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 apply to all other LRAPA rules and regulations. Definitions that are included in any other LRAPA title are specific to that title and do 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 will 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.

(5) The EQC has designated LRAPA to administer DEQ's OAR chapter 340, divisions 200 through 268 within LRAPA's area of jurisdiction. Subject to, and when provided in OAR chapter 340, divisions 200 through 268, LRAPA is authorized by the EQC as the agency to implement these state rules and must apply the requirements and procedures contained in divisions 200 through 268, within its area of jurisdiction. LRAPA may apply any LRAPA rule in lieu of a state rule(s) provided that the LRAPA rule is at least as strict as the state rule(s), LRAPA has submitted the rule to the EQC for its approval, and the EQC has not disapproved the rule.

Section 12-005 Definitions

As used in titles 1 through 51, unless specifically defined otherwise:

(1) "Act" or "FCAA" means the Federal Clean Air Act 42 U.S.C.A. §7401 to 7671q.

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

(3) "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.

(4) "Adjacent" as used in the definitions of "major source" and "source" and in section 37-0070, means interdependent facilities that are nearby to each other.

(5) "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.

(6) "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.

(7) "Agency" means Lane Regional Air Protection Agency

(8) "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 PM_{10} in a PM_{10} nonattainment area;

(c) 500 pounds for direct $PM_{2.5}$ 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 CO_2e (short tons) of greenhouse gases.

(9) "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.

(10) "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.

(11) "Air Contaminant Discharge Permit" or "ACDP" means a written authorization issued, renewed, amended, or revised by LRAPA, under title 37, Air Contaminant Discharge Permits.

(12) "Air pollution control device" or "control device" means equipment, other than inherent process equipment that is used to destroy or remove a regulated pollutant prior to discharge to the atmosphere.

(a) 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 (e.g., carbon beds, condensers); scrubbers (e.g., wet collection and gas absorption devices); selective catalytic or non-catalytic reduction systems; flue gas recirculation systems; spray dryers; spray towers; mist eliminators at acid plants and sulfur recovery plants; injection systems (e.g., 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).

(b) For purposes of sections 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 sections 35-0200 through 35-0280.

(13) "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.

(14) "Ambient air" means the portion of the atmosphere, external to buildings, to which the general public has access.

(15) "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 under 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 under 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) of the FCAA (PSD);

(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 under section 504(e) of the FCAA.

(16) "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.

(17) "ASTM" means the American Society for Testing and Materials.

(18) "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 title 29. Any particular location may be part of an attainment area or unclassified area for one (1) regulated pollutant while also being in a different type of designated area for another regulated pollutant.

(19) "Attainment pollutant" means a pollutant for which an area is designated an attainment or unclassified area.

(20) "Baseline emission rate" means the actual emission rate during a baseline period as determined under title 42.

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

(22) "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 must, to the degree possible, set forth the emission reduction achievable and provide for compliance by prescribing appropriate permit conditions.

(23) "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.

(24) "Board" means the Board of Directors of the Lane Regional Air Protection Agency.

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

(26) "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.

(27) "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.

(28) "Carbon dioxide equivalent" or "CO_2e" 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.

(29) "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 one (1) percent by weight of any chemical or compound regulated under OAR chapter 340, divisions 218 and 220, and 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 Services' 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:

(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;

(d) Distillate oil, kerosene, gasoline, natural gas or propane burning equipment brought on site for six (6) 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:

(ccc) Petroleum refineries;

(ddd) 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

(eee) Bulk gasoline plants, bulk gasoline terminals, and pipeline facilities;

(fff) Combustion source flame safety purging on startup;

(ggg) Broke beaters, pulp and repulping tanks, stock chests and pulp handling equipment, excluding thickening equipment and repulpers;

(hhh) Stock cleaning and pressurized pulp washing, excluding open stock washing systems; and

(iii) White water storage tanks.

(30) "Certifying individual" means the responsible person or official authorized by the owner or operator of a source who certifies accuracy of the emission statement.

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

(32) "Chair" means the chairperson of the Board of Directors of the Lane Regional Air Protection Agency.

(33) "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 title 29.

(34) "Class II area" or "PSD Class II area" means any land which is classified or reclassified as a Class II area under title 29.

(35) "Class III area" or "PSD Class III area" means any land which is reclassified as a Class III area under title 29.

(36) "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.

(37) "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.

(38) "Commission" or "EQC" means the Oregon Environmental Quality Commission.

(39) "Constant process rate" means the average variation in process rate for the calendar year is not greater than plus or minus ten (10) percent of the average process rate.

(40) "Construction":

(a) Except as provided in paragraph (b), means any physical change including, but not limited to, fabrication, erection, installation, demolition, replacement or modification of a source or part of a source;

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

(41) "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.

(42) "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, found in OAR 340-200-0035, and includes continuous emission monitoring systems, continuous opacity monitoring system (COMS) and continuous parameter monitoring systems.

(43) "Control efficiency" means the product of the capture and removal efficiencies.

(44) "Criteria pollutant" means any of the following regulated pollutants: nitrogen oxides, volatile organic compounds, particulate matter, PM_{10}, $PM_{2.5}$, sulfur dioxide, carbon monoxide, and lead.

(45) "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.

(46) "Day" means a 24-hour period beginning at 12:00 a.m. midnight or a 24-hour period specified in a permit.

(47) "De minimis emission level" means the level for the regulated pollutants listed below:

Title 12, Table 1 – De Minimis Emission Levels

Pollutant	**De minimis (tons/year)**
GHG (CO_2e)	2,756
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

(48) "Department" or "DEQ" means the Oregon Department of Environmental Quality.

(49) "DEQ method [#]" means the sampling method and protocols for measuring a regulated pollutant as described in the DEQ Source Sampling Manual.

(50) "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.

(51) "Destruction efficiency" means removal efficiency.

(52) "Device" means any machine, equipment, raw material, product, or byproduct at a source that produces or emits a regulated pollutant.

(53) "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.

(54) "Direct $PM_{2.5}$" has the meaning provided in the definition of $PM_{2.5}$.

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

(56) "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.

(57) "Dry standard cubic foot" means the amount of gas that would occupy a volume of one (1) cubic foot, if the gas were free of uncombined water at standard conditions.

(58) "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.

(59) "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.

(60) "Emission" means a release into the atmosphere of any regulated pollutant or air contaminant.

(61) "Emission estimate adjustment factor" or "EEAF" means an adjustment applied to an emission factor to account for the relative inaccuracy of the emission factor.

(62) "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).

(63) "Emission(s) limitation," "emission(s) limit," "emission(s) standard" or "emission(s) limitation or standard" means:

(a) Except as provided in paragraph (b), a requirement established by a state, local government, or EPA rule; a permit condition or order, 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 sections 35-0200 through 35-0280, any applicable requirement that constitutes an emission(s) limit, emission(s) limitation, emission(s) standard, standard of performance or means of emission(s) 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 SO_2 per hour, pounds of SO_2 per million British thermal units of fuel input, kilograms of VOC per liter of applied coating solids, or parts per million by volume of SO_2, or as the relationship of uncontrolled to controlled emissions, e.g., percentage capture and destruction efficiency of VOC or percentage reduction of SO_2. 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 sections 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.

(64) "Emission reduction credit banking" means to presently reserve, subject to requirements of title 41, Emission Reduction Credits, emission reductions for use by the reserver or assignee for future compliance with air pollution reduction requirements.

(65) "Emission reporting form" means a paper or electronic form developed by LRAPA that must be completed by the permittee to report calculated emissions, actual emissions, or permitted emissions for interim emission fee assessment purposes.

(66) "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 paragraph (d), parts and activities may be grouped for purposes of defining an emissions unit provided the following conditions are met:

(A) 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

(B) 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 cannot be grouped for purposes of determining emissions increases from an emissions unit under titles 34 and 38, or for purposes of determining the applicability of a New Source Performance Standard (NSPS).

(67) "Enforcement" means any documented action taken to address a violation.

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

(69) "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.

(70) "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.

(71) "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.

(72) "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.

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

(74) "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.

(75) "Excess emissions" means emissions in excess of an emission limit, or a risk limit under OAR chapter 340, division 245, contained in an applicable requirement, a permit or permit attachment limit; or emissions in violation of any applicable air quality rule.

(76) "Excursion" means a departure from an indicator range established for monitoring under sections 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.

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

(78) "Federal Major Source" means any source listed in paragraphs (a) or (d) below:

(a) A source with potential to emit:

(A) 100 tons per year or more of any individual regulated pollutant, excluding

greenhouse gases and hazardous air pollutants listed in title 44 if in a source category listed in paragraph (c), or

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

(b) Calculations for determining a source's potential to emit for purposes of paragraphs (a) and (d) must include the following:

(A) Fugitive emissions and insignificant activity emissions; and

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

(c) Source categories:

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

(B) Coal cleaning plants with thermal dryers;

(C) Kraft pulp mills;

(D) Portland cement plants;

(E) Primary Zinc Smelters;

(F) Iron and Steel Mill Plants;

(G) Primary aluminum ore reduction plants;

(H) Primary copper smelters;

(I) Municipal Incinerators capable of charging more than 50 tons of refuse per day;

(J) Hydrofluoric acid plants;

(K) Sulfuric acid plants;

(L) Nitric acid plants;

(M) Petroleum Refineries;

(N) Lime plants;

(O) Phosphate rock processing plants;

(P) Coke oven batteries;

(Q) Sulfur recovery plants;

(R) Carbon black plants, furnace process;

(S) Primary lead smelters;

(T) Fuel conversion plants;

(U) Sintering plants;

(V) Secondary metal production plants;

(W) Chemical process plants, excluding ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;

(X) Fossil fuel fired boilers, or combinations thereof, totaling more than 250 million BTU per hour heat input;

(Y) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(Z) Taconite ore processing plants;

(AA) Glass fiber processing plants;

(BB) Charcoal production plants.

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

(A) 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 ten (10) tons per year or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and ten (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;

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

(C) 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.

(D) For PM_{10} nonattainment areas classified as "serious," sources with the

potential to emit 70 tons per year or more of PM_{10}.

(79) "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.

(80) "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.

(81) "Form" means a paper or electronic form developed by DEQ or LRAPA.

(82) "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.

(83) "Fugitive Emissions":

(a) Except as used in paragraph (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.

(84) "General permit":

(a) Except as provided in paragraph (b), means an Air Contaminant Discharge Permit established under section 37-0060.

(b) As used in OAR chapter 340, division 218 means an LRAPA or Oregon Title V Operating Permit established under OAR 340-218-0090.

(85) "Greenhouse gases", "GHGs", or "GHG" means the aggregate group of carbon dioxide (CO_2), nitrous oxide (N_2O), methane (CH_4), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), or sulfur hexafluoride (SF_6), and other fluorinated greenhouse gases or fluorinated GHG as defined in 40 CFR part 98. The definition of greenhouse gases in this section does not include, for purposes of title 37, OAR chapter 340, division 218, and title 38, carbon dioxide emissions from the combustion or decomposition of biomass except to the extent required by federal law.

(86) "Growth allowance" means an allocation of some part of an airshed's capacity to accommodate future proposed sources and modifications of sources.

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

(88) "Hazardous Air Pollutant" or "HAP" means an air pollutant listed by the EPA under

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.

(89) "Immediately" means as soon as possible but in no case more than one (1) hour after a source knew or should have known of an excess emission period.

(90) "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.

(91) "Indian reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(92) "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 sections 35-0200 through 35-0280, inherent process equipment is not considered a control device.

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

(94) "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.

(95) "Internal combustion engine" means stationary gas turbines and reciprocating internal combustion engines.

(96) "Late payment" means a fee payment which is received after the due date.

(97) "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."

(98) "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.

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

(100) "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 under 40 CFR 51.110. Maintenance areas are designated by the LRAPA Board according to title 29.

(101) "Maintenance pollutant" means a regulated pollutant for which a maintenance area was formerly designated a nonattainment area.

(102) "Major Modification" means any physical change or change in the method of operation of a source that results in satisfying the requirements of section 38-0025.

(103) "Major New Source Review" or "Major NSR" means the new source review process and requirements under sections 38-0010 through 38-0070 and sections 38-0500 through 38-0540 based on the location and regulated pollutants emitted.

(104) "Major Source":

(a) Except as provided in paragraph (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 title 34, Stationary Source Notification Requirements; Compliance Assurance Monitoring, sections 35-0200 through 35-0280; section 37-0066, Standard ACDPs; OAR chapter 340, division 218, rules applicable to sources required to have LRAPA Title V Operating Permits; OAR chapter 340, division 220, Title V Operating Permit Fees; section 37-0066, Standard ACDPs; and 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 subparagraphs (A), (B), or (C). For the purposes of this paragraph, 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.

(A) 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, ten (10) tons per year or more of any single hazardous air pollutant that has been listed under section 44-020; 25 tons per year or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator may establish by rule. 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.

(B) 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) Any other stationary source category, that as of August 7, 1980, is being regulated under section 111 or 112 of the FCAA.

(C) 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 CO_2e, including fugitive emissions.

(105) "Material balance" means a procedure for determining emissions based on the difference

in the amount of material added to a process and the amount consumed and/or recovered from a process.

(106) "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.

(107) "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 with an emission limitation or standard such as records of raw material content and usage, or records documenting compliance with work practice requirements. Monitoring may include conducting compliance method 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.

(108) "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.

(109) "Netting basis" means an emission rate determined as specified in section 42-0046.

(110) "Nitrogen oxides" or "NO_X" means all oxides of nitrogen except nitrous oxide.

(111) "Nonattainment area" means a geographical area within the jurisdiction of LRAPA, 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 title 29 or by the EQC according to OAR chapter 340, division 204.

(112) "Nonattainment pollutant" means a regulated pollutant for which an area is designated a nonattainment area. Nonattainment areas are designated by the Board according to title 29 or by the EQC according to OAR chapter 340, division 204.

(113) "Normal source operation" means operations that do not include such conditions as forced fuel substitution, equipment malfunction, or highly abnormal market conditions.

(114) "Odor" means the property of an air contaminant that affects the sense of smell.

(115) "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.

(116) "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 9 or other method, as specified in each applicable rule.

(117) "Oregon Title V Operating Permit", "Title V permit", or "LRAPA Title V Operating Permit" means written authorization issued, renewed, amended, or revised under OAR chapter 340, division 218.

(118) "Oregon Title V Operating Permit Program" or "Title V program" means the Oregon program described in OAR chapter 340, division 218 and approved by the U.S. EPA Administrator under 40 CFR part 70.

(119) "Oregon Title V Operating Permit program source" "Title V source" means any source

subject to the permitting requirements, OAR chapter 340, division 218.

(120) "Ozone precursor" means nitrogen oxides and volatile organic compounds.

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

(122) "Particleboard" means mat-formed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.

(123) "Particulate matter":

(a) Except as provided in paragraph (b), means all finely divided solid and liquid material, other than uncombined water, that is 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.

(b) As used in title 48, title 49, and sections 32-010, 32-015, 32-050, and 32-055, means all finely divided solid material, including dust, and all finely divided liquid material, other than uncombined water, that is emitted to the ambient air.

(124) "Permit" means an Air Contaminant Discharge Permit or an LRAPA Title V Operating Permit, permit attachment and any amendments or modifications thereof.

(125) "Permit modification" means a permit revision that meets the applicable requirements of title 37, title 38, or OAR 340-218-0160 through 340-218-0180.

(126) "Permit revision" means any permit modification or administrative permit amendment.

(127) "Permitted emissions" as used in OAR chapter 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 under OAR 340-220-0090.

(128) "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.

(129) "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.

(130) "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 chapter 340, division 220.

(131) "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.

(132) "PM_{10}":

(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 ten (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 ten (10) micrometers as measured under 40 CFR part 50, Appendix J or an equivalent method designated under 40 CFR part 53.

(133) "$PM_{2.5}$":

(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 (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.

(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.

(134) "$PM_{2.5}$ fraction" means the fraction of $PM_{2.5}$ in relation to PM_{10} for each emissions unit that is included in the netting basis and PSEL.

(135) "Pollutant-specific emissions unit" means an emissions unit considered separately with respect to each regulated pollutant.

(136) "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.

(137) "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 U.S. EPA 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.

(138) "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.

(139) "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.

(140) "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.

(141) "Process upset" means a failure or malfunction of a production process or system to operate in a normal and usual manner.

(142) "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.

(143) "Reattainment area" means an area that is designated as nonattainment and has three (3) 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 OAR chapter 340, division 204 and LRAPA according to title 29.

(144) "Reattainment pollutant" means a regulated pollutant for which an area is designated a reattainment area.

(145) "Reference method" means any method of sampling and analyzing for a regulated pollutant as specified in 40 CFR parts 52, 60, 61 or 63.

(146) "Regional Agency" means the Lane Regional Air Protection Agency

(147) "Regulated air pollutant" or "Regulated pollutant":

(a) Except as provided in paragraphs (b), (c), and (d) means:

(A) Nitrogen oxides or any VOCs;

(B) Any pollutant for which an ambient air quality standard has been promulgated, including precursors of such pollutants;

(C) Any pollutant that is subject to any standard promulgated under section 111 of the FCAA;

(D) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the FCAA;

(E) Any pollutant listed under section 44-020 or 40 CFR 68.130;

(F) Greenhouse gases; and

(G) Toxic Air Contaminants.

(b) As used in OAR chapter 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 Title 42, Plant Site Emission Limits, and Title 38, New Source Review, regulated pollutant does not include any pollutant listed in titles 44 and 46, and OAR chapter 340, division 247.

(d) As used in Title 20, Indirect Sources; Title 30, Incinerator Regulations; Title 32, Emissions Standards; Title 33, Prohibited Practices and Control of Special Classes of Industry; Title 38, Major New Source Review; Title 40, Air Quality Analysis Requirements through Title 44, Hazardous Air Pollutant Program; Title 46, New Source Performance Standards through title 51, Air Pollution Emergencies; regulated pollutant means only the air contaminants listed under subparagraph (a)(A) through (F).

(148) "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.

(149) "Renewal" means the process by which a permit is reissued at the end of its term.

(150) "Residual fuel oil" means any oil meeting the specifications of ASTM Grade 4, Grade 5 or Grade 6 fuel oils.

(151) "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:

(A) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or

(B) 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 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:

(A) 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

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

(152) "Reviewing agency", where found in the federal rule, means LRAPA, the DEQ, or the EPA, as applicable.

(153) "Secondary emissions" means emissions that are a result of the construction and/or operation of a source or modification, but that 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 that would be constructed or would otherwise increase emissions as a result of the construction or modification of a source.

(154) "Section 111" means section 111 of the FCAA, 42 U.S.C. § 7411, which includes Standards of Performance for New Stationary Sources (NSPS).

(155) "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.

(156) "Section 112" means section 112 of the FCAA, 42 U.S.C. § 7412, which contains regulations for Hazardous Air Pollutants

(157) "Section 112(b)" means subsection 112(b) of the FCAA, 42 U.S.C. § 7412(b), which includes the list of hazardous air pollutants to be regulated.

(158) "Section 112(d)" means subsection 112(d) 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.

(159) "Section 112(e) " means subsection 112(e) 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.

(160) "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.

(161) "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.

(162) "Section 129" means section 129 of the FCAA, 42 U.S.C. § 7429, which requires EPA to promulgate regulations for solid waste combustion.

(163) "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.

(164) "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.

(165) "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.

(166) "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.

(167) "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.

(168) "Section 184" means section 184 of the FCAA, 42 U.S.C. § 7511c, which contains regulations for the control of interstate ozone air pollution.

(169) "Section 302" means section 302 of the FCAA, 42 U.S.C. § 7602, which contains definitions for general and administrative purposes in the FCAA.

(170) "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."

(171) "Section 328" means section 328 of the FCAA, 42 U.S.C. § 7627, which contains regulations for air pollution from outer continental shelf activities.

(172) "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.

(173) "Section 502(b)(10) change" means a change which contravenes an express 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.

(174) "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.

(175) "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.

(176) "Significant emission rate" or "SER," except as provided in paragraphs (a) and (b), means an emission rate equal to 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_2e)	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

TABLE 2 LRAPA Title 12 SIGNIFICANT EMISSION RATES FOR POLLUTANTS REGULATED UNDER THE CLEAN AIR ACT		
Row	***Pollutant***	***Emission Rate***
(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)	Inorganic fluoride compounds (as measured by EPA method 13A or 13B), excluding hydrogen fluoride	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 (0).

(b) Any new source or modification with an emissions increase less than the rates specified above that is located within ten (10) kilometers of a Class I area, and would have an impact on such an area equal to or greater than one (1) $\mu g/m^3$ (24 hour average) is emitting at a SER. This paragraph does not apply to greenhouse gas emissions.

(177) "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 title 38.

(178) "Significant impact level" or "SIL" means the ambient air quality concentrations listed in Table 3 below. The threshold concentrations listed below are used for comparison against the ambient air quality standards and PSD increments established under OAR chapter

340, division 202 or title 50, but do not apply for protecting air quality related values, including visibility.

TABLE 3 LRAPA Title 12 SIGNIFICANT IMPACT LEVEL:				
Pollutant	Averaging Time	Air Quality Area Designation		
		Class I	Class II	Class III
SO_2 ($\mu g/m^3$)	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} ($\mu g/m^3$)				
	24-hour	0.30	1.0	1.0
$PM_{2.5}$ ($\mu g/m^3$)	Annual	0.06	0.3	0.3
	24-hour	0.07	1.2	1.2
NO_2 ($\mu g/m^3$)	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

(179) "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.

(180) "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 paragraphs (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 paragraphs (a) to (g) that conserves energy or produces energy by generation or by processing or collection of a renewable resource.

(181) "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.

(182) "Source category":

(a) Except as provided in paragraph (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 chapter 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 air pollution control device.

(183) "Source test" means the average of at least three (3) test runs conducted under DEQ's Source Sampling Manual found in OAR 340-200-0035.

(184) "Standard conditions" means a gas temperature of 68º Fahrenheit (20º Celsius) and a pressure of 14.7 pounds per square inch absolute (1.03 Kilograms per square centimeter).

(185) "Startup" and "Shutdown" means the time during which a source or control device is brought into normal operation or normal operation is terminated, respectively.

(186) "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 U.S. EPA.

(187) "State New Source Review" or "State NSR" means the new source review process and requirements under sections 38-0010 through 38-0038, sections 38-0245 through 38-0270 and sections 38-0500 through 38-0540 based on the location and regulated pollutants emitted.

(188) "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 title 37.

(189) "State or Local Control Agency", where found in 40 CFR 51.118, means LRAPA or DEQ.

(190) "Substantial underpayment" means the lesser of ten (10) percent of the total interim emission fee for the major source or five (5) hundred dollars.

(191) "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.

(192) "Sustainment pollutant" means a regulated pollutant for which an area is designated a sustainment area.

(193) "Synthetic minor source" means a source that would be classified as a major source under title 12, but for limits on its potential to emit regulated pollutants contained in an ACDP or Title V Operating Permit issued by LRAPA.

(194) "Title I modification" means one of the following modifications under 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.

