42-0055	Reorganize	SIP
42	0045-3.A	42	0055(3)(a)	Change “this date” to “that date”	Correction	
42	0045-4	42	0055(4)	Change to: “(4) Using unassigned emissions. (a) An existing source may use unassigned emissions for internal netting to allow an emission increase in accordance with the permit. (b) A source may not bank unassigned emissions or transfer them to another source. (c) A source may not use emissions that are removed from the netting basis, including emission reductions required by rule, order or permit condition under 42-0046(3)(a)(C), for netting in any future permit actions.”	Clarification	
42	0060-1	NA	0060(1)	Change to: (1) LRAPA may establish PSELS for hazardous air pollutants (HAPs) if an owner or operator requests that LRAPA: (a) Establish a PSEL for combined HAPs emitted for purposes of determining emission fees as prescribed in OAR 340 division 220; or (b) Create an enforceable PTE limit.”	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
42	0070-1	42	0035(5)	Move PSELs for categorically insignificant activities to the General Requirements for All PSELs	Reorganize to clarify	SIP
42	0070-2	42	0035(6)	Move PSELs for aggregate insignificant emissions to the General Requirements for All PSELs	Reorganize to clarify	SIP
42	0070-3	42	0025(2)(b)(A)	Move PSELs for insignificant activities to the major modification section of title 38	Reorganize to clarify	SIP
42	0080-4 & 5	42	0080(4)	Change to: “(4) The applicant must specify in the permit application the method that will be used to determine compliance with the PSEL. LRAPA will review the method 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. 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.”	Clarification and restructure	SIP
NA	NA	42	0080(6)	Add: “(6) Regardless of the PSEL compliance requirements specified in a permit, actual emissions may be calculated in accordance with 42-0051(4).”	Clarification. See note above for section 42-0051 regarding EPA’s concerns about their inability to enforce the NSR program.	SIP
42	0090	NA	NA	Change title to: “Combining and Splitting Sources and Changing Primary SIC Code”	Clarification	SIP
42	0090-1A	NA	0090(1)(a)	Change to: “(1) Two or more sources may combine into one source if the criteria in subsection (a) are met. When two or more sources combine into one source under this rule, the combined source is subject to the criteria in subsection (b). (a) Two or more sources may combine into one source only if all of the following criteria are met: (A) All individual sources that are being combined must be located within or impact the same airshed; and (B) The combined source must have the same primary SIC code as at least one of the primary SIC codes of the individual sources.”	Clarification. When sources that possess netting basis combine, they are able to create a source with higher emissions while avoiding NSR by combining the netting basis of the combining sources. However, under the existing rule, sources whose activities are unrelated could combine for the sole purpose of avoiding NSR. LRAPA proposes to prevent this by requiring that the combining sources have activities (2-digit SIC codes) in common, and that the source that results from the combination has the same primary 2-digit SIC as one of the sources that are combining.	

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					LRAPA bases these changes on the definition of “source” in title 12, which largely hinges on the 2-digit SIC codes of the primary and supporting (secondary) activities. A source with an SIC code that is unrelated to the original source’s SIC code should be considered a new source and should potentially trigger NSR.	
42	0090-1.B	NA	0090(1)(b)	Change to: “(b) The combined source is regulated as one source, subject to the following: (A) The combined source netting basis is the sum of the individual sources’ netting basis, provided that the netting basis of any individual source may only be included in the combined source’s netting basis if that individual source has a primary or secondary SIC code that is the same as the primary or a secondary SIC code of the combined source. (B) The simple act of combining sources, without an increase over the combined PSEL, does not subject the combined source to NSR. (C) 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 NSR until such time that the source requests an increase in the PSEL or the source is modified. If a source requests an increase in the PSEL or the source is modified, LRAPA will evaluate whether NSR will be required.”	Clarification	SIP
42	0090-2	NA	0090(2)	Change to: “(2) When one source is split into two or more separate sources, or when a source changes its primary activity (primary 2-digit SIC code): (a) The netting basis and SER may be transferred to one or more resulting source or sources only if: (A) The primary 2-digit SIC code of the resulting source is the same as one of the primary or secondary 2-digit SIC codes that applied at the original source; or (B) The resulting source and the original source have different primary 2-digit SIC codes but LRAPA determines the activities described by the two different primary 2-digit SIC codes are essentially the same.	Clarification. The existing rule does not place any restrictions on the transfer of netting basis to the new sources when a source splits into two or more new sources. The existing rule also does not address the potential case of a source changing its primary activity (primary 2-digit SIC code). As with the changes proposed to 42-0090(1)(a) above, LRAPA proposes to prevent transferring netting basis to sources that have no relation to the original source. This proposed change allows netting basis to be transferred to the new sources formed by a source split only if they have 2-digit SIC codes in common, or if changes in ownership	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				(b) The netting basis and the SER for the original source are split amongst the resulting sources as requested by the original permittee. (c) The amount of the netting basis that is transferred to the resulting source or sources may not exceed the potential to emit of the existing devices or emissions units involved in the split. (d) The split of netting basis and SER must either: (A) Be sufficient to avoid NSR for each of the newly created sources; or (B) The newly created source that becomes subject to NSR must comply with the requirements of title 38 before beginning operation under the new arrangement.”	or operation result in changing the primary 2-digit SIC code without any change in the actual operations performed by the source (i.e., a gasoline terminal owned by a petroleum company vs. a warehouse that stores fuel for anyone). A source with an SIC code that is unrelated to the original source’s SIC code should be considered a new source and should potentially trigger NSR.	
42	0090-3	NA	0090(3)	Change to: “(3) The owner or operator of the device or emissions unit must maintain records of physical changes and changes in the method operation occurring since the baseline period or most recent Major NSR or Type A State NSR action under title 38. These records must be included in any future evaluation under 38-0025 (major modification).”	Clarification. If a source has triggered Major New Source Review, then a netting basis since that action must be split instead of the netting basis since the baseline period. These records are needed to determine if NSR will be triggered in the future.	SIP
48				Rules for Fugitive Emissions		
48	005	NA	NA	Add: “The definitions in title 12, 29-0010 and this section apply to this title. If the same term is defined in this title and title 12 or 29-0010, the definition in this section applies to this title.”	Clarification	SIP
NA	NA	48	005(1)	Add the definition of “abate”: “Abate” means to eliminate the fugitive emissions 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.”	The definition of “abate” was added to title 48 since the term is being added to 48-015(2). The definition was taken from the definition in Title 49 Nuisance Control Requirements and modified.	SIP
48	015	NA	NA	Change the title of the section to “Requirements for Fugitive Emissions”	Clarification	SIP
48	015-2	48	0015(1)	Change last sentence to: “Such reasonable precautions may include, but are not limited to the following:”	Clarification	SIP
48	015-2.B	48	015(1)(b)	Delete “asphalt, approved road oil,” from when full or partial enclosure is needed if the application of water or suitable chemicals are not sufficient	LRAPA discourages the use of oil as dust suppressants because of the negative environmental impact on other media.	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
48	015-2.C	48	015(1)(c)	Delete oil from the reasonable precautions to prevent particulate matter from becoming airborne and add “other suitable” to chemicals	LRAPA discourages the use of asphalt emulsions and oil as dust suppressants because of the negative environmental impact on other media.	SIP
48	015-1	48	015(2)	Move subsection (1) to subsection (2) and change to: “(2) When fugitive emissions escape from an air contaminant source, LRAPA may order the owner or operator to abate the emissions. In addition to other means, LRAPA may order that a building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that air contaminants are controlled or removed before being emitted to the open air.”	Reorganization and clarification. LRAPA has clarified that fugitive emissions must be abated upon order, rather than the determination of a nuisance or trying to read opacity to comply with an opacity limit. Since the opacity standards will not apply to fugitive emission sources, work practice standards will be used instead to abate fugitive emissions.	SIP
NA	NA	48	015(2)(a)	Add a definition for particulate fugitive emissions for this section: “(a) For purposes of this section, fugitive emissions are visible emissions that leave the property of a source for a period or periods totaling more than 18 seconds in a six minute period. The minimum observation time must be at least six minutes unless otherwise specified in a permit.”	This clarifies how fugitive emissions are defined and evaluated.	SIP
NA	NA	48	015(2)(b)	Add EPA Method 22 as the reference method: “(b) Fugitive emissions are determined by EPA Method 22 at the downwind property boundary.”	A test method should always be specified with each standard in order to be able to show compliance	SIP
NA	NA	48	015(3)	Add requirement for development of a fugitive emission control plan if requested by LRAPA “(3) If requested by LRAPA, the owner or operator must develop a fugitive emission control plan, including but not limited to the work practices in subsection (1), that will prevent any visible emissions from leaving the property of a source for more than 18 seconds in a six-minute period following the procedures of EPA Method 22.”	This requirement will help address issues if fugitive emissions escape the property boundary	SIP
49				Nuisance Control Requirements		
49	005	NA	NA	Add: “The definitions in title 12, 29-0010 and this section apply to this title. If the same term is defined in this title and title 12 or 29-0010, the definition in this section applies to this title.”	Clarification	NA
NA	NA	49	005(1)	Add the definition of “abate”: “(1) “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	Use definition from title 12. Delete in title 12 and place here in title 49.	NA

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				of the circumstances of each case and does not necessarily mean completely eliminating the emissions.”		