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

(196) "Toxic air contaminant" means an air pollutant that has been determined by the EQC to cause, or reasonably be anticipated to cause, adverse effects to human health and is listed in OAR 340-247-8010 Table 1.

(197) "Type A State NSR" means State NSR as specified in paragraph 38-0010(2)(a).

(198) "Type B State NSR" means State NSR that is not Type A State NSR.

(199) "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 section 32-008.

(200) "Unassigned emissions" means the amount of emissions that are in excess of the PSEL but less than the netting basis.

(201) "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.

(202) "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 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.

(203) "Uncombined Water" means water which is not chemically bound to a substance.

(204) "Upset" or "Breakdown" means any failure or malfunction of any pollution control device or operating equipment that may cause excess emissions.

(205) "Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log.

(206) "Veneer dryer" means equipment in which veneer is dried.

(207) "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.

(208) "Volatile organic compound" or "VOC" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions.

(a) VOC includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity:

(A) Methane;

(B) Ethane;

(C) Methylene chloride (dichloromethane);

(D) 1,1,1-trichloroethane (methyl chloroform);

(E) 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);

(F) Trichlorofluoromethane (CFC-11);

(G) Dichlorodifluoromethane (CFC-12);

(H) Chlorodifluoromethane (HCFC-22);

(I) Trifluoromethane (HFC-23);

(J) 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);

(K) Chloropentafluoroethane (CFC-115);

(L) 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123);

(M) 1.1.1.2-tetrafluoroethane (HFC-134a);

(N) 1,1-dichloro-1-fluoroethane (HCFC-141b);

(O) 1-chloro-1,1-difluoroethane (HCFC-142b);

(P) 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);

(Q) Pentafluoroethane (HFC-125);

(R) 1,1,2,2-tetrafluoroethane (HFC-134);

(S) 1,1,1-trifluoroethane (HFC-143a);

(T) 1,1-difluoroethane (HFC-152a);

(U) Parachlorobenzotrifluoride (PCBTF);

(V) Cyclic, branched, or linear completely methylated siloxanes;

(W) Acetone;

(X) Perchloroethylene (tertrachloroethylene);

(Y) 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);

(Z) 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);

(AA) 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);

(BB) Difluorormethane (HFC-32);

(CC) Ethylfluoride (HFC-161);

(DD) 1,1,1,3,3,3-hexafluoropropane (HFC-236fa);

(EE) 1,1,2,2,3-pentafluoropropane (HFC-245ca);

(FF) 1,1,2,3,3-pentafluoropropane (HFC-245ea);

(GG) 1,1,1,2,3-pentafluoropropane (HFC-245eb);

(HH) 1,1,1,3,3-pentafluoropropane (HFC-245fa);

(II) 1,1,1,2,3,3-hexafluoropropane (HFC-236ea);

(JJ) 1,1,1,3,3-pentafluorobutane (HFC-365mfc);

(KK) Chlorofluoromethane (HCFC-31);

(LL) 1 chloro-1-fluoroethane (HCFC-151a);

(MM) 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);

(NN) 1,1,1,2,2,3,3,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$);

(OO) 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$);

(PP) 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$);

(QQ) 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$);

(RR) Methyl acetate;

(SS) 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3, HFE-7000);

(TT) 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500);

(UU) 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);

(VV) Methyl formate (HCOOCH3);

(WW) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300);

(XX) Propylene carbonate;

(YY) Dimethyl carbonate;

(ZZ) Trans-1,3,3,3-tetrafluoropropene (also known as HFO-1234ze);

(AAA) HCF_2OCF_2H (HFE-134);

(BBB) $HCF_2OCF_2OCF_2H$ (HFE-236cal2);

(CCC) $HCF_2OCF_2CF_2OCF_2H$ (HFE-338pcc13);

(DDD) $HCF_2OCF_2OCF_2CF_2OCF_2H$ (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180));

(EEE) Trans-1-chloro-3,3,3-trifluoroprop-1-ene (also known as SolsticeTM 1233zd(E));

(FFF) 2,3,3,3-tetrafluoropropene (also known as HFO–1234yf);

(GGG) 2-amino-2-methyl-1-propanol;

(HHH) t-butyl acetate (TBAC);

(III) 1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (also known as HFE-347pcf2)

(JJJ) cis-1,1,1,4,4,4-hexafluorobut-2-ene (also known as HFO-1336mzz-Z); and

(KKK) 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 test method in the DEQ Source Sampling Manual. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and LRAPA approves the exclusion.

(c) When considering a requested exclusion of negligibly-reactive compounds under paragraph (b), LRAPA may require an owner or operator to provide monitoring or testing methods and results that demonstrate, to the satisfaction of LRAPA, the amount of negligibly-reactive compounds in the source's emissions.

(209) "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.

(210) "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.

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

Section 12-010 Abbreviations and Acronyms

(1) "AAQS" means ambient air quality standard.

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

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

(4) "AE" means Actual Emissions.

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

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

(7) "AQRV" means Air Quality Related Value

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

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

(10) "ASTM" means American Society for Testing and Materials.

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

(12) "AWD" means all wheel drive.

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

(14) "BART" means Best Available Retrofit Technology.

(15) "BLS" means black liquor solids.

(16) "CAA" means Clean Air Act

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

(18) "CBD" means central business district.

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

(20) "CEM" means continuous emissions monitoring.

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

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

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

(24) "CFR" or "C.F.R." means Code of Federal Regulations.

(25) "CMS" means continuous monitoring system.

(26) "CO" means carbon monoxide.

(27) "CO_2e" means carbon dioxide equivalent

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

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

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

(31) "DOD" means Department of Defense.

(32) "EA" means environmental assessment.

(33) "ECO" means employee commute options.

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

(35) "EF" means emission factor.

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

(37) "EIS" means Environmental Impact Statement

(38) "EPA" means Environmental Protection Agency.

(39) "EQC" means Environmental Quality Commission.

(40) "ESP" means electrostatic precipitator.

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

(42) "FHWA" means Federal Highway Administration.

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

(44) "FTA" means Federal Transit Administration.

(45) "GFA" means gross floor area.

(46) "GHG" means greenhouse gases

(47) "GLA" means gross leasable area.

(48) "GPM" means grams per mile.

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

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

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

(52) "HAP" means hazardous air pollutant.

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

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

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

(56) "IG" means inspection grade.

(57) "IRS" means Internal Revenue Service.

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

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

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

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

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

(63) "LPG" means liquefied petroleum gas.

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

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

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

(67) "MPO" means Metropolitan Planning Organization.

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

(69) "MWC" means municipal waste combustor.

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

(71) "NAICS" means North American Industrial Classification System.

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

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

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

(75) "NO_X" means nitrogen oxides.

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

(77) "NSR" means New Source Review.

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

(79) "O_3" means ozone.

(80) "OAR" means Oregon Administrative Rules.

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

(82) "ORS" means Oregon Revised Statutes.

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

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

(85) "PCDCE" means pollution control device collection efficiency.

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

(87) "PM" means particulate matter.

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

(89) "$PM_{2.5}$" means particulate matter less than 2.5 microns.

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

(91) "POV" means privately owned vehicle.

(92) "ppm" means parts per million.

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

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

(95) "QIP" means quality improvement plan.

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

(97) "ROI" means range of influence.

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

(99) "scf" means standard cubic feet.

(100) "SCS" means speed control switch.

(101) "SD" means standard deviation.

(102) "SER" means significant emission rate.

(103) "SERP" means source emission reduction plan.

(104) "SIC" means Standard Industrial Classification from the Standard Industrial Classification Manual (U.S. Office of Management and Budget, 1987).

(105) "SIP" means State Implementation Plan.

(106) "SLAMS" means State or Local Air Monitoring Stations.

(107) "SO_2" means sulfur dioxide.

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

(109) "SOS" means Secretary of State.

(110) "SPMs" means Special Purpose Monitors.

(111) "TAC" means thermostatic air cleaner.

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

(113) "TCM" means transportation control measures.

(114) "TCS" means throttle control solenoid.

(115) "TIP" means Transportation Improvement Program.

(116) "tpy" means tons per year.

(117) "TRS" means total reduced sulfur.

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

(119) "UGA" means urban growth area.

(120) "UGB" means urban growth boundary.

(121) "USC" means United States Code.

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

(123) "UST" means underground storage tanks.

(124) "UTM" means Universal Transverse Mercator.

(125) "VIN" means vehicle identification number.

(126) "VMT" means vehicle miles traveled.

(127) "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 are subject to regulation under OAR chapter 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 or EQC'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" or "C.F.R." means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 2023 edition.

(2) The DEQ Source Sampling Manual refers to the November 2018 edition.

(3) The DEQ Continuous Monitoring Manual refers to the April 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 will 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 must submit to the Board for approval a proposed schedule of compliance to meet those provisions. This schedule must be in accordance with timetables contained in the new rules or in accordance with an administrative order by the Director. This schedule must contain, as necessary, reasonable time milestones for engineering, procurement, fabrication, equipment installation and process refinement. This request must 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 120 days of the submittal date of the request, the Board must 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 18 months' duration must 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, will be subject to enforcement procedures in accordance with these rules.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 13

GENERAL DUTIES AND POWERS OF BOARD AND DIRECTOR

Section 13-005 Authority of the Agency

(1) The Lane Regional Air Protection Agency is a regional air quality control agency established under the provisions of, and with authority and powers derived from, Oregon Revised Statutes 468A.100 et seq. Except as specifically retained by the Environmental Quality Commission, LRAPA has the exclusive duty and responsibility within its territory for air quality control.

(2) In exercising this authority and power, LRAPA:

(a) May adopt rules and standards necessary to carry out its functions as authorized by law.

(b) May enforce its rules and standards over both incorporated and unincorporated areas within the territory of LRAPA, regardless of whether the governing body of a city within the territory of LRAPA is participating in the regional authority.

(c) Must enforce the rules and standards of the Environmental Quality Commission as required.

(d) Must establish by rule standards for the entire territory or any area of the territory which set forth the maximum amount of air contaminants permissible. The rule may differentiate between different parts of the territory, different air contaminants and different air pollution sources or classes thereof. Such standards may be changed from time to time by LRAPA following public hearings.

(e) May require sources to register and report type and quantities of emissions.

(f) Must require sources to obtain permits to discharge air contaminants, must provide for the issuance, renewal, termination and revocation of permits, and may charge reasonable fees for the administration of the permit program.

(g) May issue orders to require prevention or correction of air pollution or emissions of air contaminants which violate air quality standards.

(h) May institute actions for penalties for violation of any provisions of any rule or any order which it may issue.

(i) May hold public hearings, conduct investigations, subpoena witnesses to appear, administer oaths and affirmations, take depositions and receive such proof as it may deem necessary or proper, make findings of fact and determinations to

discharge its duties, powers and responsibilities to control and abate air pollution.

(j) May institute or cause to be instituted in a court of competent jurisdiction, proceedings to compel compliance with the rules of LRAPA, the laws of the State of Oregon and the standards set forth therein.

(k) May institute or cause to be instituted a suit for injunction to prevent any further or continued violation of the standards of these rules or an order of LRAPA, and to compel compliance, if measures to prevent or correct air pollution or emission of air contaminants are not taken in accordance with an order of LRAPA.

(l) Must encourage voluntary cooperation by all persons controlling air pollution and must cooperate with agencies of the United States, the State of Oregon, or other persons with respect to the control of air pollution.

(m) May conduct or cause to be conducted, studies and research with respect to air pollution sources, control, abatement or prevention.

(n) May conduct or supervise programs of air pollution control education.

(o) May apply to and receive funds from local, state, and federal governments and from public and private agencies.

(p) May expend such funds and enter into agreements with the state or the federal government for the purpose of organizing and operating a regional air pollution agency.

(q) May do any and all other acts and things not inconsistent with any provisions of these rules which it may deem necessary or proper for the effective enforcement of these rules and the applicable law.

Section 13-010 Duties and Powers of the Board of Directors

(1) The Board of Directors of LRAPA is organized pursuant to ORS 468A.120. It must establish policies for the operation of LRAPA in a manner consistent with ORS 468A.100 and these rules. In addition, the Board of Directors must perform any other duty vested in it by law.

(2) It is the function of the Board of Directors within its territory, to adopt rules and standards, prescribe ambient air quality standards, and air contaminant emission standards, adopt, amend, and repeal air pollution control rules, hold public hearings, enforce its rules and standards and those of the Environmental Quality Commission, institute actions for penalties for violations, institute actions or suits for injunctions in a court of competent jurisdiction, and budget, receive and expend funds.

(3) The Board must appoint a director competent in the field of air pollution control who must enforce the provisions of these rules and all orders of LRAPA.

Section 13-020 Duties and Function of the Director

(1) The Director is responsible for the general administration of LRAPA under the direction of the Board of Directors. The Director:

(a) May employ persons, including specialists and consultants, and purchase materials and supplies necessary to carry out the purposes of LRAPA as authorized by the Board of Directors.

(b) Must recommend to the Board of Directors the adoption of such rules, policies, and procedures as necessary to comply with the applicable federal and state laws, and to administer these rules.

(c) Must seek compliance with the air quality standards of these rules by cooperation and conciliation among all the parties concerned. If compliance is not obtained through such means, the director may issue orders or institute enforcement proceedings to compel compliance with the provisions of these rules and any applicable law.

(d) May make findings of fact and determinations as to non-compliance with the rules for issuance informally to a party in violation.

(e) May issue a Notice of Violation to the person responsible for an emission of contaminants into the air in violation of these rules.

(f) May impose civil penalties according to the provisions of ORS 468.140, the rules of the Environmental Quality Commission, and these rules.

(g) Must institute or cause to be instituted in the name of LRAPA after approval of the Board a suit for injunction to prevent any further or continued violation of the rule or order.

(h) May enter, during operation hours, any property, premises, or place for the purpose of investigating either an actual or suspected air contaminant source or to ascertain compliance or noncompliance with these rules or any issued order.

(i) May adopt administrative rules to manage LRAPA.

(j) Must undertake a community education program to provide the citizens of the territory of LRAPA with better understanding of the nature of air pollution and its control.

(k) Must submit an annual report of activities undertaken by LRAPA.

(l) Must issue permits, and register sources of air contaminants.

(m) Must prepare an annual budget for submission to the Budget Committee and Board, and submit required reports to the Environmental Quality Commission and

U. S. Environmental Protection Agency.

(n) Must perform such other acts required by the Board.

Section 13-025 Conflict of Interest

The LRAPA Board of Directors and Director must comply with section 128(a) of the federal Clean Air Act as amended in 1977, which pertains to majority makeup of the Board and disclosures of potential conflict of interest. Section 128 is made a part of these regulations by reference.

Section 13-030 Advisory Committee

(1) An advisory committee must be appointed by the Board annually in February, to advise LRAPA in matters pertaining to its air pollution control program and particularly as to methods and procedures for the protection of public health and welfare and of property from the adverse effects of air pollution, and on matters relative to legislation.

(2) The advisory committee must consist of at least seven (7) but no more than fifteen members appointed for a term of three (3) years with at least one representative from each of the following groups from within the territory of LRAPA:

(a) Public Health Agencies

(b) Agriculture

(c) Industry

(d) Community Planning

(e) Fire Suppression Agencies

(f) General Public

(3) The terms of office for the members of the advisory committee must be staggered to avoid the possibility of having a committee comprised solely of new members at any given time.

(a) The Board of Directors must establish the original schedule of staggered terms in February of 1984 by appointing approximately one-third of the committee members to one-year terms, one-third to two-year terms, and one-third to three-year terms.

(b) Terms of service will be three (3) years thereafter. Any subsequent appointments or re-appointments will have three-year terms.

(c) Appointments to fill mid-term vacancies must be for the unexpired portion of the term.

(4) The advisory committee must select a chairman and vice-chairman and such other officers as it considers necessary and will meet as frequently as it, the Board, or the Director considers necessary. Members will serve without compensation.

Section 13-035 Public Records and Confidential Information

(1) LRAPA must permit the public to inspect and copy any emission data reported by source owners or operators or otherwise obtained by LRAPA except for data which the Board has determined to be "confidential information," as provided in subsection 13-035(2).

(2) When any records or other information furnished to or obtained by LRAPA is related to processes or production unique to the owner or operator, or are likely to affect adversely the competitive position of such owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production submits satisfactory proof in writing, such records or information must be only for the confidential use of LRAPA. Nothing contained in these regulations will prohibit LRAPA from using such records or information as deemed necessary by LRAPA, in its sole discretion, in the enforcement of provisions of these regulations or the laws of the State of Oregon against such owner or operator. Nothing in this section will be construed to make confidential any information as to the composition or amount of air contaminant emissions from any source or sources.

(3) LRAPA may charge a reasonable fee for inspection and copying of the records.

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 Hyancinth 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 $PM_{2.5}$ Maintenance 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 36 counties are divided into five (5) AQCRs. The AQCR boundaries follow county lines, and there are no counties that belong to more than one AQCR. The five (5) AQCRs are as follows:

(1) Portland Interstate AQCR, containing ten (10) 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 (3) counties:

(a) Clatsop County;

(b) Lincoln County;

(c) Tillamook County.

(3) Southwest Oregon AQCR, containing five (5) counties:

(a) Coos County;

(b) Curry County;

(c) Douglas County;

(d) Jackson County;

(e) Josephine County.

(4) Central Oregon AQCR, containing eight (8) 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 (10) 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) [Reserved]

Section 29-0040 Designation of Maintenance Areas

The following areas are designated as Maintenance Areas:

(1) Carbon Monoxide Maintenance Areas:

(a) The Eugene-Springfield Maintenance Area for carbon monoxide is the Eugene-Springfield UGB as defined in section 29-0010.

(2) PM_{10} Maintenance Areas:

(a) The Eugene-Springfield Maintenance Area for PM_{10} is the Eugene-Springfield UGB as defined in section 29-0010.

(b) The Oakridge Maintenance Area for PM_{10} is the Oakridge UGB as defined in subsection 29-0010(3).

(3) $PM_{2.5}$ Maintenance Areas:

(a) The Oakridge Maintenance Area for $PM_{2.5}$ is defined in subsection 29-0010(2).

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, will 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 Lakes 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 subsections (1) and (3) will 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 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 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 section 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 section 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 (3) 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 (3) consecutive years of monitoring data shows the area is meeting the ambient air quality standard; and

(b) A request by a local government.

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 (3) 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 reattainment areas:

(a) The Oakridge $PM_{2.5}$ Maintenance area as defined in subsection 29-0010(2) is designated as a reattainment area for $PM_{2.5}$.

(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.

Section 29-0320 Priority Sources

For the purposes of 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 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 chapter 340 divisions 218, 245, and 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 chapter 340, divisions 218, 245 and 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 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, draft LRAPA Title V Operating Permit actions, and Toxic Air Contaminant Permit Addenda(s) issued under OAR chapter 340, division 245, 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, 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;

(r) If applicable, a statement that an enhanced NSR process, under 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; and

(s) For Toxic Air Contaminant Permit Addenda and ACDPs that include conditions consistent with OAR chapter 340, division 245, a list of estimated toxic air contaminant emissions and, if applicable, a summary of the results of any risk assessment.

(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 section 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, electronic noticing, 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 will present a summary of the proposed permit action and 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 Officer 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, LRAPA 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. LRAPA'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 address each relevant, distinct issue raised during the comment period and raised during the hearing on the 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 ten (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.

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

(5) Issuance of permit: LRAPA will promptly notify the applicant in writing of the final action as provided in section 14-140 and will include a copy of the issued 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. The permit is effective on the date that it is signed unless the applicant requests a hearing to contest the permit within 20 days of the date of the notification of issuance of the permit.

(6) Denial of a permit application: If LRAPA proposes to deny a permit application, LRAPA will promptly notify the applicant in writing of the proposed final action as provided in section14-140. The notification will include the reasons for the denial. The denial of a permit application is effective 60 days from the date of notification of the proposed denial unless within that time, the applicant requests a hearing as provided in subsection (7).

(7) A request for a hearing to challenge a LRAPA decision under subsections (5) or (6) 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 title 14.

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 sections 32-006 through 32-009 and subsections (2) and (3), LRAPA will include appropriate conditions in permits to ensure that the highest and best practicable treatment and control of air contaminant emissions is in every case 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. The permit conditions must ensure that the degree of treatment and control provided must be such that further degradation of existing air quality is minimized to the greatest extent possible.

(2) The Board encourages the owner or operator of a source to further reduce emissions from the source beyond applicable control requirements where feasible.

(3) 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.

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 will 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 will 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 must:

(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 will 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 will not be a violation of the emission standard.

(3) In determining the highest reasonable efficiency and effectiveness for purposes of this rule, LRAPA will 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 will 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)

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. For existing sources, the emission limit established will be typical of the emission level achieved by emissions units similar in type and size. 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 33, title 38, or title 46;

(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. 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. 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 a control technology requirement based on Major NSR in title 38, a Type A State NSR action under 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 30, title 33, title 39 or title 46 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 one (1) ton per year, or of PM_{10} equal to or greater than 500 pounds per year in a PM_{10} 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 one (1) ton per year, or of PM_{10} equal to or greater than 500 pounds per year in a PM_{10} 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 must 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 may establish control requirements in addition to otherwise applicable requirements by permit, if necessary, as specified in subsections (1) through (5):

(1) Requirements will 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. Any air quality analysis must be conducted in accordance with the procedures in title 40. For existing sources, LRAPA may conduct monitoring or modeling or may require a source to conduct monitoring or modeling to determine whether the source's emissions will cause or contribute to a new exceedance of an ambient air quality standard.

(2) Requirements will 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, LRAPA will conduct monitoring to confirm visibility impairment..

(3) A requirement applicable to major source will 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 will be established if requested by the owner or operator of a source.

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, or to recovery furnaces regulated under title 33.

(2) The visible emission standards in this section are based on the average of 24 consecutive observations recorded at 15-second intervals, or more frequently as allowed under paragraph (b), which comprise a six-minute block. Six-minute blocks need not be consecutive in time and in no case may two blocks overlap. For each set of 24 observations, the six-minute block average is calculated by summing the opacity of the 24 observations and dividing the sum by 24. Six-minute block averages are measured by:

(a) EPA Method 9;

(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 9.

(3) For all emissions units, no person may emit or allow to be emitted any visible emissions that equal or exceed:

(a) An average of 20 percent opacity except as allowed by paragraph (b) or (c).

(b) For wood-fired boilers installed, constructed or last modified on or after June 1,

1970 but before April 16, 2015, visible emissions may equal or exceed an average of 20 percent opacity for up to two independent six-minute blocks in any hour, as long as the average opacity during each of these two six-minute blocks is less than 40 percent;

(c) For wood-fired boilers installed, constructed or last modified prior to June 1, 1970:

(A) Visible emissions may equal or exceed 20 percent opacity but may not equal or exceed 40 percent opacity, as the average of all six-minute blocks 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 but not to equal or exceed 40 percent opacity based on the opacity measured during a source test that demonstrates compliance with subsection 32-020(2) and:

(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 six-minute block averages obtained during the compliance source test;

(iii) The boiler specific limit will include a higher limit for one (1) six-minute period during any hour based on the maximum six-minute block average measured during the compliance source test;

(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; and

(v) If an alternative limit is established in accordance with this paragraph, the exception provided in subparagraph (A) does not apply.