NA	NA	49	005(2)	Add the definition of “nuisance”: “(2) "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.”	Use definition from title 12. Delete in title 12 and place here in title 49.	NA
49	020-1	NA	020(1)	Change subsection to: “In determining whether a nuisance exists...”	Clarification	NA
49	020-2	NA	020(2)	Do not capitalize best work practices agreement	Correction	NA
49	020-2	NA	020(2)	Change reference from “Title 34” to “37-0020 and OAR 340-218-0020”	Correction. Sources with ACDPs issued pursuant to title 37 and Title V permits issued pursuant to division 218 may have the best work practices agreement elements included in their permit.	NA
49	040	32	040	Move the “Masking of Emissions” section to 32-050	Clarification/correction. Masking of emissions is unrelated to nuisance control requirements and is more generally applicable so place in title 32.	NA
50				Ambient Air Quality Standards and PSD Increments		
50	001	NA	NA	Add title 29 as another title that has definitions that would apply to this title	Add reference to title 29 definitions	SIP
50	001-1	NA	NA	Delete definition of “ambient air”	Definition already in title 12.	SIP
50	001-2	NA	NA	Delete definition of “ambient air monitoring site criteria”	Definition not used in this title or any other title	SIP
50	001-3	50	001(1)	Add “Part” to 40 CFR 50 and delete second sentence in definition of “approved method” about methods being approved by LRAPA.	This sentence is not needed. LRAPA doesn’t need to approve methods that are in 40 CFR 50 and appendices.	SIP
50	001-4	NA	NA	Delete definition of “Baseline Concentration”	Definition already in title 40, delete and use definition in title 40.	SIP
50	001-5	50	001(2)	Change to: ““Oregon Standard Method" means any method of sampling and analyzing for an air contaminant approved by DEQ. Oregon standard methods are kept on file by DEQ and include all methods described in the DEQ Source Sampling Manual and the DEQ Continuous Monitoring Manual referenced in OAR 340-200-0035(2) and (3), respectively.”	Clarification	SIP
50	001-8	12	005 “ppm”	Delete definition of “ppm” "ppm" means parts per million by volume unless otherwise specified in the applicable rule or permit. 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.	See discussion above in title 12. Definition different from title 50. Clarify title 50 definition and move to title 12	SIP

Attachment D: Crosswalk of proposed revisions

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
50	005-2	50	005(2)	Add "No source may cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact level."	Clarification. This language is also being added to title 38.	SIP
50	015	NA	NA	Change title of section from "Particulate Matter" to "Suspended Particulate Matter"	Clarification. This language aligns LRAPA's with DEQ's in OAR340-202-0060	SIP
50	015-1.A.	50	015(1)(a)	Revise rules to include the 12 ug/m3 primary annual PM2.5	EPA adopted a revised standard in December 2012 and DEQ/EQC adopted the new standard in October 2015.	SIP
50	020	NA	NA	Delete this section pertaining to "odors" and note that the section was "Deleted 10/09/01"	Correction	NA
50	025-1	NA	025(1)	Change to: "(1) Concentrations of sulfur dioxide in ambient air as measured by an approved method for each averaging time must not exceed the following concentrations:"	Clarification	SIP
50	025-1.A	NA	025(1)(a)	Add "Annual average:" and "at any site as measured by the reference method described in appendix A of 40 CFR part 50 or by an equivalent method designated in accordance with 40 CFR part 53."	Clarification. EPA revoked the primary annual and 24-hour SO2 standards in 2010, but DEQ retained them in their 2015 rule adoption. LRAPA is maintaining consistency with DEQ in that regard and will update this section, as required.	SIP
50	025-1.B	NA	025(1)(b)	Add "24-hour average:" and "at any site as measured by the reference method described in appendix A of 40 CFR part 50 or by an equivalent method designated in accordance with 40 CFR part 53."	Clarification. EPA revoked the primary annual and 24-hour SO2 standards in 2010, but DEQ retained them in their 2015 rule adoption. LRAPA is maintaining consistency with DEQ in that regard and will update this section, as required.	SIP
50	025-1.C	NA	025(1)(c)	Add "3-hour average:" and "at any site as measured by the reference method described in appendix A of 40 CFR part 50 or by an equivalent method designated in accordance with 40 CFR part 53."	Clarification	SIP