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 if all representative compliance source test results collected prior to April 16, 2015, demonstrate that emissions are no greater than 0.080 grains per dry standard cubic foot;

(B) 0.15 grains per dry standard cubic foot if any representative compliance source test results collected prior to April 16, 2015 demonstrate that emissions are greater than 0.080 grains per dry standard cubic foot, or if there are no representative compliance source test results; and

(C) In addition to the limits in subparagraphs (A) and (B), for equipment or a mode of operation that is used less than 876 hours per calendar year, 0.20 grains per dry standard cubic foot.

(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 if all representative compliance source test results prior to April 16, 2015 demonstrate that emissions are no greater than 0.080 grains per dry standard cubic foot; or

(B) 0.14 grains per dry standard cubic foot 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.

(c) For sources installed, constructed or modified on or after April 16, 2015, 0.10 grains per dry standard cubic foot.

(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 (10) 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 if 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) 0.15 grains per dry standard cubic foot if any representative compliance source test results collected prior to April 16, 2015 demonstrate that emissions greater than 0.080 grains per dry standard cubic foot, or if there are no representative compliance source test results; and

(c) In addition to the limits in paragraph (a) and (b), for equipment or a mode of operation (e.g., backup fuel) that is used less than 876 hours per calendar year, 0.20 grains per dry standard cubic foot.

(2) The owner or operator of a source installed, constructed or modified before June 1, 1970, 0.17 grains per dry standard cubic foot if the owner or operator requested this alternative limit by no later than October 1, 2019 and demonstrated, based on a signed report prepared by a registered professional engineer that specializes in boiler/multiclone operation, that the fuel burning equipment was unable to comply with the standard in paragraph (1)(b).

(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 (10) 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 on or 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 if all representative compliance source test results prior to April 16, 2015 demonstrate that emissions are no greater than 0.080 grains per dry standard cubic foot; or

(b) 0.14 grains per dry standard cubic foot if any representative compliance source test results collected prior to April 16, 2015 demonstrate that emissions are greater than 0.080 grains per dry standard cubic foot, or if there are no representative compliance source test results.

(2) For sources installed, constructed or modified on or 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 section 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% 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 section, representative compliance source test results are data that was obtained:

(A) No more than ten (10) 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 (1) hour from any process in excess of the amount shown in section 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 may 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 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 which 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 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 PM_{10} 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 must not emit particulate matter to the atmosphere in excess of the following amounts:

(a) One (1) metric ton/year (1.10 ton/year)

(b) 2.88 kg/day (6.24 lb/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 PM_{10} 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 PM_{10} nonattainment or maintenance areas.

(4) Exemptions. Exempted from the requirements of subsections 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 section 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 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 may 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 may 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" means 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 chapter 340, divisions 218 and 220, the 40 CFR part 72 provisions and requirements must apply and take precedence.

Section 32-090 Other Emissions

(1) No person may 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 may 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)

(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 section 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 title 38 (NSR), title 46 (NSPS), and 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

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
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 will 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

(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.

(b) "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 subsection 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 subsections 33-060(2) through (5).

(3) **Veneer and Plywood Manufacturing Operations**

(a) Veneer Dryers:

(A) Consistent with paragraphs 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 ten (10) percent on more than two (2) 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 sections 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 may 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 (3) 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 section 34-035 and 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 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 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.

(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 1500º F for 0.3 seconds or longer except that specific operating temperatures lower than 1500º 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% CO_2. 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 ten (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 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 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 (1) year and must be made available to LRAPA upon request.

(5) The person responsible for the sources of particulate emissions must conduct or have conducted tests once every year to determine the type, quantity, quality and duration of emissions, and process parameters affecting emissions, in conformance with test methods on 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

(a) "BLS" means black liquor solids, dry weight.

(b) "Continuous Monitoring" means instrumental sampling of a gas stream on a continuous basis, excluding periods of calibration.

(c) "Daily arithmetic average" means the average concentration over the 24-hour period in a day, as determined by continuous monitoring equipment or reference method testing. 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 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. “Day” in this definition is the same as the definition of “day” in title 12.

(d) "Dry standard cubic meter" means the amount of gas that would occupy a volume of one (1) 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.

(e) "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.

(f) "Lime kiln" means any production device in which calcium carbonate is thermally converted to calcium oxide.

(g) "Non-condensables" means gases and vapors, contaminated with TRS compounds, from the digestion and multiple-effect evaporation processes of a mill.

(h) "Operations" includes plant, mill or facility.

(i) "Other sources" as used in section 33-070 means sources of TRS emissions in a kraft mill other than recovery furnaces, lime kilns, smelt dissolving tanks, sewers, drains, categorically insignificant activities 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.

(j) "Production" as used in section 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.

(k) "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 the direct contact evaporator, if present.

(l) "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.

(m) "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 ten (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 five (5) ppm and 0.075 kg/metric ton (0.150 pound/ton) of 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 and 0.05 kg/metric ton (0.10 pound/ton) of production as daily arithmetic averages. 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 (1) 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) 35 percent opacity for a period or periods aggregating more than 30 minutes in any 180 consecutive minutes or more than 60 minutes in any 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 paragraph 33-070(3)(d).

(C) Smelt Dissolving Tanks. The emission of particulate matter from each smelt dissolving tank stack may not exceed:

(i) 0.25 kilogram per metric ton (0.50 pound per ton) of production as a daily arithmetic average; and

(ii) The visible emission limitations in paragraph 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 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) 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 (SO_2). 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 subsections 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 as a six (6) minute average of the operating time.

(e) Emissions from each kraft mill source with specific particulate emission limits included in this rule are exempt from the grain loading emission limits and the opacity limits in title 32.

(f) 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 section 46-630, In addition, when these sections are more stringent than 40 CFR part 60 subpart BB, LRAPA may require some or all of the relevant monitoring in this subsection.

(4) More Restrictive Emission Limits

LRAPA may establish more restrictive emission limits than the numerical emission standards contained in subsection 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 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 (1) hour each, using the DEQ Source Sampling Manual. Continuous emissions monitors must be operated for three (3) 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 (6) 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 (1) 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 (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.

(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 eight (8) percent oxygen if the oxygen concentration exceeds eight (8) percent.

(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 ten (10) percent oxygen if the oxygen concentration exceeds ten (10) percent.

(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 sub-subparagraph 33-070(3)(b)(A)(i) or 0.075 gram/dscm (0.033 grain/dscf) for furnaces subject to supersub-subparagraph 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 (SO_2). 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 (3) 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 subsection 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 H_2S 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 H_2S for each source included in the approved monitoring program.

(c) Maximum daily 3-hour average emissions of SO_2 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.

(7) 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

(a) "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.

(b) "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.

(c) "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.

(d) "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.

(e) "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 incorporated 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 section 33-500, attached herewith and by reference made 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 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 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) Applicability. Section 33-080 applies in all areas of Lane County which are within city limits or within two (2) miles of the boundaries of incorporated cities.

(2) Control Facilities Required

(a) A person may not 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.

(3) 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 192.311 to 192.478, 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.

(4) 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.

.

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

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
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 is 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 and Requirements

(1) Except as provided in subsection (2), sections 34-010 and 34-035 through 34-038 apply to the following:

(a) New Sources. Owners or operators of proposed new sources not otherwise required to obtain a permit under title 37 or OAR chapter 340, division 218, must submit a notice of construction application before undertaking construction or operation of a new source that emits any regulated air pollutant.

(b) Existing Sources. Owners or operators of existing sources, including sources that have permits under title 37 or OAR chapter 340, division 218, must submit the appropriate applications before undertaking any of the following:

(A) Construction or modification that will cause an increase, on an hourly basis at full production, in any regulated air pollutant emissions;

(B) Replacement of a device or activity that emits any regulated air pollutants; or

(C) Construction, modification, or replacement of any air pollution control device.

(2) Sections 34-010 and 34-035 through 34-038 do not apply to the following sources:

(a) Sources for which the owners or operators are required to obtain a permit under title 37 or OAR chapter 340, division 218 for the construction or modification;

(b) Agricultural operations or equipment that is exempted by section 12-020;

(c) Heating equipment in or used in connection with residences used exclusively as dwellings for not more than four families;

(d) 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;

(e) Portable sources, except modifications of portable sources that have permits under title 37 or OAR chapter 340, division 218 and are specified in subsection (1); and

(f) 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.

(3) Sections 34-010 through 34-038 apply to Title V sources under OAR 340-218-0190 but are called Notices of Approval.

Section 34-015 Request for Information

All owners or operators of stationary sources must provide any and all information and analysis, including an air quality analysis of the source, that LRAPA reasonably requires for the purpose of regulating stationary sources. LRAPA will provide the source with a written request to provide such information to LRAPA by a reasonable date. 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) Determine whether a source's emissions may cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50; and

(5) 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) When a due date for submittal falls on a weekend or holiday, the submittal is not due until the next succeeding business day.

(5) All reports and certifications submitted to LRAPA under title 1 through title 51 must accurately reflect the monitoring, record keeping and other documentation held or performed by the owner or operator.

(6) The owner or operator of any source required to obtain a permit under title 37 or OAR chapter 340, division 218 must retain records of all required monitoring data and supporting information for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application.

Section 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 192.311 to 192.478, all information submitted to LRAPA under title 34 is 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 192.311, is confidential or otherwise exempt from disclosure, in whole or in part, the owner or operator must comply with the following procedures:

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

(b) The owner or operator must 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 must 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 must meet all of the following criteria:

(a) The information cannot be patented;

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

(d) It must 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, title 37, or the Oregon Title V Operating Permits, OAR chapter 340, division 218, must register with LRAPA upon request pursuant to subsections 34-030(1) through (4).

(2) The following sources that are certified through an LRAPA approved environmental certification program, as provided in subsection (3), and that is subject to an area source NESHAP may register with LRAPA pursuant to section 34-030 in lieu of obtaining a permit otherwise required by section 37-0020, unless LRAPA determines that the source has not complied with the requirements of the environmental certification program. A source registered under this section must pay fees as provided in subsection (4), is subject to termination of its registration for failure to pay fees as provided in paragraph (4)(a) and must keep records as provided in subsection (5).

(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 in 40 CFR part 60 or NESHAP in 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 chapter 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 section 34-025 must be completed within 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 subsection 34-025(1), the following information must 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 must 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 subsection 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 subsection 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 sections 34-010 and 34-035 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 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 must 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) must 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 three (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 34-035 Types of Construction/Modification Changes

For the purpose of sections 34-010 and 34-035 through 34-038, emission calculations for determining the type of change at a source must use the regulated air pollutant emission capacity, except for Type 1 changes under paragraph (1)(b) and Type 4 changes. The notices of construction changes are divided into the following types:

(1) Type 1 changes include construction or modification for which the owner or operator is not required to obtain a permit or permit modification under title 37, and where the changes meet the criteria in either paragraph (a) or (b):

(a) The construction or modification would:

(A) Have emissions from any new, modified, or replaced device or activity, or any combination of devices or activities, of less than or equal to the de minimis levels defined in title 12;

(B) Not result in an increase of emissions from the source above any PSEL;

(C) Not result in an increase of emissions from the source above the netting

basis by more than or equal to the SER;

(D) Not be used to establish a federally enforceable limit on the potential to emit; and

(E) Not require a TACT determination under section 32-005 or a MACT determination under section 44-040; or

(b) The construction or modification is one of the following:

(A) Stationary internal combustion engines having a rated capacity <60 horsepower output;

(B) Emergency stationary internal combustion Tier 4 certified engines having a rated capacity <670 horsepower (500 kilowatts) output;

(C) Hand-held sanding equipment;

(D) Portable vacuum blasting equipment using steel shot and vented to a fabric filter;

(E) Shot peening operations, provided that no surface material is removed;

(F) Replacement of equipment that is used to control processes, such as temperature, air pressure, water pressure, electrical current, flow rate, etc.;

(G) Equipment and instrumentation used for quality control/assurance or inspection purposes;

(H) Vacuum pumps;

(I) Equipment used for extrusion, compression molding, and injection molding of plastics, provided that the VOC content of all mold release products or lubricants is <1% by weight;

(J) Injection or blow-molding equipment for rubber or plastics, provided that no blowing agent other than compressed air, water, or carbon dioxide is used;

(K) Presses or molds used for curing, post-curing, or forming composite products and plastic products, provided that the blowing agent contains no VOC or chlorinated compounds;

(L) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives;

(M) Dredging wet spoils handling and placement;

(N) Graphic label and/or box labeling operations where the inks are applied by

hand stamping or hand rolling;

(O) Ultraviolet disinfection processes;

(P) The cleaning and/or deburring of metal products where all tumblers are used without abrasive blasting;

(Q) Ozone generators and ozonation equipment;

(R) Emissions from the storage and application of road salt (calcium chloride or sodium chloride);

(S) Process emissions from sources which are located at private, public, or vocational education institutions, where the emissions are primarily the result of teaching and training exercises, and the institution is not engaged in the manufacture of products for commercial sale;

(T) Degreasing units which exclusively use caustics (e.g., potassium hydroxide and sodium hydroxide);

(U) Equipment used for hydraulic or hydrostatic testing with water-based hydraulic fluids;

(V) Storage tanks, reservoirs, pumping and handling equipment, and control equipment used to exclusively vent such equipment of any size, limited to soaps, lubricants, hydraulic fluid, vegetable oil, grease, animal fat, aqueous salt solutions or other materials and processes using appropriate lids and covers where there is no generation of objectionable odor or airborne particulate matter or toxic air pollutants listed in OAR chapter 340, division 247;

(W) Operation, loading and unloading storage of butane, propane, or liquefied petroleum gas with a vessel capacity less than 40,000 gallons where annual emissions are less than or equal to the de minimis levels;

(X) Tanks, vessels and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases and acids;

(Y) Ultraviolet curing processes, to the extent that toxic air contaminants as defined in OAR chapter 340, division 247 are not emitted;

(Z) Contaminant detectors, sampling devices and recorders;

(AA) Environmental chambers and humidity chambers using only gases that are not toxic air contaminants listed in OAR chapter 340, division 247;

(BB) Lithographic printing equipment which uses laser printing;

(CC) Equipment used exclusively for conveying and storage of plastic pellets that don't break down or degrade and are only used for indoor manufacturing;

(DD) Gas cabinets using only gasses that are not regulated air pollutants;

(EE) Salt baths using nonvolatile salts and not used in operations which result in air emissions;

(FF) Paper shredding and carpet and paper shearing, fabric brushing and sueding as well as associated conveying systems, baling equipment, and control equipment venting such equipment. This exemption does not include carpet and fabric recycling operations;

(GG) Hammermills used exclusively to process aluminum and/or tin cans, and control equipment exclusively venting such equipment;

(HH) Drop hammers or hydraulic presses for forging or metal working; or

(II) Concrete application, and installation.

(2) Type 2 changes include construction or modification for which the owner or operator is not required to obtain a permit or permit modification under title 37, and where the construction or modification would:

(a) Have emissions from any new, modified, or replaced device or activity, or any combination of devices or activities, of less than the SER defined in title 12;

(b) Not result in an increase of emissions from the source above any PSEL;

(c) Not result in an increase of emissions from the source above the netting basis by more than or equal to the SER;

(d) Not be used to establish a federally enforceable limit on the potential to emit;

(e) Be used to establish a state-only enforceable limit on the potential to emit;

(f) Not require a TACT determination under 32-008 or a MACT determination under 44-130; and

(g) Not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50 for a new or replaced device or activity.

(3) Type 3 changes include construction or modification where the construction or modification would:

(a) Have emissions from any new, modified, or replaced device or activity, or any combination of devices or activities, of more than or equal to the SER defined in title 12;

(b) Result in an increase of emissions from the source above any PSEL 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;

(c) Be used to establish a federally enforceable limit on the potential to emit;

(d) Require a TACT determination under 32-008 or a MACT determination under 44-130; or

(e) Not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50 for a new or replaced device or activity.

(4) Type 4 changes include construction or modification subject to New Source Review under title 38.

Section 34-036 Notice to Construct Application

(1) An application for any type of change must meet the requirements of the rules that were in effect on the date the complete application was submitted.

(2) Any person proposing a Type 1 or 2 change must submit a notice of construction application using electronic forms provided by LRAPA, unless otherwise approved in writing by LRAPA , before undertaking such construction or modification. The notice of construction application must include the following information, as applicable, for present or anticipated operating conditions:

(a) Name, address, tax lot, and nature of business;

(b) Name of local person responsible for compliance with these rules;

(c) Name of person authorized to receive requests for data and information;

(d) The type of construction or modification as defined in section 34-035;

(e) A description of the proposed construction or modification;

(f) A description of the production processes and a related flow chart for the proposed construction or modification;

(g) A plot plan showing the location and height of the proposed construction or modification, and the nearest residential and commercial properties;

(h) Production, throughput, or material usage;

(i) Type and quantity of fuels used;

(j) The amount, nature and duration of regulated pollutant emissions from the proposed construction or modification and any proposed change in emissions with

supporting calculation, except for equipment listed in 34-035(1)(b);

(k) Plans and specifications for air pollution control devices and facilities and their relationship to the production process, including estimated efficiency of air pollution control devices;

(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 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 subsections 32-007(1) and (2);

(o) Amount and method of refuse disposal;

(p) Land Use Compatibility Statement(s), when required by the local planning agency.

(A) Signed by the applicable local planning jurisdictions(s), determining that construction or modification is compatible with the applicable local planning jurisdiction's acknowledged comprehensive plan. If LRAPA receives a LUCS which states that the proposed action is incompatible with the acknowledged comprehensive plan, LRAPA will notify the applicant that the application cannot be processed; or

(B) If the local planning jurisdiction declines to provide a LUCS determination in response to a request for a LUCS, the owner or operator must provide LRAPA with its own analysis to demonstrate that the proposed action complies with all applicable statewide planning goals;

(q) Anticipated date of the commencement of construction (i.e., breaking ground); and

(r) Anticipated date of construction or modification completion.

(3) In addition, any person proposing a Type 2 or Type 3 change for a new or replaced device or activity must also submit an air quality analysis for any pollutants that are emitted above the de minimis emission level demonstrating that the emissions, including reductions due to air pollution control devices or permitted limits on production capacity, from the individual device or activity will not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50.

(4) Any person proposing a Type 3 change must:

(a) Submit an application for either a new or modified Basic ACDP, a Construction ACDP, a new or modified Simple ACDP, or a new or modified Standard ACDP, whichever is appropriate; or

(b) If the owner or operator of a source assigned to a General ACDP still qualifies for the General ACDP after the Type 3 change is approved, submit the information required in subsection 34-036(2).

(5) Any person proposing a Type 4 change must comply with title 38 and must submit an application for either a Construction ACDP, or a new or modified Standard ACDP, whichever is appropriate.

(6) Additional information. If LRAPA determines that additional information or corrections are needed for consideration of any type of proposed construction or modification, LRAPA will provide the applicant with a written request to provide such information by a reasonable date.

(7) If LRAPA determines it is not able to approve the applicant's submittal, or if the applicant does not timely provide additional information or corrections requested by LRAPA under subsection (6), then in addition to any other remedies available, LRAPA may:

(a) Return the application;

(b) Retain any applicable fees; and

(c) Issue a proposed denial of the application.

(8) A person who has submitted an application under this rule must notify LRAPA of any corrections and revisions to the plans and specifications that would impact emissions upon becoming aware of the changes. If the correction or revision changes the type of Notice of Construction, the person must submit the appropriate application.

(9) Where a permit issued in accordance with title 37 or OAR chapter 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:

(A) Under paragraph 34-035(1)(b), the owner or operator of a source may proceed with the construction or modification immediately after notifying LRAPA.

(B) Under paragraph 34-035(1)(a), the owner or operator of a source may

proceed with the construction or modification immediately after notifying LRAPA unless they request confirmation that the proposed construction or modification qualifies as a Type 1 change. LRAPA has 30 calendar days from receipt of the written request, with a complete notice application, to provide written approval of the proposed construction or modification, or notify the owner or operator in writing that the proposed construction or modification does not qualify as a Type 1 change.

(b) For Type 2 changes, the owner or operator of a source may proceed with the construction or modification 60 calendar days after LRAPA receives the complete notice application required in section 34-036 or on the date that LRAPA approves the proposed construction or modification in writing, whichever is sooner, unless LRAPA notifies the owner or operator in writing that the proposed construction or modification does not qualify as a Type 2 change.

(c) For Type 3 changes, the owner or operator of a source must obtain either:

(A) A new or modified Basic ACDP, Construction ACDP, a new or modified Simple ACDP, or a new or modified Standard ACDP, whichever is appropriate, in accordance with title 37 before proceeding with the construction or modification; or

(B) A new Simple or Standard ACDP, whichever is appropriate, in accordance with title 37 before proceeding with the construction or modification if the source no longer qualifies for its assigned General ACDP(s).

(d) For Type 4 changes, the owner or operator of a source 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.

(2) Upon LRAPA approval, the owner or operator of a source must construct or modify and operate the source in accordance with the approved plans and specifications, including any corrections or revisions approved by LRAPA, previously submitted in the application required under section 34-036.

(3) Approval to construct or modify does not relieve the owner or operator of a source of the obligation of complying with applicable requirements.

(4) The owner or operator of a source that receives approval to construct or modify must commence construction within 18 months of approval, or other date approved in writing by LRAPA.

(a) Construction or modification approval terminates and is invalid for the following reasons:

(A) Construction or modification is not commenced within 18 months after LRAPA issues such approval, by an alternative deadline established by LRAPA under this section, or by the deadline approved by LRAPA in an

extension under paragraph (b);

(B) Construction or modification is discontinued for a period of 18 months or more; or

(C) Construction or modification is not completed within 18 months of the anticipated date of construction completion included in the application.

(b) The owner or operator may submit a request to extend the construction or modification commencement deadline by submitting a written, detailed explanation of why the source could not commence construction or modification within the initial 18-month period. LRAPA may grant, for good cause, one 18-month construction or modification approval extension.

(5) Notice of Completion. Unless otherwise specified in the Construction ACDP or approval, the owner or operator of a source 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) Whether the construction or modification was completed in accordance with approved plans, specifications and any corrections or revisions thereto under section 34-016, such as but not limited to:

(A) Make, model, and identification name or number of the constructed device or activity, or any combination of devices or activities;

(B) Location of the constructed device or activity, or any combination of devices or activities;

(C) Exhaust parameters (e.g., stack height, diameter, temperature, flowrate, volume or area source dimensions); and

(c) The date the stationary source, device, activity, or air pollution control device was or will be put in operation.

(6) 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 of the source by certified mail.

(7) Hearing. An owner or operator of a source 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.

Section 34-038 Approval to Operate

(1) The approval to construct does not provide approval to operate the constructed, modified, or replaced stationary source or air pollution control device unless otherwise allowed by subsection (2) or (3) or under the applicable ACDP (title 37) or Oregon Title V Operating Permit programs (OAR chapter 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 section 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 section 32-010 and general particulate matter standards in sections 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 section 35-0120, 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 35-0140.

(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 section 34-030.

(b) 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.