NA	NA	50	025(1)(d)	Add: "(d) 1-hour average: 0.075 ppm as a three-year average of the annual 99th percentile of the daily maximum 1-hour average concentration recorded at any monitoring site as determined by appendix T of 40 CFR part 50 as measured by a reference method based on appendix A or A-1 of 40 CFR part 50, or by a Federal Equivalent Method (FEM) designated in accordance with 40 CFR part 53. "	EPA added a new 1-hour SO2 standard.	SIP
50	030-1	NA	030(1)	Include subsection 2 into subsection 1	Clarification	SIP
50	030-1.A & 1.B	NA	030(1)(a) & (1)(b)	Add " at any site."	Clarification	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
50	035	NA	NA	Change the ozone standard from “0.08” to “0.070” ppm	EPA adopted a new, lower ozone standard in October 2015. DEQ still has 0.075ppm.	SIP
50	040	50	040(1)	Change to: “(1) Concentrations of nitrogen dioxide as measured by a reference method based on appendix F to 40 CFR part 50 or by a Federal equivalent method (FEM) designated in accordance with 40 CFR part 53 must not exceed.” And move “0.053 ppm as an annual arithmetic mean” to its own, new paragraph.	Clarification. Restructure to more closely align with DEQ’s version in OAR 340-202-0100	SIP
NA	NA	50	040(1)(a)	Add: “(a) 0.053 ppm as an annual average concentration for any calendar year at any site. The standard is met when the annual average concentration in a calendar year is less than or equal to 0.053 ppm, as determined in accordance with appendix S of 40 CFR part 50 for the annual standard.”	Clarification. Restructure to more closely align with DEQ’s version in OAR 340-202-0100	SIP
NA	NA	50	040(1)(b)	Add: “(b) 0.100 ppm as a 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations recorded at any monitoring site. The standards is met when the three-year average of the annual 98th percentile of the daily maximum 1-hour average concentration is less than or equal to 0.100 ppm, as determined in accordance with appendix S of 40 CFR part 50 for the 1-hour standard.”	EPA adopted a new, short-term NOx standard	SIP
NA	NA	50	040(1)(c)	Add: “(c) 0.053 ppm as an annual arithmetic mean concentration as determined in accordance with Appendix S of 40 CFR part 50. The secondary standard is attained when the annual arithmetic mean concentration in a calendar year is less than or equal to 0.053 ppm, rounded to three decimal places (fractional parts equal to or greater than 0.0005 ppm must be rounded up). To demonstrate attainment, an annual mean must be based upon hourly data that are at least 75 percent complete or upon data derived from manual methods that are at least 75 percent complete for the scheduled sampling days in each calendar quarter.”	Clarification regarding the secondary standard for NO2	SIP
50	045	NA	045(1)	Change to: “(1) The concentration of lead and its compounds in ambient air must not exceed.”	Clarification. Restructure to more closely align with DEQ’s version in OAR 340-202-0130	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
NA	NA	50	045(1)(a)	Add: “(a) 0.15 micrograms per cubic meter as a maximum arithmetic mean averaged over a calendar quarter, as measured by a reference method based on appendix G of 40 CFR part 53 or an equivalent method designated in accordance with 40 CFR part 53.”	Clarification. Restructure to more closely align with DEQ’s version in OAR 340-202-0130. EPA revised the lead standard since the LRAPA rules were adopted.	SIP
NA	NA	50	045(1)(a)	Add: “(b) The standard is met when the maximum arithmetic 3-month mean concentration for a 3-year period, as determined in accordance with appendix R of 40 CFR part, is less than or equal to 0.15 micrograms per cubic meter.”	Clarification. Restructure to more closely align with DEQ’s version in OAR 340-202-0130. EPA revised the lead standard since the LRAPA rules were adopted.	SIP
50				Prevention of Significant Deterioration Increments		
50	055	NA	NA	Change the title to “Ambient Air PSD Increments”	Clarification	SIP
50	055-1	NA	055(1)	Change to: “(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 aggregate increases in regulated pollutant concentration over the baseline concentration, as defined in 40-0020, are less than the following PSD increments or maximum allowable increases:”	Clarification. Since the definition of baseline concentration is being deleted from this title, a reference to title 40 is needed	SIP