(c) 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, or sources that have not been required to obtain a permit, Type 3 changes require the owner or operator to obtain a Construction, Basic, General, Simple, or Standard ACDP, whichever is appropriate, before operation of the approved changes.

(b) For sources currently operating under a General ACDP, a Type 3 change may be operated under the assigned General ACDP if the source still qualifies for the General ACDP. Otherwise, the owner or operator must obtain a new Simple or

Standard ACDP before operation of the approved changes.

(c) For sources currently operating under a Basic, Simple or Standard ACDP, approval to operate a Type 3 change will require the owner or operator to obtain a new or modified Basic ACDP, a new or modified Simple ACDP, or a new or modified Standard ACDP, in accordance with title 37 before operation of the approved changes. All current ACDP terms and conditions remain in effect until the new or modified ACDP is issued.

(d) Type 4 changes require the owner or operator to obtain a new or modified Standard ACDP in accordance with title 37 before operation of the approved changes.

(e) For sources currently operating under an LRAPA Title V Operating Permit, Type 3 or 4 changes may only be operated in accordance with OAR 340-218-0190(2) unless a permit modification is required.

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 OAR chapter 340, divisions 218 and 220 which apply to sources subject to the Oregon Title V Operating Permit program in Lane County. LRAPA will implement OAR chapter 340, 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 will be implemented by LRAPA in accordance with section 34-180.

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 will 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. Sections 36-001 through 36-030 apply to any source which emits air contaminants in excess 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 the 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 section 36-040.

Section 36-005 Definitions

The following definitions are relevant for the purposes of title 36. Additional definitions can be found in title 12, "Definitions."

(1) "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.

(2) "Small Source" means any stationary source that is not a large source and that operates under 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 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 cannot be avoided;

(b) Identify the specific production process or system that will cause 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 subsection 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 and 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 paragraph 36-020(1)(a).

(6) 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 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 PM_{10} 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 must be submitted and received by LRAPA in writing at least 72 hours prior to the event, and must 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 subsection 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 LRAPA approves the maintenance procedures the owner or operator does not have 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 paragraph 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 PM_{10} nonattainment areas.

(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 subsection (1).

Section 36-020 All Other Excess Emissions

(1) This rule applies to all excess emissions not addressed in sections 36-010, 36-015, and 36-040.

(a) The owner or operator of a large source, as defined by subsection 36-005(1), 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 subsection 36-005(2), 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 section 36-025.

(2) During any period of excess emissions, the owner or operator of the source must immediately reduce emissions to the greatest extent practicable 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. The owner or operator must cease operation of the equipment or facility within eight (8) hours of the beginning of the period of excess

emissions unless:

(a) Ceasing operation could result in physical damage to the equipment or facility;

(b) Ceasing operation could cause injury to employees; or

(c) Emissions associated with shutdown and the subsequent startup will exceed those emissions resulting from continued operation.

(3) An owner or operator may request continued operations under the conditions in subsection (2) by submitting to LRAPA a written request to continue operation along with the following information within eight (8) hours of the beginning of the period of excess emissions:

(a) A description or plan of how the owner or operator will minimize the excess emissions to the greatest extent practicable;

(b) A plan and timeline for returning the equipment or facility back to the applicable compliant emission limits as soon as possible; and either:

(A) Information verifying that reducing or ceasing operation could result in physical damage to the equipment or facility or injury to employees; or

(B) Calculations of emissions associated with shutdown and the subsequent startup and emissions resulting from continued operation.

(4) If LRAPA disapproves the request to continue operation, the owner or operator must cease operation of the equipment or facility within one (1) hour of receiving LRAPA's written disapproval (e.g., email or telephone conversation with email backup), until the condition causing the excess emissions has been corrected or brought under control. If LRAPA approves the request to continue operation, the owner or operator must follow the approved plans and timeline to minimize excess emissions and return the equipment or facility back to the applicable compliant emission limits as required in LRAPA's written approval (e.g., email or telephone conversation with email backup). The owner or operator must report excess emissions under section 36-025 within five (5) days of the date of the event.

(5) Notwithstanding subsection (2), at any time during the period of excess emissions, LRAPA may require the owner or operator to cease operation of the equipment or facility.

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 must submit a written excess emission report for each calendar day of the event. The report must be submitted within 15 days of the date of the event and 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 section 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 must include all pertinent information as required in subsection (1) and must 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 sections 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 sections 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, shutdown, 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.

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) under 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 section 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 section 38-0010. Sources referred to in section 37-8010 Table 1 are subject to fees set forth in section 37-8020 Table 2.

(2) Owners or operators of sources in any one of the categories in section 37-8010 Table 1 must obtain a permit. Source categories are not listed in alphabetical order. 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 owner or operator of the source must obtain a Simple or Standard ACDP. LRAPA may determine that a source is ineligible for a Basic ACDP or a General ACDP based upon the considerations in subsection 37-0025(7).

(a) Owners or operators of commercial and industrial sources listed in Table 1, Part A must obtain a Basic ACDP under section 37-0056 unless the person chooses to obtain a General, Simple or Standard ACDP for the source. For purposes of section 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.

(b) Owners or operators of 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 section 37-0060;

(B) A Simple ACDP under section 37-0064; or

(C) A Standard ACDP under section 37-0066 if the source fits one of the criteria of Table 1, Part C or does not qualify for a Simple ACDP.

(c) Owners or operators of sources in any one of the categories in Table 1, Part C must obtain a Standard ACDP under the procedures set forth in section 37-0066.

(3) No person may construct, install, establish, develop or operate any air contaminant source which is listed in section 37-8010 Table 1 without first obtaining an ACDP from LRAPA and keeping a copy onsite at all times, unless otherwise deferred from the requirement to obtain an ACDP in paragraph (3)(c) or LRAPA has granted an exemption from the requirement to obtain an ACDP under paragraph (3)(e). No person may continue to operate an air contaminant source if the ACDP expires, or is terminated, denied, or revoked; except as provided in section 37-0082.

(a) The owner or operator must construct and operate their facility in accordance with the approved plans and specifications, including any corrections or revisions approved by LRAPA, previously submitted in the application required under section 37-0040.

(b) For portable sources, a permit may be issued or assigned by DEQ for operation in any area of the state except Lane County or LRAPA for operation in Lane County.

(c) The owner or operator of a source required to obtain an ACDP or ACDP Attachment in order to comply with a NESHAP under title 44 or a NSPS under title 46 is not required to submit an application for an ACDP or ACDP Attachment until four (4) 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 (6) 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, subject to subparagraphs (A) and (B).

(A) Deferrals of LRAPA and/or DEQ permitting requirements do not relieve an air contaminant source from the responsibility of complying with the applicable federal NESHAP or NSPS requirements.

(B) Subparagraphs 37-0060(1)(b)(A), 37-0062(2)(b)(A) and paragraphs 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.

(d) 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, unless the source may be placed onsite and operated without any other construction necessary and obtains an Oregon Title V Operating Permit prior to operation.

(5) The owner or operator of a source that has been issued an ACDP may not modify the source without first complying with the requirements of sections 34-010 and 34-034

through 34-038.

(6) The owner or operator of a source required to have an ACDP may not make modifications to the source that would result in the source becoming subject to the Oregon Title V Operating Permit program without complying with the requirements of sections 34-010 and 34-034 through 34-038.

(7) The owner or operator of a source required to have an ACDP may not increase emissions above the PSEL without first applying for and obtaining a modified ACDP.

(8) The owner or operator of a source that has been issued an ACDP may not violate any conditions included in the ACDP.

Section 37-0025 Types of Permits

(1) Construction ACDP:

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

(b) A Construction ACDP is required for Type 3 changes specified in section 34-035 at sources subject to the 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 activities included in section 37-0054.

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

(a) Owners and operators of sources and activities listed in Table 1, Part A of section 37-8010 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 section 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. The owner or operator of a source required to obtain a Simple ACDP may choose to obtain a Standard ACDP.

(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) PSELs at less than the SER for all regulated pollutants emitted at more than the de minimis emission level in accordance with title 42; and

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

(6) Standard ACDP:

(a) Applicability

(A) The owner or operator of a source listed in Table 1, Part C of section 37-8010 must obtain a Standard ACDP.

(B) The owner or operator of a source listed in Table 1, Part B of section 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 choose to apply for 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) PSELs for all regulated pollutants emitted at more than the de minimis emission level according to title 42; and

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

(7) Notwithstanding the other provisions of this section that establish the eligibility of a

source for different types of ACDPs, LRAPA may determine, pursuant to the standards described subsection (8), that the owner or operator of a source is ineligible for certain types of ACDP and must be issued a different type of ACDP.

(8) LRAPA will make a determination about which type of ACDP that the owner or operator of source must obtain based upon the following considerations:

(a) The nature, extent, toxicity and impact on human health and the environment 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, potential threat to human health and the environment if the emission controls fail, and the source's capacity;

(d) The location of the source and its proximity to places where people live and work; and

(e) The compliance history of the source, including by the source's:

(A) Current corporate officers, managers, members of the board of directors, general partners or similar persons, provided that the person exercises or will exercise substantial control on behalf of or over the facility that is the subject of the application or permit;

(B) Parent corporations, or similar business entities, that exercise substantial control over the facility that is the subject of the application or permit; and

(C) Subsidiary corporations, or similar business entities, over which the applicant or permittee exercises substantial control.

Section 37-0030 Definitions

The definitions in title 12, section 29-0010, OAR 340-245-0020 and this section apply to this title. If the same term is defined in this section and title 12 or OAR 340-245-0020, 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 complex 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, incorporating simple NSPS and NESHAP requirements, 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 a complete application with the following general information, as applicable, in addition to any other information required for a specific permit type. Complete applications must be submitted using electronic forms provided by LRAPA, unless otherwise approved in writing by LRAPA:

(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 all emissions units, devices and activities that emit to the atmosphere, including any air pollution control devices, and the nearest residential and commercial properties;

(F) Make, model, and identification name or number of each device, activity, and air pollution control device, if known;

(G) Exhaust parameters (e.g., stack height, diameter, temperature, flowrate, volume or area source dimensions) of each emissions unit, device, and air pollution control device that emits to the atmosphere;

(H) The type and quantity of fuels used;

(I) 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;

(J) 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;

(K) Estimated efficiency of air pollution control devices under present or anticipated operating conditions;

(L) 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 subsections 32-0120(1) and (2);

(M) Land Use Compatibility Statement(s), when required by the local planning agency;

(i) Signed by the applicable local planning jurisdiction(s), determining that construction or modification of the source is compatible with applicable local jurisdiction's acknowledged comprehensive plan. If LRAPA receives a LUCS which states that the proposed action is incompatible with the acknowledged comprehensive plan, LRAPA will notify the applicant that the application cannot be processed;

(ii) If the local planning jurisdiction declines to provide a LUCS determination in response to a request for a LUCS, the owner or operator must provide LRAPA with its own analysis to demonstrate that the proposed action complies with all applicable statewide planning goals;

(N) The most recent information reported through EPA's Toxics Release Inventory program at the time of application submittal, if the source is subject to the program;

(O) An air quality analysis, conducted in accordance with the procedures in title 40, demonstrating that the emissions, including reductions due to air pollution control devices or permitted limits on production capacity, will not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50;

(P) Any information required by titles 38 and 40, and OAR chapter 340, division 245, including but not limited to control technology and analysis, and air quality analysis, conducted in accordance with the procedures in title 40; and information related to offsets and net air quality benefit, if

applicable; and

(Q) Anticipated date of the commencement of construction (i.e., breaking ground); and

(R) Anticipated date of construction completion; and

(S) Any other information requested by LRAPA.

(b) Owners or operators must submit complete applications for new permits in accordance with the timelines provided in paragraph (2)(b), as well as OAR 340-245-0030, Cleaner Air Oregon submittal and payment deadlines, and section 38-0030, permit applications subject to New Source Review, to allow LRAPA adequate time to process the application and issue a permit before it is needed.

(2) Permit Renewals. Any person who wants to renew an existing permit must submit a complete application using forms provided by LRAPA, unless otherwise allowed in writing by LRAPA.

(a) The renewal application must include:

(A) All information identified in paragraph (1)(a) that has changed since the last permit renewal or issuance;

(B) A complete list of all devices and activities, or any combination of devices and activities, including all air pollution control devices, and all categorically insignificant activities;

(C) 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;

(D) All changes to the source since the last permit issuance and all requirements applicable to those changes; and

(E) When required by LRAPA, an air quality analysis, conducted in accordance with the procedures in title 40, demonstrating that the source's emissions, including reductions due to air pollution control devices or permitted limits on production capacity, will not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50.

(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 General ACDP attachments within 30 days prior to expiration of the General ACDPs or General ACDP attachments.

(3) Permit Modifications.

(a) An owner or operator applying for a modification of a Simple or Standard ACDP must provide the information in paragraph (1)(a) relevant to the requested changes to the permit and a list of any requirements applicable to those changes.

(b) LRAPA recommends that applicants for permit modifications consider the timelines provided in paragraph (2)(b), as well as OAR 340-245-0030, Cleaner Air Oregon submittal and payment deadlines, and section 38-0030, permit applications subject to New Source Review, to allow LRAPA adequate time to process the application and issue a permit before it is needed.

(c) When required by LRAPA, the owner or operator must submit an air quality analysis demonstrating that the emissions, including reductions due to air pollution control devices or permitted limits on production capacity, will not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50.

(4) Any person 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) Permit applications must be completed in full and signed by the applicant or the applicant's legally authorized representative.

(6) When a permit application is subject to Major NSR under title 38, a copy of the permit application, including all supplemental and supporting information, must also be submitted directly to the EPA.

(7) The name of the applicant on a permit application must be the legal name of the facility's owner, the owner's agent or the lessee responsible for the operation and maintenance of the facility. The legal name must be registered with the Oregon Secretary of State Corporation Division, unless the applicant is an individual person that is operating the facility or applying for the permit, and is not doing so under an assumed business name.

(8) Once an application is deemed complete by LRAPA, all applicants must submit the appropriate fees invoiced by LRAPA as specified in Table 2 of section 37-8020 and Table 3 of section 37-8030.

(9) Permit 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.

(10) Within 15 days after receiving the application, LRAPA will preliminarily review the application to determine the adequacy of the information submitted, and:

(a) If LRAPA determines that additional information is needed, LRAPA will promptly ask the applicant for the needed information and provide the applicant with a written request to provide such information by a date, not to exceed a 60-day period;

(b) An applicant may request an extension of time from a deadline established in paragraph (a) by providing LRAPA with a written request 15 days prior to the submittal deadline. LRAPA may grant an extension based on the following criteria:

(A) The applicant has demonstrated progress in completing the submittal; and

(B) A delay is necessary, for good cause shown by the applicant, related to obtaining more accurate or new data, performing additional analyses, or addressing changes in operations or other key parameters, any of which are likely to have a substantive impact on the outcomes of the submittal;

(c) If LRAPA determines it is not able to approve the applicant's submittal, or if the applicant does not timely provide additional information or corrections requested by LRAPA under paragraph (a), then in addition to any other remedies available, LRAPA may issue a proposed denial of the application under 31-0080(6);

(d) If LRAPA has determined that additional information or corrections are necessary under paragraph (a), and except as provided in paragraph (c), LRAPA will not consider the application to be complete for processing until LRAPA has received the requested information; and.

(e) When LRAPA has determined that the information in an application is adequate for processing, LRAPA will so notify the applicant in writing.

(11) If at any time while processing the permit application, LRAPA determines that additional information is needed, LRAPA will follow the procedures in subsection (10) to request such information.

(12) 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 sections 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 chapter 340, division 218 must be met for the Construction ACDP.

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

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

(b) Provide a list of any applicable requirements related to the new construction or modification.

(3) Fees. Applicants for a Construction ACDP must pay the fees set forth in Table 2 of section 37-8020.

(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 subsection 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 five (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 moderate and complex technical modifications.

(6) Construction ACDPs may not be renewed.

Section 37-0054 Short Term Activity ACDPs

(1) Applicability. LRAPA may issue a Short Term Activity ACDP for the following types of activities:

(a) Activities that do not require a Title V permit under OAR chapter 340, division 218;

(b) Unexpected or emergency activities; or

(c) Operation of a pilot or an exploratory emissions unit.

(2) Application requirements. Any person requesting a Short Term Activity ACDP must apply in writing, fully describing the proposed activities, operations, and emissions. The application must include the following:

(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) Make, model, and identification name or number of each device, activity, and air pollution control device;

(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 rates, showing calculation procedures;

(h) Land use approval;

(i) Anticipated date of the commencement of construction (i.e., breaking ground);

(j) Anticipated date of construction completion; and

(k) When required by DEQ, an air quality analysis, conducted in accordance with the procedures in title 40, demonstrating that the source's emissions will not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50.

(3) Fees. Applicants for a Short Term Activity ACDP must pay the fees in Table 2 of section 37-8020.

(4) 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. The permittee may request that the Short Term Activity ACDP be renewed one time, for an additional 60-day period by notifying LRAPA in writing at least 14 days before the expiration of the Short Term Activity ACDP. If

LRAPA approves the renewal, no additional permit fees are required.

(5) If a Short Term Activity ACDP is issued to a permitted source, the permittee must include emissions from the short term activity when determining compliance with PSELs under title 42 and Source Risk Limits under OAR chapter 340, division 245.

(6) 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 title 37.

(2) LRAPA may determine that a source is ineligible for a Basic ACDP based upon the considerations in subsection 37-0025(7).

(3) Fees. Applicants for a new Basic ACDP must pay the fees in Table 2 of section 37-8020.

(4) 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 may contain any physical or operational limitation, including any combination of the use of control devices, restrictions on hours of operation, and/or restrictions on the type or amount of materials combusted, stored, or processed, as permit conditions to limit short term emissions for all devices and activities that require controls or limitations to ensure the source's emission will not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50;

(d) A Basic ACDP will require that a simplified annual report be submitted to LRAPA; and

(e) A Basic ACDP may be issued for a period not to exceed ten (10) years.

(5) 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.

(E) LRAPA may determine that a source is ineligible for a General ACDP based upon the considerations in subsection 37-0025(7).

(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 or EQC;

(B) PSELs set at the potential to emit for the largest emitting source in the source category in the state 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 ten (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) Petition for General ACDP Categories. Any person may file a petition with LRAPA to add a category for a General ACDP. LRAPA may use its discretion to determine whether to issue any such new General ACDP. The petition must include at least the following information:

(a) Justification for why a new General ACDP category should be developed;

(b) The approximate number of businesses that would be eligible for the General ACDP;

(c) Criteria for qualification to the General ACDP; and

(d) A list of the requirements applicable to the activities or sources that would be eligible for the new General ACDP.

(3) 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 subsection 37-0040(1), specifies the General ACDP source category, and shows that the source qualifies for the General ACDP.

(b) Fees. Applicants must pay the fees set forth in Table 2 of section 37-8020. 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) Gasoline dispensing facilities – stage I – Fee Class Five;

(P) Wood preserving – Fee Class Four;

(Q) Metal fabrication and finishing – Fee Class Two;

(R) Plating and polishing – Fee Class One;

(S) Motor vehicle and mobile equipment surface coating operations – Fee Class One;

(T) Paints and allied products manufacturing – Flee Class Two;

(U) Emergency generators and firewater pumps, if a permit is required – Fee Class Two.; and

(V) Air curtain incinerators – Fee Class One.

(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 applicable requirements, excluding any federal requirements not adopted by the EQC or the Board, the other applicable requirements must be covered by assignment to one or more General ACDP Attachments according to section 37-0062, otherwise the owner or operator of the source must obtain a Simple or Standard ACDP.

(E) An owner or operator of 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, must be reassigned to the General ACDP for the source category in the higher annual fee class.

(4) 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 modified General ACDP for that category and assign all existing General ACDP permit holders to the modified General ACDP.

(5) Rescission. LRAPA may rescind a 'permittee's assignment to a General ACDP if the permittee's source no longer meets the requirements or qualification conditions of the permit. In such case, the permittee 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 permittee fails to submit an application for a Simple or Standard ACDP, LRAPA will rescind the permittee'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 ten (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 section 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 subparagraph 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 section 37-0040.

(2) LRAPA may determine that a source is ineligible for a Simple ACDP based upon the considerations in subsection 37-0025(7).

(3) Fees. Applicants for a new or modified Simple ACDP must pay the fees set forth in Table 2 of section 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 F– -- 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 section 37-8010 Table 1, Part B:

(i) Category 6. Asphalt felts or coatings manufacturing;

(ii) Category 12. Boilers and other fuel burning equipment over 10 MMBtu/hour heat input (can be combined with category 25. Electric power generation);

(iii) Category 25. Electric power generation from combustion, excluding units exclusively as emergency generators and units less than 500 kW;

(iv) Category 30. Galvanizing and pipe coating;

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

(vi) Category 37. Gypsum products manufacturing;

(vii) Category 50. Non-ferrous metal foundries 100 or more tons/year of metal charged;

(viii) Category 51. Organic or inorganic industrial 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;

(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, section 37-8010 (can be combined with category 25. Electrical power generation); and/or

(B) The actual emissions from the calendar year immediately preceding the invoice date are less than five (5) tons/year of PM_{10} in a PM_{10} nonattainment or maintenance area or $PM_{2.5}$ in a $PM_{2.5}$ nonattainment or maintenance area, and less than ten (10) tons/year for each criteria pollutant; and

(C) The source is not creating a nuisance under title 49.

(b) High F– -- Any source required to have a Simple ACDP (section 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 section 37-8020 Table 2. In the case of late fees, LRAPA will issue a new invoice specifying applicable fees.

(4) 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 or EQC;

(b) PSELs at less than the SER for all regulated pollutants emitted at more than the de minimis emission level under title 42;

(c) To ensure the source's emission will not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50:

(A) Any physical or operational limitation, including any combination of the use of control devices, restrictions on hours of operation, or restrictions on the type or amount of materials combusted, stored, or processed, will be included as permit conditions to limit short term emissions for all devices and activities that require controls or limitations; or

(B) A requirement to conduct ambient monitoring to confirm a new exceedance of a National Ambient Air Quality Standard. Ambient monitoring and meteorological monitoring must be conducted in accordance with a LRAPA approved monitoring plan for a period of not less than 12 months. There must be at least 12 months of valid data with greater than 75 percent data completeness per quarter.

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

(e) A permit duration not to exceed ten (10) years.

(5) Permit issuance public notice procedures:

(a) Issuance of a new or renewed Simple ACDP requires public notice as a Category III 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 modifications and basic and simple technical modifications according to title 31; or

(B) Public notice as a Category III 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 section 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, section 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 or EQC;

(b) PSELs for all regulated pollutants emitted at more than the de minimis emission level under title 42;

(c) To ensure the source's emission will not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50:

(A) Any physical or operational limitation, including any combination of the use of control devices, restrictions on hours of operation, or restrictions on the type or amount of materials combusted, stored, or processed, will be included as permit conditions to limit short term emissions for all devices and activities that require controls or limitations; or

(B) A requirement to conduct ambient monitoring to confirm a new exceedance of a National Ambient Air Quality Standard. Ambient monitoring and meteorological monitoring must be conducted in accordance with a LRAPA approved monitoring plan for a period of not less than 12 months. There must be at least 12 months of valid data with greater than 75 percent data completeness per quarter.

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

(e) A permit duration not to exceed five (5) years. For a Standard ACDP that is issued solely to implement the requirements of title 38 for New Source Review for a Title V source, there is no expiration date. This permit is only required to be modified if any of the New Source Review permit conditions must be modified. The owner or operator does not have to pay annual fees for this permit but must pay the applicable specific activity fees for any permit modification.

(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, and as a Category III 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 Major NSR or Type A State 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 issuance requires public notice as a Category II permit action under title 31. Assigning 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 five (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 n25ubjectject to the requirements of the ACDP Attachment.

Section 37-0069 Toxic Air Contaminant Permit Addendums

(1) Purpose and intent. LRAPA may implement requirements pertaining to toxic air contaminants under OAR chapter 340, division 245 as follows:

(a) For new sources required to obtain a Standard or Simple ACDP, by including conditions in the source's ACDP to ensure compliance with the Cleaner Air Oregon rules, OAR chapter 340, division 245;

(b) For new sources required to obtain a Basic or General ACDP, by including conditions in an addendum to the source's ACDP to ensure compliance with the Cleaner Air Oregon rules, OAR chapter 340, division 245; and

(c) For existing sources, by requiring the owner or operator of the sources to obtain a Toxic Air Contaminant Permit Addendum under OAR chapter 340, division 245 that amends the source's ACDP.

(2) A Toxic Air Contaminant Permit Addendum will be incorporated into a source's ACDP upon renewal or modification that involves a public notice for which LRAPA will follow the Category II or Category III public notice procedure in title 31, except for sources that have Basic or General ACDPs.

(3) Sections 37-0062 and 37-0068 do not apply to Toxic Air Contaminant Permit Addenda.

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, section 37-8010 may obtain a Standard ACDP, even if not otherwise required to obtain a Standard ACDP under this title.

Section 37-0082 Expiration, Termination, Reinstatement 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 or reassignment has been

submitted; or

(B) Another type of permit, ACDP or Title V, has been applied for or issued authorizing operation of the source.

(b) If a timely and complete renewal or reassignment 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) Termination. Except as provided in subsection (3), a source may not be operated after the termination of a permit. A permit terminates upon:

(a) Issuance of a renewal, reassigned ACDP or a new ACDP for the same activity or operation;

(b) Written request by the permittee to LRAPA requesting termination. If LRAPA determines that a permit is no longer needed, LRAPA will confirm termination in writing to the permittee;

(c) Failure to submit a timely and complete application for permit renewal or reassignment as required in 2section 37-0040. Termination is effective on the permit expiration date;

(d) Failure to pay annual fees within 90 days of the invoice due date as issued by LRAPA, unless prior arrangements for a payment plan have been approved in writing by LRAPA.

(3) Termination of construction approval.

(a) Construction approval issued by LRAPA under this division terminates and is invalid for the following reasons:

(A) Construction is not commenced within 18 months after LRAPA issues such approval, by an alternative deadline established by LRAPA under this section, or by the deadline approved by LRAPA in an extension under paragraph (b);

(B) Construction is discontinued for a period of 18 months or more; or

(C) Construction is not completed within 18 months of the anticipated date of construction completion included in the application.

(b) The owner or operator of a source for which construction approval has been terminated under paragraph (a) may submit a request to extend the construction commencement deadline by submitting a written, detailed explanation of why the source could not commence construction within the initial 18-month period. LRAPA may grant for good cause one 18-month construction approval extension.

(4) Reinstatement of Terminated Permit.

(a) A permit subject to termination under paragraph (2)(c) may only be reinstated if, not later than 30 days after the permit expiration date, the permittee submits a complete renewal application and pays a late application fee equivalent to the initial new permitting application fee that would apply if the source was a new source, in which case the existing, expired permit will be reinstated effective as of the permit expiration date and will remain in effect until final action has been taken on the renewal application to issue or deny a permit;

(b) A permit terminated under subsection (2)(d) may only be reinstated if, not later than 90 days after termination, the permittee pays all unpaid annual fees and applicable late fees in which case the existing permit will be reinstated effective on the date of termination; and

(c) A terminated permit may only be reinstated as provided in paragraph (a) and (b). If neither paragraph (a) or (b) apply, the former permittee of a terminated permit who wishes to obtain an ACDP must submit a complete application for a new permit, including paying applicable new source permit application fees and any unpaid annual fees and late fees that were due under the terminated permit. Until LRAPA issues or reassigns a new permit, the source may not operate.

(5) 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

(1) 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, following the permit issuance procedures in subsection 37-0056(5) for Basic ACDPs, subsection 37-0064(5) for Simple ACDPs, and subsection 37-0066(4) for Standard ACDPs.

(2) 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.

Section 37-0090 Sources Subject to ACDPs and Fees

(1) All air contaminant discharge sources listed in Table 1, section 37-8010 must obtain a permit from LRAPA and are subject to fees as set forth in Table 2, section 37-8020.

(2) An owner or operator of a source that is required to demonstrate compliance with Cleaner Air Oregon rules under OAR 340-245-0005 through 340-245-8050 must pay the fees specified in Table 3, section 37-8030.

(3) The fees in Table 2, section 37-8020, parts 1, 2, and 4 will increase by four (4) percent on July 1 of each year.

(4) The fees in Table 2, section 37-8020, part 3 will increase by three (3) 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 (6) 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 source 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 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 and Jurisdiction

Part A: Basic ACDP

1. Reserved.
2. Boilers and other fuel-burning equipment of 2.0 or more MMBTU but less than 10 MMBTU/hour heat input, that do not use more than 9,999 gallons per year of #2 diesel oil as a backup fuel.
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 not elsewhere classified 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 subsection 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 building board 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), excluding gasoline dispensing facilities with a monthly throughput of less than 10,000 gallons of gasoline per month.
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 plastic container manufacturing, using extrusion, molding, lamination, and foam processing and molded fiberglass container manufacturing, excluding injection molding.
47. Motor coach, travel trailer, and camper 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 subsection 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 the capacity of 5 or more tons per year of direct $PM_{2.5}$ or PM_{10} if located in a $PM_{2.5}$ or PM_{10} nonattainment or maintenance area, or 10 or more tons per year of any single criteria pollutant.
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 subsection 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 subject to 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.
89. All sources subject to BACT or LAER under title 38, a NESHAP title 44, a NSPS under title 46, or State MACT under 44-140(2), except sources:
    a. Exempted in any of the categories above;
    b. For which a Basic ACDP is available; or
    c. Registered pursuant to 34-025(2).
90. Landfills with more than 200,000 tons of waste in place and calculated methane generation rate is less than 664 metric tons per year which are subject to the requirements in OAR chapter 340, division 239.

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.
8. Landfills with more than 200,000 tons of waste in place and calculated methane generation rate is greater than or equal to 664 metric tons per year which are subject to the requirements in OAR chapter 340, division 239.

Notes:

For more information contact:

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

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	$4,841
b. Basic ACDP	$194
c. Assignment to General ACDP*	$1,936
d. Simple ACDP	$9,682
e. Construction ACDP	$15,491
f. Standard ACDP	$19,363
g. Standard ACDP (Major NSR or Type A State NSR)	$67,770

*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	$ 582
c. General ACDP	
(A) Fee Class One	$1,162
(B) Fee Class Two	$2,093
(C) Fee Class Three	$3,022
(D) Fee Class Four	$582
(E) Fee Class Five	$194
(F) Fee Class Six	$395
(G) Attachment	$194
d. Simple ACDP	
(A) Low Fee	$3,098
(B) High Fee	$6,196
e. Standard ACDP	$12,393
f. Greenhouse Gas reporting, as required by OAR chapter 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. Cleaner Air Oregon Annual Fees: (Due date 12/1 for 1/1 to 12/31 of the following year)

a. Basic ACDP	$ 151
b. General ACDP	
(A) Fee Class One	$302
(B) Fee Class Two	$544
(C) Fee Class Three	$786
(D) Fee Class Four	$151
(E) Fee Class Five	$50
(F) Fee Class Six	$100
c. Simple ACDP	
(A) Low Fee	$806
(B) High Fee	$1,612
d. Standard ACDP	$3,225

* LRAPA may extend the payment due date for dry cleaners or gasoline dispensing facilities until March 1st.

Part 4. Specific Activity Fees:

Notice of Intent to Construct Type 2[1]		$720
Permit Modification	a. Non-Technical Permit Modification	$194
	b. Basic Technical Permit Modification	$582
	c. Simple Technical Permit Modification	$1,936
	d. Moderate Technical Permit Modification	$9,682
	e. Complex Technical Permit Modification	$19,363
Toxic Air Contaminant Discharge Permit Addendum Modification	a. Non-Technical Permit Modification	$179
	b. Basic Technical Permit Modification	$433
	c. Simple Technical Permit Modification	$1,440
	d. Moderate Technical Permit Modification	$7,162
	e. Complex Technical Permit Modification	$14,322
f. Major NSR or Type A State NSR Permit Modification		$67,770
g. Modeling Review (outside Major NSR or Type A State NSR)		$9,682
h. Public Hearing at Source's Request		$3,873
i. LRAPA MACT Determination		$9,682
j. Compliance Order Monitoring[2]		$194/month

1. The Type 2 Notice of Intent to Construct does not apply to existing Basic ACDP or General ACDP sources.
2. Compliance Order Monitoring 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. **Late Fees:**

a. 8-30 days late 5%

b. 31-60 days late 10%

c. 61 or more days late 20%

Part 6. 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 $50.
2. Motor vehicle surface coating operations registered pursuant to section 34-025 must pay $335 per year.
3. Dry cleaners using perchloroethylene registered pursuant to section 34-025 must pay $251 per year.

LANE REGIONAL AIR PROTECTION AGENCY

TABLE 3 - SECTION 37-8030

CLEANER AIR OREGON SPECIFIC ACTIVITY FEES

LRAPA sources subject to OAR chapter 340, division 245, Cleaner Air Oregon, are required to pay the specific activity fees in Table 3.

#	ACTIVITY	Permit Type			
		Title V	Standard ACDP	Simple ACDP	General or Basic ACDP
1	Existing Source Call-In Fee	$10,000	$10,000	$1,000	$500
2	New Source Consulting Fee	$12,000	$12,000	$1,900	$1,000
3	Submittal Document Modification Fee	$2,500	$2,500	$500	$250
Risk Assessment Fees					
4	Level 1 Risk Assessment - de minimis (no permit required)	$1,500	$1,500	$1,000	$800
5	Level 1 Risk Assessment - not de minimis	$2,000	$2,000	$1,500	$1,100
6	Level 2 Risk Assessment - de minimis (no permit amendment required)	$3,100	$3,100	$2,300	$2,000
7	Level 2 Risk Assessment - not de minimis	$3,600	$3,600	$2,800	$2,300
8	Level 3 Risk Assessment - de minimis (no permit required)	$8,800	$8,200	$5,300	$4,500
9	Level 3 Risk Assessment - not de minimis	$19,900	$11,300	$7,700	$6,300
10	Level 4 Risk Assessment - de minimis (no permit required)	$21,400	$18,500	$11,700	NA
11	Level 4 Risk Assessment - not de minimis	$34,600	$25,800	$15,500	NA
Risk Above Risk Action Levels					
12	Risk Reduction Plan Fee	$6,700	$6,700	$2,600	$2,600
13	Air Oregon Monitoring Plan Fee (includes risk assessment)	$25,900	$25,900	NA	NA
14	Postponement of Risk Reduction Fee	$4,400	$4,400	$4,400	$2,000
15	TBACT/TLAER Review (per Toxic Emissions Unit and type of toxic air contaminant)	$3,000	$3,000	$1,500	$1,500
Other Fees					
16	TEU Risk Assessment – no permit mod	$1,000	$1,000	$500	$500
17	TEU Risk Assessment – permit mod	$4,000	$4,000	$2,000	$1,000
18	Level 2 Modeling review only for TEU approval	$1,900	$1,300	$800	$700

#	ACTIVITY	Permit Type			
		Title V	Standard ACDP	Simple ACDP	General or Basic ACDP
19	Level 3 Modeling review only for TEU approval	$3,800	$3,800	$3,500	$3,500
20	Community Engagement Meeting Fee - high	$8,000	$8,000	$8,000	$8,000
21	Community Engagement Meeting Fee - medium	$4,000	$4,000	$4,000	$4,000
22	Community Engagement Meeting Fee - low	$1,000	$1,000	$1,000	$1,000
23	Source Test Review Fee (plan and data review) - complex	$6,000	$6,000	$6,000	$6,000
24	Source Test Review Fee (plan and data review) – moderate	$4,200	$4,200	$4,200	$4,200
25	Source Test Review Fee (plan and data review) - simple	$1,400	$1,400	$1,400	$1,400

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 sections 38-0010 through 38-0070 and sections 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 section 38-0070 if the owner or operator is first subject to section 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 sections 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 subsection 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 subsection 38-0245(2).

(3) The owner or operator of a source subject to subsection (1) or (2) must apply this title 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 sections 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 (sections 34-035 through 34-038), Air Contaminant Discharge Permits (ACDPs - title 37), Title V Operating Permits (OAR chapter 340, division 218), Highest and Best Practicable Treatment and Control Required (sections 32-005 through 32-009), Emission Standards for Hazardous Air Contaminants (title 44), and Standards of Performance for New Stationary Sources (title 46) and Stationary Source Plant Site Emission Limits (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 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 are 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 subsection 42-0046(2); and

(ii) Any adjustments under subsection 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 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 paragraph 42-0046(3)(d) and subsection 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 (6) 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.

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 chapter 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 chapter 340, division 218, whichever is

applicable.

(b) For Major NSR and Type A State NSR:

(A) Notwithstanding the requirements of subsection 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 12 months after receiving a complete application.

(3) An owner or operator that obtained approval of a project under this title must obtain approval for a revision to the project according to the permit application requirements in this title and title 37 or OAR chapter 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 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 State NSR permit actions, LRAPA may grant for good cause one or 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 section 37-8020, Table 2, Part 4.

(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 section 37-8020, Table 2, Part 4.

(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 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 chapter 340, division 218, LRAPA Title V Operating Permits, are subject to the following:

(a) Except as prohibited 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 (1) year from the date of initial startup of operation of the source

subject to Major NSR or 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.

Section 38-0034 Exemptions

Temporary emission sources that would be in operation at a site for less than two (2) 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.

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.

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) Section 38-0070; and

(2) Net Air Quality Benefit: Satisfy sections 38-0510 and 38-0520 for ozone sustainment areas or sections 38-0510 and subsections 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 subparagraph 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 subparagraph 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 subparagraph 38-0025(2)(a)(B) but that increased the potential to emit less than ten (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 five (5) years and that resulted in emission increases equal to or greater than ten (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 subsection 40-0050(4) and section 40-0070.

(b) Net Air Quality Benefit: The owner or operator of the source must satisfy sections 38-0510 and 38-0520 for ozone nonattainment areas or section 38-0510 and subsections 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 sections 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 sections 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) Section 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 section 40-0050.

Section 38-0060 Requirements for Sources in Maintenance Areas

Within a designated maintenance area, a source subject to Major NSR must meet the requirements listed below for each maintenance pollutant:

(1) Section 38-0070; and

(2) Net Air Quality Benefit: The owner or operator of the source must satisfy one of the requirements listed below:

(a) Sections 38-0510 and 38-0520 for ozone maintenance areas or section 38-0510 and subsections 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 section 50-065 or OAR 340-202-0225 by performing the analysis specified in section 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 sections 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 sections 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 subsection 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 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, 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 $PM_{10}/PM_{2.5}$ preconstruction monitoring is required by this section, at least four (4) months of data must be collected, including the season LRAPA judges to have the highest $PM_{10}/PM_{2.5}$ levels. $PM_{10}/PM_{2.5}$ 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 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:

(i) Carbon monoxide; 575 $\mu g/m^3$, 8 hour average;

(ii) Nitrogen dioxide; 14 $\mu g/m^3$, annual average;

(iii) PM_{10}; 10 $\mu g/m^3$, 24 hour average;

(iv) $PM_{2.5}$; 0 $\mu g/m^3$, 24-hour average;

(v) Sulfur dioxide; 13 $\mu g/m^3$, 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 $\mu g/m^3$, 24 hour average;

(viii) Fluorides; 0.25 $\mu g/m^3$, 24 hour average;

(ix) Total reduced sulfur; 10 $\mu g/m^3$, 1 hour average;

(x) Hydrogen sulfide; 0.04 $\mu g/m^3$, 1 hour average;

(xi) Reduced sulfur compounds; 10 $\mu g/m^3$, 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 subparagraph 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 subparagraph 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 section 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 subparagraph 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 subparagraph 38-0025(2)(a)(B), that is less than ten (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 five (5) years and that is equal to or greater than ten (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 must comply with sections 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 subsections 40-0050(4) and section 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 subsection 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 sections 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 sections 38-0510 and 38-0540 for designated areas other than ozone designated areas.

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 subsections 40-0050(1) and (2) and section 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, sections 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, section 38-0510 and subsections 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, section 38-0510 and subsections 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 subsection 38-0070(2).

(3) The owner or operator of a federal major source must comply with subsection 40-0050(4) and section 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 subsection 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 sections 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 sections 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 subsection 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 subsection 40-0050(4) and section 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, sections 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, section 38-0510 and subsections 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, section 38-0510 and subsections 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 sections 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 sections 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 section 38-0260 for each reattainment pollutant treating the reattainment pollutant as a maintenance pollutant for that rule, except that subparagraph 38-0260(2)(b)(C) and subsection (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 subsection 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 subsections 40-0050(1) and (2), and section 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) Sections 38-0510 and 38-0520 for ozone maintenance areas or section 38-0510 and subsections 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 section 50-055 or OAR 340-202-0225 by performing the analysis specified in section 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 subsection 40-0050(4) and section 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 subsection 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 sections 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 sections 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 the EQC and the Board adopts a revised maintenance plan and EPA approves it as a SIP revision.

(a) The source must comply with the LAER requirement in subsection 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 Requirements 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 subsections 40-0050(1) and (2) and section 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 subsection 40-0050(4) and section 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 subsection 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 sections 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 sections 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

Sections 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 PM_{10} must be offset with particulate in the same size range.

(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.

(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 subsection 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, sections 42-0042, or 32-100, 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 km.

(B) For sources with complete permit applications submitted on or after January 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 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 (0) 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 minus (SD multiplied by 40/30)).

(B) Contributing sources may provide offsets (PO) calculated as follows: PO = CQ minus (CD 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 subparagraphs (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 (0).

(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 (0) 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 (0).

(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 subsection 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 (0).

(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.

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, sections 42-0042, or 32-100, 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 section 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 ten (10) percent 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).

(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) 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 ten (10) percent of the AAQS at all receptors within the designated area;

(c) The air quality analysis must comply with sections 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 subsection 38-0045(2);

(ii) A source impacting a nonattainment area must meet the requirements of paragraph 38-0050(2)(b);

(iii) A source impacting a reattainment area must meet the

requirements of paragraph 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 subsection 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 paragraph 38-0245(1)(b);

(ii) A source impacting a nonattainment area must meet the requirements of paragraph 38-0250(2)(b);

(iii) A source impacting a reattainment area must meet the requirements of paragraph 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 paragraph 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 section 38-0070 or 38-0270, must comply with subsections 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

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 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 title 12, title 29, 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 PM_{10} 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) 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 $PM_{2.5}$, PM_{10}, 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 3 of 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 $(NH_4)_2SO_4$ is 0.2427 times the weight of $(NH_4)_2SO_4$ 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.

(2) In addition to the requirements defined in section 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; and

(3) An analysis of the air quality impacts for comparison to significant impact levels, PSD increments, and ambient air quality standards is not required for PM increases equal to or greater than the PM SER. If applicable, LRAPA may require the owner or operator of a source to conduct speciation of PM and perform an analysis for PM_{10} and $PM_{2.5}$.

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 section 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 3.

(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 section 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 sections 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 3; 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 section 50-055, Table 1 or OAR 340-202-0210, whichever is more current), the owner or operator of the proposed source or modification must show that modeled impacts from the proposed increased emissions, above the modeled baseline concentration, plus competing PSD increment consuming source impacts above the modeled baseline concentration are less than the PSD increments for all averaging times; 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 proposed 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 sections 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 January 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 January 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 3. 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 3. 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 (b), in accordance with section 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 sections 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 source or 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 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, 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 title 38 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 or modification.

(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 or modification.

(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 subsection 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 or modification.

(11) Any analyses performed under this section must be done in compliance with sections 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 (2) 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 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) of the Clean Air Act, 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 two (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 in the Secretary of State's bulletin. The Board or EQC may reduce the amount of any banked emission reduction credit that is protected under this subsection, if the Board or EQC 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:

(d) In the Oakridge maintenance area, $PM_{2.5}$ emission reductions must be at least 1 ton per yearEmission 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 sections 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 section 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 (2) 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 subsection 42-0035(5) and section 42-0060, all ACDP and LRAPA Title V Operating Permit 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 title 44 Table 1; high-risk pollutants listed in

40 CFR 63.74; accidental release substances listed in 40 CFR 68.130; toxic air contaminants listed in OAR chapter 340, division 246; or toxic air contaminants listed in OAR chapter 340, division 247; except that PSELs are required for pollutants identified in this subsection that are also listed in the definition of SER, title 12; or

(d) General ACDPs or General Oregon Title V Operating Permits where federally enforceable limits on potential to emit, such as a physical or operational limit, are used rather than a PSEL.

Section 42-0030 Definitions

The definitions in title 12, section 29-0010 and this section apply to this title. If the same term is defined in this section and title 12 or section 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 section 32-100 (Alternative Emission Controls).

(2) LRAPA may change PSELs at the time of a permit renewal, or if LRAPA modifies a permit pursuant to section 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. Emissions from aggregate insignificant activities must be considered when determining Major NSR or State NSR applicability under title 38.

Section 42-0041 Annual PSEL

(1) For sources subject to a General ACDP or a General LRAPA Title V Operating Permit a PSEL may be set based on the potential to emit of the largest emitting source in that source category for all sources on that permit type in the state. PSELs will be set for all regulated pollutants emitted at more than the de minimis emission level..

(2) For sources subject to a Simple ACDP, a PSEL will be set equal to the source's potential to emit.

(3) For sources subject to a Standard ACDP or an LRAPA Title V Operating Permit, a 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 (4) or (5).

(4) The initial 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 PM_{10} 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 subsection 42-0041(5).

(b) For a source that had a permit in effect on May 1, 2011 but later needs to correct its PM_{10} PSEL that was in effect on May 1, 2011 due to more accurate or reliable information, the corrected PM_{10} PSEL will be used to correct the initial $PM_{2.5}$ PSEL.

(A) Correction of a PM_{10} PSEL will not by itself trigger subsection 42-0041(5) for $PM_{2.5}$.

(B) Correction of a PM_{10} PSEL could result in further requirements for PM_{10} 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 section 42-0046, the PSEL is more than nine (9) tons above the netting basis, any future increase in the PSEL for any reason would be subject to subsection 42-0041(5).