50	055-2	NA	055(2)	Add “or PSD increment”	Clarification. “Maximum allowable increase” is not used in title 38 or 40 but only in title 50. The “maximum allowable increase” is also known as the “PSD increment.”	SIP
50	060-1	NA	060(1)	Delete “or” from the end	Not necessary	SIP
38	0060-2.B	50	065	Move Ambient Air Quality Thresholds for CO Maintenance Areas from 38-0060	Title 50 will contain all ambient standards and thresholds intended to protect ambient air quality	SIP
NA	NA	50	065	Add a paragraph explaining the purpose of the ambient air quality limits for maintenance areas.	Clarification	SIP
NA	NA	50	065(1)(a)	Change to: “In a carbon monoxide maintenance area, an air quality impact less than or equal to 0.5 mg/m ³ (8 hour average) and 2 mg/m ³ (1-hour average).”	Correction	SIP
NA	NA	50	065(1)(b)	Add: “(b) In a PM ₁₀ maintenance area: (A) 120 ug/m ³ (24-hour average) in the Eugene-Springfield PM ₁₀ maintenance area;”	Clarification. Establish a PM ₁₀ maintenance area impact level to more closely align with DEQ’s version in OAR 340-202-0225(2).	
51				Air Pollution Emergencies	None	

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
51	005-1, 2 and 3	NA	005	Combine and revise subsections. Change introduction to: “51-005, 51-015, and OAR 340-206-0060 are effective within priority I and II air quality control regions (AQCR) as defined in 40 CFR part 51, subpart H (1995), when the AQCR contains a nonattainment area listed in 40 CFR part 81. All other rules in this title are equally applicable to all areas of the Lane County. Notwithstanding any other regulation or standard, this title is designed to prevent the excessive accumulation of air contaminants during periods of atmospheric stagnation or at any other time, which if allowed to continue to accumulate unchecked could result in concentrations of these contaminants reaching levels which could cause significant harm to the health of persons. This title establishes criteria for identifying and declaring air pollution episodes at levels below the level of significant harm and are adopted pursuant to the requirements of the FCAA as amended and 40 CFR part 51.151. Levels of significant harm for various regulated pollutants listed in 40 CFR part 51.151 are:”	Clarification and restructure; more closely align with DEQ’s version in OAR340-206-0010.	SIP
51	005-3.A	NA	005(1)	Change outline level	Restructure	SIP
51	005-3.B	NA	005(2)(a)	Change outline level	Restructure	SIP
NA	NA	51	005(2)(b)	Add: “(b) PM2.5--350.5 ug/m3, 24-hour average.”	EPA adopted a level of significant harm for PM2.5 since LRAPA adopted/revised this title in 1988.	SIP
51	005-3.C(1)	NA	005(3)(a)	Change outline level	Restructure	SIP
51	005-3.C(2)	NA	005(3)(a)	Change outline level	Restructure	SIP
51	005-3.C(3)	NA	005(3)(a)	Change outline level	Restructure	SIP
51	005-3.D	NA	005(4)	Change outline level	Restructure	SIP
51	005-3.E(1)	NA	005(5)(a)	Change outline level	Restructure	SIP
51	005-3.E(2)	NA	005(5)(a)	Change outline level	Restructure	SIP
NA	NA	51	007	Add a section for definitions: “The definitions in title 12, 29-0010, and this section apply to this title. If the same term is defined in this section and title 12 or 29-0010, the definition in this section applies to this title.”	Clarification	SIP
51	010	NA	NA	Change section title from “Episode Criteria” to: “Episode Stage Criteria for Air Pollution Emergencies”	Clarification	SIP
51	010	NA	NA	Change to: Three stages of air pollution episode conditions and a pre-episode standby condition are established to inform	Clarification and to more closely align with DEQ’s version of in OAR 340-206-0030	SIP

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				<p>the public of the general air pollution status and provide a management structure to require preplanned actions designed to prevent continued accumulation of regulated pollutants to the level of significant harm. The three episode stages are: Alert, Warning, and Emergency. LRAPA is responsible to enforce the provisions of this division which requires actions to reduce and control emissions during air pollution episode conditions. An air pollution alert or air pollution warning must be declared by the Director or appointed representative when the appropriate air pollution conditions are deemed to exist. When conditions exist which are appropriate to an air pollution emergency, LRAPA must notify the Governor and declare an air pollution emergency pursuant to ORS 468.115. The statement declaring an air pollution Alert, Warning or Emergency must define the area affected by the air pollution episode where corrective actions are required. Conditions justifying the proclamation of an air pollution alert, air pollution warning, or air pollution emergency must be deemed to exist whenever LRAPA determines that the accumulation of air contaminants in any place is increasing or has increased to levels which could, if such increases are sustained or exceeded, lead to a threat to the health of the public. In making this determination, LRAPA will be guided by the following criteria for each regulated pollutant and episode stage: In making this determination, LRAPA will be guided by the following criteria for each regulated pollutant and episode stage:</p>		
51	010-1	NA	010(1)	<p>Change to: “(1) "Pre-episode standby" condition indicates that ambient levels of regulated pollutants are within standards or only moderately exceed standards. In this condition, there is no imminent danger of any ambient regulated pollutant concentrations reaching levels of significant harm. LRAPA must maintain at least a normal monitoring schedule but may conduct additional monitoring. An air stagnation advisory issued by the National Weather Service, an equivalent local forecast of air stagnation or observed ambient air levels in excess of ambient air standards may be used to indicate the need for increased sampling frequency. The pre-episode</p>	<p>Clarification and to more closely align with DEQ’s version of in OAR 340-206-0030</p>	SIP

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				standby condition is the lowest possible air pollution episode condition and may not be terminated.”		
51	010-2	NA	010(1)	Change to: “(2) "Air pollution alert" condition indicates that air pollution levels are significantly above standards, but there is no immediate danger of reaching the level of significant harm. Monitoring must be intensified and readiness to implement abatement actions must be reviewed. At the air pollution alert level the public is to be kept informed of the air pollution conditions and of potential activities to be curtailed should it be necessary to declare a warning or higher condition. An air pollution alert condition is a state of readiness. When the conditions in both paragraphs (a) and (b) are met, an air pollution alert will be declared and all appropriate actions described in Table I shall be implemented.”	Clarification and to more closely align with DEQ’s version of in OAR 340-206-0030	SIP
NA	NA	51	010(2)(b)(B)(ii)	Add an air pollution alert level for PM2.5: “(ii) PM2.5 -- 140.5 micrograms per cubic meter (ug/m3) -- 24-hour average;”	EPA adopted an air pollution alert level for PM2.5 since LRAPA adopted/revised this title in 1988.	SIP
51	010-3	NA	010(3)	Change to: “(3) "Air pollution warning" condition indicates that pollution levels are very high and that abatement actions are necessary to prevent these levels from approaching the level of significant harm. At the air pollution warning level substantial restrictions may be required limiting motor vehicle use and industrial and commercial activities. When the conditions in both paragraphs (a) and (b) are met, an air pollution warning will be declared by LRAPA and all appropriate actions described in Table II shall be implemented:”	Clarification and to more closely align with DEQ’s version of in OAR 340-206-0030	SIP
NA	NA	51	010(3)(b)(B)(ii)	Add an air pollution alert level for PM2.5: “(ii) PM2.5 – 210.5 micrograms per cubic meter (ug/m3) -- 24-hour average;”	EPA adopted an air pollution warning level for PM2.5 since LRAPA adopted/revised this title in 1988.	SIP
51	010-4	NA	010(4)	Change to: “(4) "Air pollution emergency" condition indicates that regulated pollutants have reached an alarming level requiring the most stringent actions to prevent these levels from reaching the level of significant harm to the health of persons. At the air pollution emergency level extreme measures may be necessary involving the closure of all manufacturing, business operations and vehicle traffic not directly related to emergency services.	Clarification and to more closely align with DEQ’s version of in OAR 340-206-0030	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				Pursuant to ORS 468.115, when the conditions in both paragraphs (a) and (b) are met, an air pollution emergency will be declared by LRAPA, and all the appropriate actions described in Table III must be implemented.”		