(5) If an applicant wants an annual PSEL at a rate greater than the netting basis, the applicant must, consistent with section 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:

(A) An increase in the PSEL for GHGs is subject to the requirements of NSR

specified in paragraph 38-0010(1)(c) only if the criteria in paragraph 38-0010(1)(c) are met; and

(B) An increase in the PSEL for particulate matter (PM) is not subject to the air quality analysis but an air quality analysis is required for PM_{10} or $PM_{2.5}$ increases, if applicable.

(6) If the netting basis is adjusted in accordance with subsection 42-0051(3), then the PSEL is not required to be adjusted.

(7) For sources that meet the criteria in paragraphs (a), (b) and (c), the requirements of subsection 42-0041(5) 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 subsection 42-0041(5).

(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 short term potential to emit.

(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 sections 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 PM_{10} PSEL in effect on May 1, 2011 multiplied by the PM_{10} netting basis in effect on May 1, 2011. LRAPA may increase the initial $PM_{2.5}$ netting basis by not more than five (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 subsection 42-0041(5).

(B) For a source that had a permit in effect on May 1, 2011 but later needs to correct its PM_{10} netting basis that was in effect on May 1, 2011, due to more accurate or reliable information, the corrected PM_{10} netting basis will be used to correct the initial $PM_{2.5}$ netting basis.

(i) Correction of a PM_{10} netting basis will not by itself trigger

subsection 42-0041(5) for $PM_{2.5}$.

(ii) Correction of a PM_{10} netting basis could result in further requirements for PM_{10} in accordance with all applicable regulations.

(c) A source's netting basis is zero (0) for:

(A) Any regulated pollutant emitted from a source that first obtained a permit 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 for which the PSEL was set based on a generic PSEL under previously applicable rules; 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 (5) 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 sections 32-006, 32-007, or title 44;

(b) The netting basis will be reduced by any unassigned emissions that are reduced under paragraph 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 subsection 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, 2011, the netting basis may include emissions from emissions 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 (0) upon issuance of the other type of permit and remain zero (0) 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 (6) 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).

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 subsection 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.

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 ten (10) percent 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 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 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 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 (10) years from the end of the applicable baseline period under subparagraph (1)(c)(B) or ten (10) 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 (10) 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 (5) 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 sections 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 or part of source' 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.

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 (0) 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, Table 2) 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 subparagraph 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.

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 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 set based on the potential to emit if more than the de minimis emission level and to also comply with OAR chapter 340, division 245.

(3) The alternative emissions controls (bubble) provisions of section 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 subsection 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 (2) or more sources combine into one (1) source under this rule, the combined source is subject to the criteria in paragraph (b).

(a) Two (2) or more sources may combine into one (1) 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 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 (2) 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 section 38-0025 (major modification).

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 44

HAZARDOUS AIR POLLUTANT PROGRAM

General Provisions for Stationary Sources

Section 44-010 Policy and Purpose

The Lane Regional Air Protection Agency (LRAPA) finds that certain air contaminants for which there are no ambient air quality standards may cause or contribute to an identifiable and significant increase in mortality or to an increase in serious irreversible or incapacitating reversible illness or to irreversible ecological damage, and are therefore considered to be hazardous air pollutants. It is the policy of LRAPA that no person may cause, allow, or permit emissions into the ambient air of any hazardous substance in such quantity, concentration, or duration determined by LRAPA to be injurious to public health or the environment. The purpose of this title is to establish emissions limitations on sources of these air contaminants. In order to reduce the release of these hazardous air pollutants and protect public health and the environment, it is the intent of LRAPA to adopt by rule within this title the source category-specific requirements that are promulgated by the EPA. Furthermore, it is hereby declared the policy of LRAPA that the standards contained in this title are considered minimum standards, and as technology advances, protection of public health and the environment warrants, more stringent standards may be adopted and applied.

Section 44-015 Definitions

The definitions in title 12, OAR 340-218-0030, and this section apply to this title. If the same term is defined in this section and title 12 or 340-218-0030, the definition in this section applies to this title.

(1) "Affected source" is as defined in 40 CFR 63.2.

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

(3) "Area Source" means any stationary source which has the potential to emit hazardous air pollutants but is not a major source of hazardous air pollutants.

(4) "CFR" means the July 1, 2020 Code of Federal Regulations unless otherwise identified.

(5) "Construct a major source" means to fabricate, erect, or install at any greenfield site a stationary source or group of stationary sources which is located within a contiguous area and under common control and which emits or has the potential to emit ten (10) tons per year of any HAPs or 25 tons per year of any combination of HAP; or to fabricate, erect, or install at any developed site a new process or production unit which in and of itself

emits or has the potential to emit ten (10) tons per year of any HAP or 25 tons per year of any combination of HAP, unless the process or production unit satisfies criteria in paragraphs (a) through (f) of this definition:

(a) All HAP emitted by the process or production unit that would otherwise be controlled under the requirements of 40 CFR part 63, subpart B will be controlled by emission control equipment which was previously installed at the same site as the process or production unit;

(b) LRAPA has determined within a period of five (5) years prior to the fabrication, erection, or installation of the process or production unit that the existing emission control equipment represented the best available control technology (BACT), lowest achievable emission rate (LAER) under 40 CFR part 51 or 52, toxics-best available control technology (T-BACT) or MACT based on State air toxic rules for the category of pollutants which includes those HAP to be emitted by the process or production unit; or LRAPA determines that the control of HAP emissions provided by the existing equipment will be equivalent to that level of control currently achieved by other well-controlled similar sources (i.e., equivalent to the level of control that would be provided by a current BACT, LAER, T-BACT, or State air toxic rule MACT determination).

(c) LRAPA determines that the percent control efficiency for emission of HAP from all sources to be controlled by the existing control equipment will be equivalent to the percent control efficiency provided by the control equipment prior to the inclusion of the new process or production unit;

(d) LRAPA has provided notice and an opportunity for public comment concerning its determination that criteria in paragraphs (a), (b), and (c) apply and concerning the continued adequacy of any prior LAER, BACT, T-BACT, or State air toxic rule MACT determination;

(e) If any commenter has asserted that a prior LAER, BACT, T-BACT, or State air toxic rule MACT determination is no longer adequate, LRAPA has determined that the level of control required by that prior determination remains adequate; and

(f) Any emission limitations, work practice requirements, or other terms and conditions upon which the above determinations by LRAPA are predicated will be construed by LRAPA as applicable requirements under section 504(a) of the FCAA and either have been incorporated into any existing Title V Operating Permit for the affected facility or will be incorporated into such permit upon issuance.

(6) "Emissions Limitation" and "Emissions Standard" mean a requirement adopted by the DEQ or LRAPA, or proposed or promulgated by the Administrator of the EPA, which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment,

set fuel specifications or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

(7) "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.

(8) "Existing Source" means any source, the construction of which commenced prior to proposal of an applicable standard under sections 112 or 129 of the FCAA.

(9) "Facility" means all or part of any public or private building, structure, installation, equipment, or vehicle or vessel, including, but not limited to, ships.

(10) "Hazardous Air Pollutant" (HAP) means an air pollutant listed by the EPA under section 112(b) of the FCAA or determined by the Board to cause, or reasonably be anticipated to cause, adverse effects to human health or the environment.

(11) "Major Source" means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, ten (10) tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants. The EPA may establish a lesser quantity, or in the case of radionuclides different criteria, for a major source on the basis of the potency of the air pollutant, persistence, potential for bioaccumulation, other characteristics of the air pollutant, or other relevant factors.

(12) "Maximum Achievable Control Technology (MACT)" means an emission standard applicable to major sources of hazardous air pollutants that requires the maximum degree of reduction in emissions deemed achievable for either new or existing sources.

(13) "New Source" means a stationary source, the construction of which is commenced after proposal of a federal MACT or January 3, 1993 of this title, whichever is earlier.

(14) "Potential to Emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, must be treated as part of its design if the limitation is enforceable by the EPA. This section does not alter or affect the use of this section for any other purposes under the FCAA, or the term "capacity factor" as used in Title IV of the FCAA or the regulations promulgated under it. Secondary emissions will not be considered in determining the potential to emit of a source.

(15) "Reconstruct a Major Source" means the replacement of components at an existing process or production unit that in and of itself emits or has the potential to emit ten (10) tons per year of any HAP or 25 tons per year of any combination of HAP, whenever: the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable process or production unit; and it is technically and economically feasible for the reconstructed major source to meet the

applicable maximum achievable control technology emission limitation for new sources established under 40 CFR part 63, subpart B.

(16) "Regulated Air Pollutant" as used in this title means:

(a) Any pollutant listed under OAR 340-244-0040 or section 44-020, Table 1; or

(b) Any pollutant that is subject to a standard promulgated under section 129 of the FCAA.

(17) "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.

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

(19) "Solid Waste Incineration Unit" as used in this title has the same meaning as given in section 129(g) of the FCAA.

(20) "Stationary Source":

(a) As used in title 44 means any building, structure, facility, or installation which emits or may emit any regulated air pollutant;

Section 44-020 List of Hazardous Air Pollutants

For purposes of this title LRAPA adopts by reference the pollutants, including groups of substances and mixtures, listed in section 112(b) of FCAA, as Hazardous Air Pollutants (Table 1 of section 44-020).

Section 44-030 Amending the List of Hazardous Air Pollutants

(1) Any person may file a petition with LRAPA to amend the HAP List. The petition must include at least the following information:

(a) Name and chemical abstract service number of the substance;

(b) Quantity of the substance used and released in Lane County;

(c) Sources or source categories emitting the substance;

(d) Potential adverse effects of the substance on public health and the environment;

(e) Potential exposure pathways; and

(f) Uncertainties in the data provided.

(2) LRAPA will present this information, or other information that LRAPA may develop, to the Board, consistent with subsection (1), for presentation to the Board which will consider it along with the best available scientific information developed by the EPA, the Oregon Health Authority, other states, other scientific organizations, or by any person.

(3) The Board may amend the HAP list if:

(a) It finds there is a scientifically defensible need to add a substance not on the EPA list to protect the public health or environment;

(b) A chemical is added to the list by the EPA;

(c) A substance is deleted from the list by the EPA and the Board finds that the substance can be deleted without causing harm to public health or the environment; or

(d) A substance has previously been added to the list by the Board but not by the EPA, and the Board finds that the substance can be deleted without causing harm to public health or the environment.

COMPLIANCE EXTENSIONS FOR EARLY REDUCTIONS

Section 44-040 Applicability

The requirements of 40 CFR part 63, subpart D apply to an owner or operator of an existing source who wishes to obtain a compliance extension and an alternative emission limit from a standard issued under section 112(d) of the FCAA. Any owner or operator of a facility who elects to comply with a compliance extension and alternative emission limit issued under this section must complete a permit application as prescribed in 40 CFR 63.77.

Section 44-130 Emissions Limitation for New and Reconstructed Major Sources

(1) Federal MACT. Any person who proposes to construct a major source of HAP after an applicable emissions standard has been proposed by the EPA pursuant to section 112(d), section 112(n), or section 129 of the FCAA must comply with the requirements and emission standard for new sources when promulgated by EPA.

(2) State MACT. Any person who proposes to construct or reconstruct a major source of hazardous air pollutants before MACT requirements applicable to that source have been proposed by the EPA and after the effective date of the program must comply with new and reconstructed source MACT requirements of 40 CFR part 63, subpart B.

(3) Compliance schedule. The owner or operator of a new or reconstructed source must on and after the date of start-up, be in compliance with all applicable requirements specified in the Federal or State MACT.

Section 44-140 Emissions Limitation for Existing Sources

(1) Federal MACT. Existing major and area sources must comply with the applicable emissions standards for existing sources promulgated by the EPA pursuant to section 112(d), section 112(n), or section 129 of the FCAA and adopted by section within this title.

(2) State MACT. If the EPA fails to meet its schedule for promulgating a MACT standard for a source category, LRAPA must approve HAP emissions limitations for existing major sources within that category on a case-by-case basis, in accordance with the requirements of 40 CFR part 63, subpart B.

(a) The owner or operator of each existing major source within that category will file permit applications in accordance with OAR 340-218-0040 and 40 CFR part 63, subpart B.

(b) If, after a permit has been issued, the EPA promulgates a MACT standard applicable to a source, which is more stringent than the one established pursuant to this section, LRAPA must revise the permit upon the next renewal to reflect the standard promulgated by the EPA. The source will be given a reasonable time to comply, but no longer than eight (8) years after the standard is promulgated.

(c) LRAPA will not establish a case-by-case MACT:

(A) For existing solid waste incineration units where an emissions standard will be established for these units by the EPA pursuant to section 111 of the FCAA. These sources are subject to applicable emissions standards under title 46.

(B) For existing major HAP sources where an emissions standard or alternative control strategy will be established by the EPA pursuant to section 112(n) of the FCAA.

(3) Compliance schedule

(a) The owner or operator of the source must comply with the emission limitation:

(A) Within the time frame established in the applicable Federal MACT standard, but in no case later than three (3) years from the date of federal promulgation of the applicable MACT requirements; or

(B) Within the time frame established by LRAPA where a State determined MACT has been established or a case-by-case determination has been made.

(b) The owner or operator of the source may apply for, and LRAPA may grant, a

compliance extension of up to one (1) year if such additional period is necessary for the installation of controls.

(c) Notwithstanding the requirements of this section, no existing source that has installed Best Available Control Technology or been required to meet Lowest Achievable Emission Rate prior to the promulgation of a federal MACT applicable to that emissions unit is required to comply with such MACT standard until five (5) years after the date on which such installation or reduction has been achieved, as determined by LRAPA.

Section 44-150 Federal Regulations Adopted by Reference

(1) Except as provided in subsection (2) and (3), 40 CFR part 61, subparts A, C through F, J, L, N through P, V, Y, BB, and FF and 40 CFR part 63, subparts A, F through J, L, through O, Q through U, W through Y, AA through EE, GG through YY, CCC through EEE, GGG through JJJ, LLL through RRR, TTT through VVV, XXX, AAAA, CCCC through KKKK, MMMM through YYYY, AAAAA through NNNNN, PPPPP through UUUUU, WWWWW, YYYYY, ZZZZZ, BBBBBB, DDDDDD through FFFFFF, LLLLLL through TTTTTT, VVVVVV through EEEEEEE, and HHHHHHH are adopted by reference and incorporated herein, and 40 CFR part 63, subparts ZZZZ and JJJJJJ are by this reference adopted and incorporated herein only for sources required to have a Title V or ACDP permit.

(2) Where "Administrator" or "EPA" appears in 40 CFR part 61 or 63, "LRAPA" is be substituted, except in any section of 40 CFR part 61 or 63 for which a federal rule or delegation specifically indicates that authority will not be delegated to LRAPA.

(3) 40 CFR part 63, subpart M – Perchloroethylene Air Emission Standards for Dry Cleaning Facilities: The exemptions in 40 CFR 63.320(d) and (e) do not apply.

(4) 40 CFR part 61 subparts adopted by this section are titled as follows:

(a) Subpart A – General Provisions;

(b) Subpart C – Beryllium;

(c) Subpart D – Beryllium Rocket Motor Firing;

(d) Subpart E – Mercury;

(e) Subpart F – Vinyl Chloride;

(f) Subpart J – Equipment Leaks (Fugitive Emission Sources) of Benzene;

(g) Subpart L – Benzene Emissions from Coke By-Product Recovery Plants;

(h) Subpart N – Inorganic Arsenic Emissions from Glass Manufacturing Plants;

(i) Subpart O – Inorganic Arsenic Emissions from Primary Copper Smelters;

(j) Subpart P – Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities;

(k) Subpart V – Equipment Leaks (Fugitive Emission Sources);

(l) Subpart Y – Benzene Emissions from Benzene Storage Vessels;

(m) Subpart BB – Benzene Emissions from Benzene Transfer Operations; and

(n) Subpart FF – Benzene Waste Operations.

(5) 40 CFR part 63 Subparts adopted by this section are titled as follows:

(a) Subpart A – General Provisions;

(b) Subpart F – Synthetic Organic Chemical Manufacturing Industry (SOCMI);

(c) Subpart G – SOCMI - Process Vents, Storage Vessels, Transfer Operations, and Wastewater;

(d) Subpart H – SOCMI - Equipment Leaks;

(e) Subpart I – Certain Processes Subject to the Negotiated Regulation for Equipment Leaks;

(f) Subpart J – Polyvinyl Chloride and Copolymers Production;

(g) Subpart L – Coke Oven Batteries;

(h) Subpart M – Perchloroethylene Air Emission Standards for Dry Cleaning Facilities;

(i) Subpart N – Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks;

(j) Subpart O – Ethylene Oxide Emissions Standards for Sterilization Facilities;

(k) Subpart Q – Industrial Process Cooling Towers;

(l) Subpart R – Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations);

(m) Subpart S – Pulp and Paper Industry;

(n) Subpart T – Halogenated Solvent Cleaning;

(o) Subpart U – Group I Polymers and Resins;

(p) Subpart W – Epoxy Resins Production and Non-Nylon Polyamides

Production;

(q) Subpart X – Secondary Lead Smelting;

(r) Subpart Y – Marine Tank Vessel Loading Operations;

(s) Subpart AA – Phosphoric Acid Manufacturing Plants;

(t) Subpart BB – Phosphate Fertilizers Production Plants;

(u) Subpart CC – Petroleum Refineries;

(v) Subpart DD – Off-Site Waste and Recovery Operations;

(w) Subpart EE – Magnetic Tape Manufacturing Operations;

(x) Subpart GG – Aerospace Manufacturing and Rework Facilities;

(y) Subpart HH – Oil and Natural Gas Production Facilities;

(z) Subpart II – Shipbuilding and Ship Repair (Surface Coating);

(aa) Subpart JJ – Wood Furniture Manufacturing Operations;

(bb) Subpart KK – Printing and Publishing Industry;

(cc) Subpart LL – Primary Aluminum Reduction Plants;

(dd) Subpart MM – Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills;

(ee) Subpart NN – Area Sources: Wool Fiberglass Manufacturing

(ff) Subpart OO – Tanks - Level 1;

(gg) Subpart PP – Containers;

(hh) Subpart QQ – Surface Impoundments;

(ii) Subpart RR – Individual Drain Systems;

(jj) Subpart SS – Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process;

(kk) Subpart TT – Equipment Leaks - Control Level 1;

(ll) Subpart UU – Equipment Leaks - Control Level 2;

(mm) Subpart VV – Oil-Water Separators and Organic-Water Separators;

(nn) Subpart WW – Storage Vessels (Tanks) - Control Level 2;

(oo) Subpart XX – Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations;

(pp) Subpart YY – Generic Maximum Achievable Control Technology Standards;

(qq) Subpart CCC – Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants;

(rr) Subpart DDD – Mineral Wool Production;

(ss) Subpart EEE – Hazardous Waste Combustors;

(tt) Subpart GGG – Pharmaceuticals Production;

(uu) Subpart HHH – Natural Gas Transmission and Storage Facilities;

(vv) Subpart III – Flexible Polyurethane Foam Production;

(ww) Subpart JJJ – Group IV Polymers and Resins;

(xx) Subpart LLL – Portland Cement Manufacturing Industry;

(yy) Subpart MMM – Pesticide Active Ingredient Production;

(zz) Subpart NNN – Wool Fiberglass Manufacturing;

(aaa) Subpart OOO – Manufacture of Amino/Phenolic Resins;

(bbb) Subpart PPP – Polyether Polyols Production;

(ccc) Subpart QQQ – Primary Copper Smelting;

(ddd) Subpart RRR – Secondary Aluminum Production

(eee) Subpart TTT – Primary Lead Smelting;

(fff) Subpart UUU – Petroleum Refineries -- Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units;

(ggg) Subpart VVV – Publicly Owned Treatment Works;

(hhh) Subpart XXX – Ferroalloys Production: Ferromanganese, and Silicomanganese;

(iii) Subpart AAAA – Municipal Solid Waste Landfills;

(jjj) Subpart CCCC – Manufacturing of Nutritional Yeast;

(kkk) Subpart DDDD – Plywood and Composite Wood Products;

(lll) Subpart EEEE – Organic Liquids Distribution (non-gasoline);

(mmm) Subpart FFFF – Miscellaneous Organic Chemical Manufacturing;

(nnn) Subpart GGGG – Solvent Extraction for Vegetable Oil Production;

(ooo) Subpart HHHH – Wet Formed Fiberglass Mat Production;

(ppp) Subpart IIII – Surface Coating of Automobiles and Light-Duty Trucks;

(qqq) Subpart JJJJ – Paper and Other Web Coating;

(rrr) Subpart KKKK – Surface Coating of Metal Cans;

(sss) Subpart MMMM – Surface Coating of Miscellaneous Metal Parts and Products;

(ttt) Subpart NNNN – Surface Coating of Large Appliances;

(uuu) Subpart OOOO – Printing, Coating, and Dyeing of Fabrics and Other Textiles;

(vvv) Subpart PPPP – Surface Coating of Plastic Parts and Products;

(www) Subpart QQQQ – Surface Coating of Wood Building Products;

(xxx) Subpart RRRR – Surface Coating of Metal Furniture;

(yyy) Subpart SSSS – Surface Coating of Metal Coil;

(zzz) Subpart TTTT – Leather Finishing Operations;

(aaaa) Subpart UUUU – Cellulose Production Manufacturing;

(bbbb) Subpart VVVV – Boat Manufacturing;

(cccc) Subpart WWWW – Reinforced Plastics Composites Production;

(dddd) Subpart XXXX – Rubber Tire Manufacturing;

(eeee) Subpart YYYY – Stationary Combustion Turbines;

(ffff) Subpart ZZZZ – Stationary Reciprocating Internal Combustion Engines (adopted only for sources required to have a Title V or ACDP permit);

(gggg) Subpart AAAAA – Lime Manufacturing;

(hhhh) Subpart BBBBB – Semiconductor Manufacturing;

(iiii) Subpart CCCCC – Coke Ovens: Pushing, Quenching and Battery Stacks;

(jjjj) Subpart DDDDD – Industrial, Commercial, and Institutional Boilers and Process Heaters

(kkkk) Subpart EEEEE – Iron and Steel Foundries;

(llll) Subpart FFFFF – Integrated Iron and Steel Manufacturing Facilities;

(mmmm) Subpart GGGGG – Site Remediation;

(nnnn) Subpart HHHHH – Miscellaneous Coating Manufacturing;

(oooo) Subpart IIIII – Mercury Cell Chlor-Alkali Plants;

(pppp) Subpart JJJJJ – Brick and Structural Clay Products Manufacturing;

(qqqq) Subpart KKKKK – Clay Ceramics Manufacturing;

(rrrr) Subpart LLLLL – Asphalt Processing and Asphalt Roofing Manufacturing;

(ssss) Subpart MMMMM – Flexible Polyurethane Foam Fabrication Operations;

(tttt) Subpart NNNNN – Hydrochloric Acid Production;

(uuuu) Subpart PPPPP – Engine Tests Cells/Stands;

(vvvv) Subpart QQQQQ – Friction Materials Manufacturing Facilities;

(wwww) Subpart RRRRR – Taconite Iron Ore Processing;

(xxxx) Subpart SSSSS – Refractory Products Manufacturing;

(yyyy) Subpart TTTTT – Primary Magnesium Refining;

(zzzz) Subpart UUUUU – Coal- and Oil-Fired Electric Utility Steam Generating Units

(aaaaa) Subpart WWWWW – Area Sources: Hospital Ethylene Oxide Sterilization;

(bbbbb) Subpart YYYYY – Area Sources: Electric Arc Furnace Steelmaking Facilities;

(ccccc) Subpart ZZZZZ – Area Sources: Iron and Steel Foundries;

(ddddd) Subpart BBBBBB – Area Sources: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities;

(eeeee) Subpart DDDDDD – Area Sources: Polyvinyl Chloride and Copolymers Production;

(fffff) Subpart EEEEEE – Area Sources: Primary Copper Smelting;

(ggggg) Subpart FFFFFF – Area Sources: Secondary Copper Smelting;

(hhhhh) Subpart GGGGGG – Area Sources: Primary Nonferrous Metals - Zinc, Cadmium, and Beryllium;

(iiiii) Subpart HHHHHH – Area Sources: Paint Stripping and Miscellaneous Surface Coating Operations;

(jjjjj) Subpart JJJJJJ – Area Sources: Industrial, Commercial, and Institutional Boilers (adopted only for sources required to have a Title V or ACDP permit);

(kkkkk) Subpart LLLLLL – Area Sources: Acrylic and Modacrylic Fibers Production;

(lllll) Subpart MMMMMM – Area Sources: Carbon Black Production;

(mmmmm) Subpart NNNNNN – Area Sources: Chemical Manufacturing: Chromium Compounds;

(nnnnn) Subpart OOOOOO – Area Sources: Flexible Polyurethane Foam Production;

(ooooo) Subpart PPPPPP – Area Sources: Lead Acid Battery Manufacturing;

(ppppp) Subpart QQQQQQ – Area Sources: Wood Preserving;

(qqqqq) Subpart RRRRRR – Area Sources: Clay Ceramics Manufacturing;

(rrrrr) Subpart SSSSSS – Area Sources: Glass Manufacturing;

(sssss) Subpart TTTTTT – Area Sources: Secondary Nonferrous Metals Processing;

(ttttt) Subpart VVVVVV – Area Sources: Chemical Manufacturing;

(uuuuu) Subpart WWWWWW – Area Sources: Plating and Polishing Operations;

(vvvvv) Subpart XXXXXX – Area Sources: Nine Metal Fabrication and Finishing Source Categories;

(wwwww) Subpart YYYYYY – Area Sources: Ferroalloys Production Facilities;

(xxxxx) Subpart ZZZZZZ – Area Sources - Aluminum, Copper, and Other Nonferrous Foundries;

(yyyyy) Subpart AAAAAAA – Area Sources: Asphalt Processing and Asphalt Roof

Manufacturing;

(zzzzz) Subpart BBBBBBB – Area Sources: Chemical Preparations Industry;

(aaaaaa) Subpart CCCCCCC – Area Sources: Paints and Allied Products Manufacturing;

(bbbbbb) Subpart DDDDDDD – Area Sources: Prepared Feeds Manufacturing;

(cccccc) Subpart EEEEEEE – Area Sources: Gold Mine Ore Processing and Production;

(dddddd) Subpart HHHHHHH – Polyvinyl Chloride and Copolymers Production.