51	010-4-B(2)	NA	010(4)(b)(B)(i)	Change “air pollution emergency” condition level for PM10 of 500 ug/m3 from a 24-hour average to a 2-hour average.	Consistent with DEQ’s corresponding averaging time in OAR 340-206-0030(4)(b)(B)(i).	SIP
NA	NA	51	010(4)(b)(B)(ii)	Add an air pollution alert level for PM2.5: “(ii) PM2.5 – 280.5 micrograms per cubic meter (ug/m3) -- 24-hour average;”	EPA adopted an air pollution warning level for PM2.5 since LRAPA adopted/revised this title in 1988.	SIP
51	010-5	NA	010(5)	Replace “stage” with “condition (alert, warning, or emergency)” and make other wording changes so it reads: “(5) "Termination"--Any air pollution episode condition (alert, warning or emergency) established by these criteria may be reduced to a lower stage when the elements required for establishing the higher conditions are no longer observed.”	Clarification and to more closely align with DEQ’s version of in OAR 340-206-0030	SIP
NA	NA	51	011	Add a new section for “Special Conditions”: “(1) LRAPA must issue an "ozone advisory" to the public when monitored ozone values at any site exceed the ambient air quality standard of 0.12 ppm but are less than 0.2 ppm for a one hour average. The ozone advisory must clearly identify the area where the ozone values have exceeded the ambient air standard and must state that significant health effects are not expected at these levels, however, sensitive individuals may be affected by some symptoms. (2) Where particulate is primarily soil from windblown dust or fallout from volcanic activity, episodes dealing with such conditions must be treated differently than particulate episodes caused by other controllable sources. In making a declaration of air pollution alert, warning, or emergency for such particulate, LRAPA must be guided by the following criteria: (a) "Air pollution alert for particulate from volcanic fallout or windblown dust" means particulate values are significantly above a standard but the source is a volcanic eruption or dust storm. In this condition there is no significant danger to public health but there may be a public nuisance created from the dusty conditions. It may be advisable under these circumstances to voluntarily	Clarification and to more closely align with DEQ’s version of in OAR 340-206-0040	

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				<p>restrict traffic volume and/or speed limits on major thoroughfares and institute cleanup procedures. LRAPA will declare an air pollution alert for particulate from volcanic fallout or wind-blown dust when particulate values at any monitoring site exceed or are projected to exceed 800 ug/m3 -- 24-hour average and the particulate is primarily from volcanic activity or dust storms, meteorological conditions not withstanding;</p> <p>(b) "Air pollution warning for particulate from volcanic fallout or windblown dust" means particulate values are very high but the source is volcanic eruption or dust storm. Prolonged exposure over several days at or above these levels may produce respiratory distress in sensitive individuals. Under these conditions staggered work hours in metropolitan areas, mandated traffic reduction, speed limits and cleanup procedures may be required. LRAPA will declare an air pollution warning for particulate from volcanic fallout or wind-blown dust when particulate values at any monitoring site exceed or are expected to exceed 2,000 ug/m3 -- 24-hour average and the particulate is primarily from volcanic activity or dust storms, meteorological conditions not withstanding;</p> <p>(c) "Air pollution emergency for particulate from volcanic fallout or windblown dust" means particulate values are extremely high but the source is volcanic eruption or dust storm. Prolonged exposure over several days at or above these levels may produce respiratory distress in a significant number of people. Under these conditions cleaning procedures must be accomplished before normal traffic can be permitted. An air pollution emergency for particulate from volcanic fallout or wind-blown dust will be declared by the Director, who must keep the Governor advised of the situation, when particulate values at any monitoring site exceed or are expected to exceed 5,000 ug/m3 -- 24-hour average and the particulate is primarily from volcanic activity or dust storms, meteorological conditions notwithstanding.</p> <p>(3) Termination: Any air pollution condition for particulate established by these criteria may be reduced to a lower condition when the criteria for establishing the higher condition are no longer observed.</p> <p>(4) Action: Municipal and county governments or other governmental agency having jurisdiction in areas affected</p>		

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				by an air pollution alert, warning or emergency for particulate from volcanic fallout or windblown dust must place into effect the actions pertaining to such episodes which are described in 51-030.”		