(Section 37-150 Original Adoption 06/11/02, includes updated provisions of sections 43-020 through 43-035 which were deleted from title 43 by 06/11/02 rulemaking; Amended 1/12/2010, Amended 04/25/2011, Amended 11/12/2015, Amended 1/11/18)

EMISSION STANDARDS FOR GASOLINE DISPENSING FACILITIES

Section 44-170 Purpose

(1) The sections 44-180 through 44-290 establish emission limitations and management practices for hazardous air pollutants (HAP) and volatile organic compounds (VOCs) emitted from the loading of gasoline storage tanks and dispensing of fuel at gasoline dispensing facilities (GDFs). Sections 44-180 through 44-290 also establish requirements to demonstrate compliance with the emission limitations and management practices.

Section 44-180 Definitions

The definitions in title 12 and this section apply to sections 44-170 through 44-290. If the same term is defined in this section and title 12, the definition in this section applies.

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

(2) "Aviation Gasoline" means a type of gasoline suitable for use as a fuel in an aviation gas spark-ignition internal combustion engine.

(3) "Dual Point Vapor Balance System" means a type of vapor balance system in which the storage tank is equipped with an entry port for a gasoline fill pipe and a separate exit port for a vapor connection.

(4) "Gasoline" means any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals (4.0 psi) or greater, which is used as a fuel for internal combustion engines.

(5) "Gasoline Cargo Tank" means a delivery tank truck or railcar which is loading or unloading gasoline, or which has loaded or unloaded gasoline on the immediately previous load.

(6) "Gasoline Dispensing Facility" (GDF) means any stationary facility which dispenses gasoline into the fuel tank of a motor vehicle, motor vehicle engine, nonroad vehicle, or nonroad engine, including a nonroad vehicle or nonroad engine used solely for competition. These facilities include, but are not limited to, facilities that dispense gasoline into on- and off-road, street, or highway motor vehicles, lawn equipment, boats, test engines, landscaping equipment, generators, pumps, and other gasoline fueled engines and equipment.

(7) "Monthly Throughput" means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at each GDF during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the current day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during

the previous 364 days, and then dividing that sum by 12.

(8) "Motor Vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway.

(9) "Nonroad engine" means an internal combustion engine (including the fuel system) that is not used in a motor vehicle or a vehicle used solely for competition, or that is not subject to standards promulgated under section 7411 of this title or section 7521 of this title [Note: for the context of the terms “section” and “title” as used in this definition, please refer to the definition of “nonroad engine” in 40 C.F.R. Part 63 Subpart CCCCCC].

(10) "Nonroad vehicle" means a vehicle that is powered by a nonroad engine, and that is not a motor vehicle or a vehicle used solely for competition.

(11) "Submerged Filling" as used in this title, means the filling of a gasoline storage tank through a submerged fill pipe whose discharge is no more than the applicable distance specified in section 44-230 from the bottom of the tank. Bottom filling of gasoline storage tanks is included in this definition.

(12) "Topping off" means, in the absence of equipment malfunction, continuing to fill a gasoline tank after the nozzle has clicked off.

(13) "Vapor Balance System" means a combination of pipes and hoses that create a closed system between the vapor spaces of an unloading gasoline cargo tank and a receiving storage tank such that vapors displaced from the storage tank are transferred to the gasoline cargo tank being unloaded.

(14) "Vapor Tight" means equipment that allows no loss of vapors. Compliance with vapor-tight requirements can be determined by monitoring to ensure that the concentration at a potential leak source is not equal to or greater than 100 percent of the Lower Explosive Limit when measured with a combustible gas detector, calibrated with propane, at a distance of 1 inch from the source.

(15) "Vapor-tight gasoline cargo tank" means a gasoline cargo tank which has demonstrated within the 12 preceding months that it meets the annual certification test requirements in 40 C.F.R. 63.11092(f).

Section 44-190 Affected Sources

(1) The affected source to which the emission standards apply is each GDF. The affected source includes each gasoline cargo tank during the unloading of gasoline to a GDF and also includes each storage tank.

(2) Gasoline storage tanks with a capacity of less than 250 gallons must comply with the work practices in subparagraph 44-230(1)(a) through 44-230(1)(e) but are not required to comply with the submerged fill requirements in section 44-230 and vapor balance requirements in section 44-240.

(3) The owner or operator of a GDF that has any gasoline storage tanks with a capacity of 250 gallons or more must comply with the work practices requirements and the submerged fill requirements in section 44-230.

(4) The owner or operator of a GDF whose total volume of gasoline that is loaded into all gasoline storage tanks greater than or equal to 250-gallon capacity must comply with the vapor balance requirements in section 44-240 if either:

(a) The annual throughput is 480,000 gallons or more in any 12 consecutive months; or

(b) The monthly throughput is 100,000 gallons or more, as calculated on a rolling 30-day basis.

(5) Each GDF must, upon request by LRAPA, demonstrate that their annual and average monthly gasoline throughput is below any applicable thresholds.

(6) The owner or operator of a GDF must comply with the requirements of subsection 44-240(4) for any gasoline storage tank equipped vapor balance system.

(7) The owner or operator of a GDF that installs a new tank with a capacity of 10,000 gallons or more after the effective date of this section must be equipped with a vapor balance system that meets the requirements in section 44-240.

(8) Monthly throughput is the total volume of gasoline loaded into, or dispensed from, all the gasoline storage tanks located at a single affected GDF. If an area source has two (2) or more GDFs at separate locations within the area source, each GDF is treated as a separate affected source.

(9) If the affected source's throughput ever exceeds an applicable throughput threshold, the affected source will remain subject to the requirements for sources above the threshold, even if the affected source throughput later falls below the applicable throughput threshold.

(10) The dispensing of gasoline from a fixed gasoline storage tank at a GDF into a portable gasoline tank for the on-site delivery and subsequent dispensing of the gasoline into the fuel tank of a motor vehicle or other gasoline-fueled engine or equipment used within the area source is only subject to subsection 44-230(1).

(11) For any affected source subject to the provisions of sections 44-170 through 44-290 and another federal rule, the owner or operator may elect to comply only with the more stringent provisions of the applicable rules. The owner or operator of an affected source must consider all provisions of the rules, including monitoring, recordkeeping, and reporting. The owner or operator of an affected source must identify the affected source and provisions with which the owner or operator of an affected source will comply in the Notification of Compliance Status required under section 44-260. The owner or operator of an affected source also must demonstrate in the Notification of Compliance Status that each provision with which the owner or operator of an affected source will comply is at

least as stringent as the otherwise applicable requirements in sections 44-170 through 44-290. The owner or operator of an affected source is responsible for making accurate determinations concerning the more stringent provisions, and noncompliance with this rule is not excused if it is later determined that your determination was in error, and, as a result, the owner or operator of an affected source is violating sections 44-170 through 44-290. Compliance with this rule is the owner's or operator's responsibility and the Notification of Compliance Status does not alter or affect that responsibility.

Section 44-200 Exceptions

(1) Agricultural Operations. The emission standards in sections 44-210 through 44-290 do not apply to GDF used exclusively for agricultural operations as defined in ORS 468A.020. Agricultural operations are however required to comply with the applicable requirements in 40 CFR part 63, subpart CCCCCC – National Hazardous Air Pollutant Emission Standards (NESHAP) for Gasoline Dispensing Facilities.

(2) Aviation Gasoline. The provisions of this section do not apply to the loading of aviation gasoline in storage tanks at airports, and aviation gasoline is not included in paragraphs 44-190(4)(a) and 44-190(4)(b).

(3) The owner or operator of an affected source, as defined in section 44-190, is not required to obtain a Title V Operating Permit, as a result of being subject to sections 44-210 through 44-290. However, the owner or operator must still apply for and obtain an LRAPA Title V Operating Permit if meeting one or more of the applicability criteria found in OAR 340-218-0020.

Section 44-210 Affected Equipment or Processes

(1) The emission sources to which this section applies are gasoline storage tanks and associated equipment components in vapor or liquid gasoline service at new, reconstructed, or existing GDF that meet the criteria specified in section 44-190. Pressure/Vacuum vents on gasoline storage tanks and the equipment necessary to unload product from cargo tanks into the storage tanks at GDF are covered emission sources. The equipment used for the refueling of motor vehicles is not covered by this section with the exception of topping off.

(2) New GDF. For purposes of this section, a GDF is a new GDF if the owner or operator commenced construction of the GDF after November 9, 2006 and meets the applicability criteria in section 44-190 upon startup of the GDF.

(3) Reconstructed GDF. A GDF is a reconstructed GDF if meeting the criteria for reconstruction as defined in 40 CFR 63.2.

(4) Existing GDF. A GDF is an existing GDF if it is not new or reconstructed.

Section 44-220 Compliance Dates

(1) For a new or reconstructed affected source, the owner or operator must comply with the

standards in sections 44-230 and 44-240, as applicable, no later than January 10, 2008 or upon startup, whichever is later, except as follows:

(a) The owner or operator of a new or reconstructed GDF must comply with paragraphs 44-230(1)(b) and (c) no later than the effective date of this section or upon startup, whichever is later.

(b) For tanks located at a GDF with average monthly throughput of less than 10,000 gallons of gasoline, the owner or operator must comply with the standards in subsection 44-230(3) no later than the effective date.

(2) The owner or operator of an existing GDF must comply with paragraphs 44-230(1)(a) through 44-230(1)(e) no later than the effective date of this section or upon startup, whichever is later.

(3) For an existing affected source, the owner or operator must comply with the standards in sections 44-230 and 44-240, as applicable, by no later than January 10, 2011.

(4) The owner or operator of an existing affected source that becomes subject to the control requirements in this section because of an increase in the monthly throughput, as specified in section 44-190, must comply with the applicable standards in this section no later than January 10, 2011 or within two (2) years after the affected source becomes subject to the additional control requirements in this section, whichever is later.

(5) The initial compliance demonstration test required under paragraphs 44-250(2)(a) and (b) must be conducted as specified in paragraphs (5)(a) and (b).

(a) For a new or reconstructed affected source, the owner or operator must conduct the initial compliance test upon installation of the complete vapor balance system.

(b) For an existing affected source, the owner or operator must conduct the initial compliance test as specified in subparagraph (5)(b)(A) or (B).

(A) For vapor balance systems installed on or before December 15, 2009 at a GDF whose average monthly throughput is 100,000 gallons of gasoline or more, the owner or operator must test no later than 180 days after the applicable compliance date specified in subsection (2) or (3).

(B) For vapor balance systems installed after December 15, 2009, the owner or operator must test upon installation of a complete vapor balance system or a new gasoline storage tank.

(C) For a GDF whose average monthly throughput is less than or equal to 100,000 gallons of gasoline, the owner or operator is only required to test upon installation of a complete vapor balance system or a new gasoline storage tank.

(6) If the GDF is subject to the control requirements in sections 44-178 through 44-290 only

because it loads gasoline into fuel tanks other than those in motor vehicles, as defined in section 44-180, the owner or operator of the GDF must comply with the standards in sections 44-178 through 44-290 as specified in paragraphs (6)(a) and (b).

(a) If the GDF is an existing facility, the owner or operator of the GDF must comply by January 24, 2014.

(b) If the GDF is a new or reconstructed facility, the owner or operator of the GDF must comply by the dates specified in subparagraphs (5)(b)(A) and (B).

(A) If startup of the GDF is after December 15, 2009, but before January 24, 2011, the owner or operator of the GDF must comply no later than January 24, 2011.

(B) If startup of the GDF is after January 24, 2011, the owner or operator of the GDF must comply upon startup of the GDF.

Section 44-225 General Duties to Minimize Emissions

Each owner or operator of an affected source must comply with the requirements of subsections (1) and (2).

(1) The owner or operator of an affected source must, at all times, operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to LRAPA and the EPA Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

(2) The owner or operator of an affected source must keep applicable records and submit reports as specified in subsections 44-270(4) and 44-280(2).

Section 44-230 Work Practice and Submerged Fill Requirements

(1) The owner or operator of a GDF must take reasonable precautions to prevent gasoline vapor releases to the atmosphere. Reasonable precautions include, but are not limited to, the following:

(a) Minimize gasoline spills;

(b) Do not top off or overfill vehicle tanks. If a person can confirm that a vehicle tank is not full after the nozzle clicks off, such as by checking the vehicle's fuel tank gauge, the person may continue to dispense fuel using best judgment and caution to prevent a spill;

(c) Post a sign at the GDF instructing a person filling up a motor vehicle to not top

off vehicle tanks;

(d) Clean up spills as expeditiously as practicable;

(e) Cover all gasoline storage tank fill-pipes with a gasketed seal and all gasoline containers when not in use;

(f) Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.

(g) Ensure that cargo tanks unloading at the GDF comply with paragraphs (1)(a), (1)(d) and (1)(e).

(2) Any cargo tank unloading at a GDF equipped with a functional vapor balance system must connect to the vapor balance system whenever gasoline is being loaded.

(3) The owner or operator of cargo tank or GDF must only load gasoline into storage tanks at the facility by utilizing submerged filling as specified in paragraph (3)(a), (3)(b) or (3)(c). The applicable distances in paragraphs (3)(a) and (3)(b) must be measured from the point in the opening of the submerged fill pipe that is the greatest distance from the bottom of the storage tank.

(a) Submerged fill pipes installed on or before November 9, 2006, must extend to no less than 12 inches from the bottom of the storage tank.

(b) Submerged fill pipes installed after November 9, 2006, must extend to no less than six (6) inches from the bottom of the storage tank.

(c) Submerged fill pipes not meeting the specifications of subsection (3)(a) or (3)(b) are allowed if the owner or operator of a GDF can demonstrate that the liquid level in the tank is always above the entire opening of the fill pipe. Documentation providing such demonstration must be made available for inspection by LRAPA and the EPA Administrator during the course of a site visit.

(4) The GDF owner or operator must submit the applicable notifications as required in section 44-260.

(5) The GDF owner or operator must have records available within 24 hours of a request by the LRAPA or the EPA Administrator to document gasoline throughput.

(6) The GDF owner or operator must comply with the requirements of this section by the applicable dates specified in section 44-220.

(7) Portable gasoline containers that meet the requirements of 40 CFR part 59, subpart F are considered acceptable for compliance with paragraph (1)(e).

Section 44-240 Vapor Balance Requirements

(1) Except as provided in subsection (2), the owner or operator of a GDF must meet the requirements in either paragraph (1)(a) or (1)(b) for all affected gasoline storage tanks.

(a) Each management practice in Table 4 of section 44-240 that applies to the GDF.

(b) If, prior to January 10, 2008, the owner or operator operates a vapor balance system on all affected tanks at the GDF that meets either requirement listed in subparagraph (1)(b)(A) or (1)(b)(B), the owner or operator of a GDF will be deemed in compliance with this subsection.

(A) Achieves emissions reduction of at least 90 percent.

(B) Operates using management practices at least as stringent as those in Table 4 of section 44-240.

(2) Gasoline storage tanks equipped with floating roofs or the equivalent are not required to comply with the control requirements in subsection (1).

(3) Cargo tanks unloading at a GDF must comply with the work practice requirements of subsection 44-230(1) and management practices in Table 5 of section 44-240.

(4) The owner or operator of a GDF subject to subsection (1) or having a gasoline storage tank equipped with a vapor balance system, must comply with the following requirements on and after the applicable compliance date in section 44-220:

(a) When loading a gasoline storage tank equipped with a vapor balance system, connect and ensure the proper operation of the vapor balance system whenever gasoline is being loaded.

(b) Maintain all equipment associated with the vapor balance system to be vapor tight and in good working order.

(c) Have the vapor balance equipment inspected on at least an annual basis to discover potential or actual equipment failures.

(d) Replace, repair or modify any worn or ineffective component or design element within 24 hours of discovery to ensure the vapor-tight integrity and efficiency of the vapor balance system. If repair parts must be ordered, either a written or verbal order for those parts must be initiated within two (2) working days of detecting such a leak. Such repair parts must be installed within five (5) working days after receipt.

(5) The owner or operator of a GDF subject to subsection (1) must also comply with the following requirements:

(a) The applicable testing requirements in section 44-250.

(b) The applicable notification requirements in section 44-260.

(c) The applicable recordkeeping and reporting requirements in sections 44-270 and 44-280.

(d) The owner or operator must have records available within 24 hours of a request by the LRAPA or the EPA Administrator to document gasoline throughput.

Section 44-250 Testing and Monitoring Requirements

(1) For all testing required by this section, submit notification to LRAPA at least ten (10) days prior to testing.

(2) If required to install a vapor balance system subject to the requirements of section 44-240, the owner or operator must comply with the testing requirements in paragraphs 44-250(2)(a) and 44-250(2)(b) at the time of installation of a vapor balance system or a new gasoline storage tank. Further, each owner or operator of a GDF with monthly throughput of 100,000 gallons of gasoline or more must also test every three (3) years after installation.

(a) The owner or operator must demonstrate compliance with the leak rate and cracking pressure requirements, specified in item 1(g) of Table 4 of section 44-240, for pressure/vacuum vent valves installed on gasoline storage tanks using test method identified in subparagraphs (a)(A) or (a)(B):

(A) PV (pressure/vacuum test valve) Vent Cap Testing in accordance with CARB TP–201.1E,–Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, adopted October 8, 2003 (incorporated by reference, see 40 CFR 63.14).

(B) Use alternative test methods and procedures in accordance with the alternative test method requirements in 40 CFR 63.7(f).

(b) The owner or operator must demonstrate compliance with the static pressure performance requirement, specified in item 1(h) of Table 4 of section 44-240, for the vapor balance system by conducting a static pressure test on the gasoline storage tanks using test methods identified in subparagraph (b)(A) or (b)(B):

(A) Pressure Decay Testing in accordance with CARB TP–201.3,–Determination of 2 inches of WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities.

(B) Use alternative test methods and procedures in accordance with the alternative test method requirements in 40 CFR 63.7(f).

(C) Bay Area Air Quality Management District Source Test Procedure ST-30 — Static Pressure Integrity Test — Underground Storage Tanks, adopted November 30, 1983, and amended December 21, 1994 (incorporated by reference, see 40 CFR 63.14).

(3) Each owner or operator of a GDF, choosing, under the provisions of 40 CFR 63.6(g), to use a vapor balance system other than that described in Table 4 of section 44-240, must demonstrate to the EPA the equivalency of their vapor balance system to that described in Table 4 of section 44-240 using the procedures specified in paragraphs (3)(a) through (c).

(a) The owner or operator must demonstrate initial compliance by conducting an initial performance test on the vapor balance system to demonstrate that the vapor balance system achieves 95 percent reduction in accordance with CARB TP–201.1,—Vapor Recovery Test Procedure,—Volumetric Efficiency for Phase I Vapor Recovery Systems, incorporated by reference, see 40 CFR 63.14.

(b) The owner or operator must, during the initial performance test required in paragraph (3)(a), determine and document alternative acceptable values for the leak rate and cracking pressure requirements specified in item 1(g) of Table 4 of section 44-240 and for the static pressure performance requirement in item 1(h) of Table 4 of section 44-240.

(c) The owner or operator must also comply with the testing requirements specified in subsection (2).

(4) Conduct of performance tests. Performance tests must be conducted under such conditions as LRAPA or the EPA Administrator specifies to the owner or operator of a GDF based on representative performance, i.e., performance based on normal operating conditions, of the affected source. Upon request by LRAPA or the EPA Administrator, the owner or operator of a GDF must make available such records as may be necessary to determine the conditions of performance tests.

(5) Owners and operators of gasoline cargo tanks subject to the provisions of Table 4 of section 44-240 must conduct annual certification testing according to the vapor tightness testing requirements found in 40 CFR 63.11092(f).

Section 44-260 Notifications

(1) Each owner or operator of a GDF subject to the submerged fill requirements in subsection 44-230(3) or the vapor balance requirements in section 44-240 must comply with subsections (2) through (6).