51	015	NA	NA	Add “Source” to “Emission Reduction Plans” in the title of the section	Clarification	SIP
51	015	NA	NA	Change to: “Tables I, II and III set forth specific emission reduction measures which must be taken upon the declaration of an air pollution alert, air pollution warning, or air pollution emergency. Any person responsible for a source of air contamination within a Priority I AQCR must, upon declaration of an episode condition affecting the locality of the air contamination source, take all appropriate actions specified in the applicable table and must take all appropriate actions specified in an Agency-approved preplanned abatement strategy for such condition which has been submitted and is on file with LRAPA.”	Clarification and to with DEQ’s version of in OAR 340-206-0050(1)	SIP
51	020-1	NA	020(1)	Change to: “(1) Any person responsible for the operation of any point source of air pollution located in a Priority I AQCR, located within an AQMA or located within a nonattainment area listed in 40 CFR, Part 81, and emits 100 tons or more of any regulated pollutant specified by subsection (a) or (b) must file a Source Emission Reduction Plan (SERP) with LRAPA in accordance with the schedule described in subsection (4). Such plans must specify procedures to implement the actions required by Tables 1 through 3 and must be consistent with good engineering practice and safe operating procedures. Source emission reduction plans specified by this section are mandatory only for those sources which:”	Clarification and to more closely align with DEQ’s version of in OAR 340-206-0050(2)	SIP
NA	NA	51	020(1)(a)&(b)	Add: “(a) Emit 100 tons per year or more of any regulated pollutant for which the nonattainment area, AQMA, or any portion of the AQMA is designated nonattainment; or (b) Emit 100 tons per year or more of volatile organic compounds when the nonattainment area, AQMA or any portion of the AQMA is designated nonattainment for ozone.”	Clarification and to more closely align with DEQ’s version of in OAR 340-206-0050(2)(a)&(b)	SIP
51	020-5	NA	020(2)	Change to:	Clarification and to with DEQ’s version of in OAR 340-206-0050(3)	SIP

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				“(2) Municipal and county governments, or other governmental body, having jurisdiction in nonattainment areas where ambient levels of carbon monoxide, ozone or nitrogen dioxide qualify for Priority I AQCR classification, must cooperate with LRAPA in developing a traffic control plan to be implemented during air pollution episodes of motor vehicle related emissions. Such plans must implement the actions required by Table 1 through Table 3 and must be consistent with good traffic management practice and public safety.”		
NA	NA	51	020(3)	Add: “(3) LRAPA must periodically review the source emission reduction plans to assure that they meet the requirements of this division. If deficiencies are found, LRAPA must notify the persons responsible for the source. Within 60 days of such notice the person responsible for the source must prepare a corrected plan for approval by LRAPA. Source emission reduction plans must not be effective until approved by LRAPA.”	Clarification and to with DEQ’s version of in OAR 340-206-0050(3)	SIP
NA	NA	51	020(4)	Add: “(4) During an air pollution alert, warning or emergency episode, source emission reduction plans required by this rule must be available on the source premises for inspection by any person authorized to enforce the provisions of this title.”	Clarification and to with DEQ’s version of in OAR 340-206-0050(4)	SIP
51	025-1	NA	025(1)	Change: “preplanned abatement strategies” and “abatement strategies” to “source emission reduction plans”.	Clarification/correction.	SIP
51	025-2	NA	025(2)	Do not capitalize “air pollution alert, air pollution warning and air pollution emergency”.	Correction	SIP
51	025-3	NA	025(3)	Delete “shall”	Not necessary	SIP
51	Table 1	NA	NA	Add “Alert Episode” to designated area	Clarification	SIP
51	Table 2	NA	NA	Add “Warning Episode” to designated areas	Clarification	SIP