(a) The owner or operator of a GDF must submit an Initial Notification that the owner or operator is subject to the GDF NESHAP by May 9, 2008, or at the time the owner or operator becomes subject to the submerged fill requirements in subsection 44-230(2) or the vapor balance requirements in section 44-240, unless the owner or operator meets the requirements in subsection 44-260(4). The Initial Notification must contain the information specified in paragraphs (a) through (c) of this section. The notification must be submitted to the EPA's Region 10 Office and LRAPA as specified in 40 CFR 63.13.

(A) The name and address of the owner and the operator.

(B) The physical address of the GDF.

(C) The volume of gasoline loaded into all storage tanks or on the volume of gasoline dispensed from all storage tanks during the previous twelve months.

(D) A statement that the notification is being submitted in response to the GDF NESHAP and identifying the requirements in subsections 44-230(1) through (3) and section 44-240 that apply to the owner or operator of a GDF.

(b) The owner or operator of a GDF must submit a Notification of Compliance Status to the EPA's Region 10 Office and LRAPA as specified in 40 CFR 63.13, by the compliance date specified in section 44-220 unless the owner or operator meets the requirements in subsection (4). The Notification of Compliance Status must be signed by a responsible official who must certify its accuracy and must indicate whether the source has complied with the requirements of sections 44-170 through 44-290. If the facility is in compliance with the requirements of sections 44-170 through 44-290 at the time the Initial Notification required in paragraph (a) is due, the Notification of Compliance Status may be submitted in lieu of the Initial Notification provided it contains the information required in subsection (2).

(c) If, prior to January 10, 2008 the owner or operator satisfies the requirements in paragraph (a) or (b), the owner or operator is not required to submit an Initial Notification or a Notification of Compliance Status specified in subsections (2) and subsection 44-260(3).

(d) The owner or operator is not subject to the vapor requirements in section 44-240, and is operating in compliance with an enforceable federal, state or local rule or permit that requires submerged fill as specified in subsection 44-230(2).

(e) The owner or operator is subject to the vapor requirements in section 44-240 and meets the requirements in paragraphs (b)(A) and (b)(B).

(A) The owner or operator operates a vapor balance system at the GDF that meets the requirements of either sub-subparagraphs (4)(b)(A)(i) or (ii):

(i) Achieves emissions reduction of at least 90 percent.

(ii) Operates using management practices at least as stringent as those in Table 4.

(B) The owner or operator is operating in compliance with an enforceable federal, state, or local rule or permit that requires submerged fill as specified in subsection 44-230(2), and requires the operation of a vapor balance system as specified in subparagraph 44-260(4)(b)(A).

(2) The owner or operator must submit a Notification of Performance Test as specified in 40 CFR 63.9(e), prior to initiating testing required by subsections 44-250(2) and 44-250(3)

as applicable.

(a) The owner or operator must submit additional notifications specified in 40 CFR 63.9, as applicable.

Section 44-270 Recordkeeping Requirements

(1) Each owner or operator must keep the following records:

(a) Records of all tests performed in accordance with subsections 44-250(2) and 44-250(3).

(b) Records related to the operation and maintenance of vapor balance equipment required in section 44-240. Any vapor balance component defect must be logged and tracked by the GDF owner or operator using forms provided by LRAPA or a reasonable facsimile.

(c) Records of total monthly and annual throughput in gallons as defined.

(d) Records of permanent changes made at the GDF and to vapor balance equipment which may affect emissions.

(2) Records required under section (1) must be kept for a period of five (5) years and must be available within 24 hours of a request by LRAPA and the EPA Administrator.

(3) Each owner or operator of a gasoline cargo tank subject to the management practices in Table 5 of section 44-240 must keep records documenting vapor tightness testing for a period of five (5) years. Documentation must include each of the items specified in 40 CFR 63.11094(b)(2)(i) through (viii). Records of vapor tightness testing must be retained as specified in either subsection (3)(a) or (b).

(a) The owner or operator of a gasoline cargo tank must keep all vapor tightness testing records with the cargo tank.

(b) As an alternative to keeping all records with the cargo tank, the owner or operator of a gasoline cargo tank may comply with the requirements of subparagraphs (3)(a)(A) and (B).

(A) The owner or operator of a gasoline cargo tank may keep records of only the most recent vapor tightness test with the cargo tank and keep records for the previous four (4) years at their office or another central location.

(B) Vapor tightness testing records that are kept at a location other than with the cargo tank must be instantly available (e.g., via e-mail or facsimile) to LRAPA and the EPA Administrator during the course of a site visit or within a mutually agreeable time frame. Such records must be an exact duplicate image of the original paper copy record with certifying signatures.

(4) Each owner or operator of a GDF must keep records as specified in subsections (4)(a) and (b).

(a) Records of the occurrence and duration of each malfunction of operation, i.e., process equipment, or the air pollution control and monitoring equipment.

(b) Records of actions taken during periods of malfunction to minimize emissions in accordance with subsection 44-225(2), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

Section 44-280 Reporting Requirements

(1) Each owner or operator subject to section 44-240 must report to the LRAPA and the EPA Administrator the results of all tests required in section 44-250. Test results must be submitted within 30 days of the completion of the performance testing.

(2) Annual report. Each owner or operator of a GDF that has monthly throughput of 10,000 gallons of gasoline or more must report, by February 15 of each year, the following information, as applicable.

(a) The total throughput volume of gasoline, in gallons, for each calendar month.

(b) A summary of changes made at the facility on vapor recovery equipment which may affect emissions.

(c) List of all major maintenance performed on pollution control devices.

(d) The number, duration, and a brief description of each type of malfunction which occurred during the previous calendar year and which caused or may have caused any applicable emission limitation to be exceeded.

(e) A description of actions taken by the owner or operator of a GDF during a malfunction to minimize emissions in accordance with subsection 44-225(2), including actions taken to correct a malfunction.

Section 44-290 Federal NESHAP Subpart A Applicability

Table 3 to 40 CFR part 63, subpart CCCCCC shows which parts of the General Provisions apply to the owner or operator.

TABLE 1
(LRAPA 44-020)
LIST OF HAZARDOUS AIR POLLUTANTS

CAS NUMBER	CHEMICAL NAME
75-07-0	Acetaldehyde

TABLE 1 (LRAPA 44-020) LIST OF HAZARDOUS AIR POLLUTANTS	
CAS NUMBER	**CHEMICAL NAME**
60-35-5	Acetamide
75-05-8	Acetonitrile
98-86-2	Acetophenone
53-96-3	2-Acetylaminofluorene
107-02-8	Acrolein
79-06-1	Acrylamide
79-10-7	Acrylic acid
107-13-1	Acrylonitrile
107-05-1	Allyl chloride
92-67-1	4-Aminobiphenyl
62-53-3	Aniline
90-04-0	o-Anisidine
1332-21-4	Asbestos
71-43-2	Benzene (including benzene from gasoline)
92-87-5	Benzidine
98-07-7	Benzotrichloride
100-44-7	Benzyl chloride
92-52-4	Biphenyl
117-81-7	Bis(2-ethylhexyl) phthalate (DEHP)
542-88-1	Bis(chloromethyl) ether
75-25-2	Bromoform
106-94-5	1-bromopropane (1-BP)
106-99-0	1,3-Butadiene
156-62-7	Calcium cyanamide
133-06-2	Captan
63-25-2	Carbaryl
75-15-0	Carbon disulfide
56-23-5	Carbon tetrachloride
463-58-1	Carbon sulfide
120-80-9	Catechol
133-90-4	Chloramben

TABLE 1 (LRAPA 44-020) LIST OF HAZARDOUS AIR POLLUTANTS	
CAS NUMBER	**CHEMICAL NAME**
57-74-9	Chlordane
7782-50-5	Chlorine
79-11-8	Chloroacetic acid
532-27-4	2-Chloroacetophenone
108-90-7	Chlorobenzene
510-15-6	Chlorobenzilate
67-66-3	Chloroform
107-30-2	Chloromethyl methyl ether
126-99-8	Chloroprene
1319-77-3	Cresols/Cresylic acid (isomers and mixture)
95-48-7	o-Cresol
108-39-4	m-Cresol
106-44-5	p-Cresol
98-82-8	Cumene
94-75-7	2,4-D, salts and esters
3547-04-4	DDE
334-88-3	Diazomethane
132-64-9	Dibenzofurans
96-12-8	1,2-Dibromo-3-chloropropane
84-74-2	Dibutylphthalate
106-46-7	1,4-Dicholorobenzene(p)
91-94-1	3,3-Dichlorobenzidene
111-44-4	Dichloroethyl ether [Bis(2-chloroethyl)ether]
542-75-6	1,3-Dichloropropene
62-73-7	Dichlorvos
111-42-2	Diethanolamine
121-69-7	N,N-Diethyl aniline (N,N-Dimethylaniline)
64-67-5	Diethyl sulfate
119-90-4	3,3-Dimethyloxybenzidine
60-11-7	Dimethyl aminoazobenzene
119-93-7	3,3-Dimethyl benzidine

TABLE 1 (LRAPA 44-020) LIST OF HAZARDOUS AIR POLLUTANTS	
CAS NUMBER	**CHEMICAL NAME**
79-44-7	Dimethyl carbamoyl chloride
68-12-2	Dimethyl formamide
57-14-7	1,1-Dimethyl hydrazine
131-11-3	Dimethyl phthalate
77-78-1	Dimethyl sulfate
534-52-1	4,6-Dinitro-o-cresol, and salts
51-28-5	-2,4-Dinitrophenol
121-14-2	2,4-Dinitrotoluene
123-91-1	1,4-Dioxane (1,4-Diethyleneoxide)
122-66-7	1,2-Diphenylhydrazine
106-89-8	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106-88-7	1,2-Epoxybutane
140-88-5	Ethyl acrylate
100-41-4	Ethyl benzene
51-79-6	Ethyl carbamate (Urethane)
75-00-3	Ethyl chloride (Chloroethane)
106-93-4	Ethylene dibromide (Dibromoethane)
107-06-2	Ethylene dichloride (1,2-Dichloroethane)
107-21-1	Ethylene glycol
151-56-4	Ethylene imine (Aziridine)
75-21-8	Ethylene oxide
96-45-7	Ethylene thiourea
75-34-3	Ethylidene dichloride (1,1,-Dichloroethane)
50-00-0	Formaldehyde
76-44-8	Heptachlor
118-74-1	Hexachlorobenzene
87-68-3	Hexachlorobutadiene
77-47-4	Hexachlorocyclopentadiene
67-72-1	Hexachloroethane
822-06-0	Hexamethylene-1,6-diisocyanate
680-31-9	Hexamethylphosphoramide

TABLE 1 (LRAPA 44-020) LIST OF HAZARDOUS AIR POLLUTANTS	
CAS NUMBER	**CHEMICAL NAME**
110-54-3	Hexane
302-01-2	Hydrazine
7647-01-0	Hydrochloric acid
7664-39-3	Hydrogen fluoride (Hydrofluoric acid)
123-31-9	Hydroquinone
78-59-1	Isophorone
58-89-9	Lindane (all isomers)
108-31-6	Maleic anhydride
67-56-1	Methanol
72-43-5	Methoxychlor
74-83-9	Methyl bromide (Bromomethane)
74-87-3	Methyl chloride (Chloromethane)
71-55-6	Methyl chloroform (1,1,1-Trichloroethane)
60-34-4	Methyl hydrazine
74-88-4	Methyl iodide (Iodomethane)
108-10-1	Methyl isobutyl ketone (Hexone)
624-83-9	Methyl isocyanate
80-62-6	Methyl methacrylate
1634-04-4	Methyl tert butyl ether
101-14-4	4.4-Methylene bis(2-Chloroaniline)
75-09-2	Methylene chloride (Dichloromethane)
101-68-8	Methylene diphenyl diisocyanate (MDI)
101-77-9	4,4-Methylenedianiline
91-20-3	Naphthalene
98-95-3	Nitrobenzene
92-93-3	4-Nitrobiphenyl
100-02-7	4-Nitrophenol
79-46-9	2-Nitropropane
684-93-5	N-Nitroso-N-methylurea
62-75-9	N-Nitrosodimethylamine
59-89-2	N-Nitrosomorpholine

TABLE 1 (LRAPA 44-020) LIST OF HAZARDOUS AIR POLLUTANTS	
CAS NUMBER	**CHEMICAL NAME**
56-38-2	Parathion
82-68-8	Pentachloronitrobenzene (Quintobenzene)
87-86-5	Pentachlorophenol
108-95-2	Phenol
106-50-3	p-Phenylenediamine
75-44-5	Phosgene
7803-51-2	Phosphine
7723-14-0	Phosphorus
85-44-9	Phthalic anhydride
1336-36-3	Polychlorinated biphenyls (Aroclors)
1120-71-4	1,3-Propane sultone
57-57-8	beta-Propriolactone
123-38-6	Propionaldehyde
114-26-1	Propoxur (Baygon)
78-87-5	Propylene dichloride (1,2-Dichloropropane)
75-56-9	Propylene oxide
75-55-8	1,2-Propylenimine (2-Methyl aziridine)
91-22-5	Quinoline
106-51-4	Quinone
100-42-5	Styrene
96-09-3	Styrene oxide
1746-01-6	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79-34-5	1,1,2,2-Tetrachloroethane
127-18-4	Tetrachloroethylene (Perchloroethylene)
7550-45-0	Titanium tetrachloride
108-88-3	Toluene
95-80-7	2,4-Toluene diamine
584-84-9	2,4-Toluene diisocyanate
95-53-4	o-Toluidine
8001-35-2	Toxaphene (chlorinated camphene)
120-82-1	1,2,4-Trichlorobenzene

TABLE 1 (LRAPA 44-020) LIST OF HAZARDOUS AIR POLLUTANTS	
CAS NUMBER	**CHEMICAL NAME**
79-00-5	1,1,2-Trichloroethane
79-01-6	Trichloroethylene
95-95-4	2,4,5-Trichlorophenol
88-06-2	2,4,6-Trichlorophenol
121-44-8	Triethylamine
1582-09-8	Trifluralin
540-84-1	2,2,4-Trimethylpentane
108-05-4	Vinyl acetate
593-60-2	Vinyl bromide
75-01-4	Vinyl chloride
75-35-4	Vinylidene chloride (1,1-Dichloroethylene)
1330-20-7	Xylenes (isomers and mixture)
95-47-6	o-Xylenes
108-38-3	m-Xylenes
106-42-3	p-Xylenes
--	Antimony Compounds
--	Arsenic Compounds (inorganic including arsine)
--	Beryllium Compounds
--	Cadmium Compounds
--	Chromium Compounds
--	Cobalt Compounds
--	Coke Oven Emissions
--	Cyanide Compounds[1]
--	Glycol ethers[2]
--	Lead Compounds
--	Manganese Compounds
--	Mercury Compounds
--	Fine mineral fibers[3]
--	Nickel Compounds
--	Polycyclic Organic Matter[4]
--	Radionuclides (including radon)[5]

TABLE 1 (LRAPA 44-020) LIST OF HAZARDOUS AIR POLLUTANTS	
CAS NUMBER	**CHEMICAL NAME**
--	Selenium Compounds

NOTE: For all listings above which contain the word "compounds" and for glycol ethers, the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure.

*1 X'CN where X = H' or any other group where a formal dissociation may occur. For example KCN or $Ca(CN)_2$
*2 Includes mono- and di-ethers of ethylene glycol, diethylene glycol, and triethylene glycol $R-(OCH_2CH_2)n-OR'$ where: n = 1,2, or 3; R = alkyl or aryl groups; R' = R, H, or groups which, when removed, yield glycol ethers with the structure: $R-(OCH_2CH)_n-OH$. Polymers are excluded from the glycol category.
*3 Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.
*4 Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100°C.
*5 A type of atom which spontaneously undergoes radioactive decay.
(Table 1 original adoption 06/11/02)

[Table 2: RESERVED]

[Table 3: RESERVED]

TITLE 44 – TABLE 4 (LRAPA 44-240) MANAGEMENT PRACTICES FOR GASOLINE DISPENSING FACILITIES SUBJECT TO STAGE I VAPOR CONTROLS	
If owning or operating	**The owner or operator must**
1. An existing GDF	Install and operate a vapor balance system on gasoline storage tanks that meets the design criteria in paragraphs (a) through (h). (a) All vapor connections and lines on the storage tank must be equipped with closures that seal upon disconnect. (b) The vapor line from the gasoline storage tank to the gasoline cargo tank must be vapor-tight, as defined in section 44-180. (c) The vapor balance system must be designed such that the pressure in the tank truck does not exceed 18 inches water pressure or 5.9 inches water vacuum during product transfer. (d) The vapor recovery and product adaptors, and the method of connection with the delivery elbow, must be designed so as to prevent the over-tightening or loosening of fittings during normal delivery operations. (e) If a gauge well separate from the fill tube is used, it must be provided with a submerged drop tube that extends the same distance from the bottom of the storage tank as specified in section 44-240(2).

	(f) Liquid fill connections for all systems must be equipped with vapor-tight caps. (g) Pressure/vacuum (PV) vent valves must be installed on the storage tank vent pipes. The pressure specifications for PV vent valves must be: a positive pressure setting of 2.5 to 6.0 inches of water and a negative pressure setting of 6.0 to 10.0 inches of water. The total leak rate of all PV vent valves at an affected facility, including connections, must not exceed 0.17 cubic foot per hour at a pressure of 2.0 inches of water and 0.63 cubic foot per hour at a vacuum of 4 inches of water. (h) The vapor balance system must be capable of meeting the static pressure performance requirement of the following equation: $Pf = 2e^{-500.887/v}$ Where: Pf = Minimum allowable final pressure, inches of water. v = Total ullage affected by the test, gallons. e = Dimensionless constant equal to approximately 2.718. 2 = The initial pressure, inches water.
2. For a new or reconstructed GDF with monthly throughput of 100,000 gallons of gasoline or more, or a new storage tank(s) at an existing GDF with monthly throughput of 100,000 gallons of gasoline or more	Install and operate a dual-point vapor balance system, as defined in section 44-180, on each affected gasoline storage tank and comply with the design criteria in item 1 of this Table.

TITLE 44 – TABLE 5
(LRAPA 44-240)
MANAGEMENT PRACTICES FOR GASOLINE CARGO TANKS UNLOADING AT GASOLINE DISPENSING FACILITIES EQUIPPED WITH STAGE I VAPOR CONTROLS

If owning or operating	The owner or operator must
A gasoline cargo tank	Not unload gasoline into a storage tank at a GDF with stage I vapor controls unless the following conditions are met: i. All hoses in the vapor balance system are properly connected, ii. The adapters or couplers that attach to the vapor line on the storage tank have closures that seal upon disconnect, iii. All vapor return hoses, couplers, and adapters used in the gasoline delivery are vapor-tight, iv. All tank truck vapor return equipment is compatible in size and forms a vapor-tight connection with the vapor balance equipment on the GDF storage tank, and v. All hatches on the tank truck are closed and securely fastened. vi. The filling of storage tanks at GDF must be limited to unloading by vapor-tight gasoline cargo tanks. Documentation that the cargo tank has met the specifications of EPA Method 27 must be carried on the cargo tank.

(Table 4 Original Adoption 01/12/2010)

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 46

NEW SOURCE PERFORMANCE STANDARDS

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

Section 46-505 Statement of Purpose

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

Section 46-510 Definitions

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

(1) "Administrator" means the Administrator of the EPA or authorized representative.

(2) "Affected facility" means, with reference to a stationary source, any apparatus to which a standard is applicable.

(3) "Capital expenditure" means an expenditure for a physical or operational change to an existing facility which exceeds the product of the applicable "annual asset guideline repair allowance percentage" specified in the December 1984 edition of Internal Revenue Service (IRS) Publication 534 and the existing facility's basis, as defined by section 1012 of the Internal Revenue Code. However, the total expenditure for a physical or operational change to an existing facility must not be reduced by any "excluded additions" as defined in IRS Publication 534, as would be done for tax purposes.

(4) "CFR" means the July 1, 2020 edition of the Code of Federal Regulations unless otherwise identified.

(5) "Closed municipal solid waste landfill" (closed landfill) means a landfill in which solid waste is no longer being placed, and in which no additional solid wastes will be placed without first filing a notification of modification as prescribed under 40 CFR 60.7(a)(4). Once a notification of modification has been filed, and additional solid waste is placed in the landfill, the landfill is no longer closed.

(6) "Commenced", with respect to the definition of "new source" in section 111(a)(2) of the

FCAA, means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(7) "Existing municipal solid waste landfill" (existing landfill) means a municipal solid waste landfill that began construction, reconstruction or modification before May 30, 1991 and has accepted waste at any time since November 8, 1987 or has additional design capacity available for future waste deposition.

(8) "Existing facility" means, with reference to a stationary source, any apparatus of the type for which a standard is promulgated in 40 CFR part 60, and the construction or modification of which commenced before the date of proposal by EPA of that standard; or any apparatus which could be altered in such a way as to be of that type.

(9) "Fixed capital cost" means the capital needed to provide all the depreciable components.

(10) "Large municipal solid waste landfill" (large landfill) means a municipal solid waste landfill with a design capacity greater than or equal to 2.5 million megagrams or 2.5 million cubic meters.

(11) "Modification"

(a) Except as provided in paragraph (b), means any physical change in, or change in the method of operation of, an existing facility that increases the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by that facility or that results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted;

(b) As used in section 46-900 means an action that results in an increase in the design capacity of a landfill.

(12) "Municipal solid waste landfill" (landfill) means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. A municipal solid waste landfill may also receive other types of RCRA Subtitle D wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of a municipal solid waste landfill may be separated by access roads and may be publicly or privately owned. A municipal solid waste landfill may be a new municipal solid waste landfill, an existing municipal solid waste landfill, or a lateral expansion (modification).

(13) "New municipal solid waste landfill" (new landfill) means a municipal solid waste landfill that began construction, reconstruction or modification or began accepting waste on or after May 30, 1991.

(14) "Reconstruction" means the replacement of components of an existing facility to such an extent that:

(a) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility; and

(b) It is technologically and economically feasible to meet the applicable standards set forth in 40 CFR part 60.

(15) "Reference method" means any method of sampling and analyzing for an air pollutant as specified in 40 CFR part 60.

(16) "Small municipal solid waste landfill" (small landfill) means a municipal solid waste landfill with a design capacity less than 2.5 million megagrams or 2.5 million cubic meters.

(17) "Standard" means a standard of performance proposed or promulgated under 40 CFR part 60.

(18) "State Plan" means a plan developed for the control of a designated pollutant provided under 40 CFR part 60.

Section 46-515 Statement of Policy

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

Section 46-520 Delegation

(1) The EQC authorizes LRAPA to implement and enforce, within its boundaries, the provisions of OAR chapter 340, division 238.

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

Section 46-525 Applicability

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

(3)

PERFORMANCE STANDARDS

Section 46-535 Federal Regulations Adopted by Reference

(1) Except as provided in subsection (2), 40 CFR part 60, subparts A, D through EE, GG, HH, KK through NN, PP through XX, BBB, DDD, FFF through LLL, NNN through XXX, AAAA, CCCC, EEEE, KKKK, LLLL, OOOO, and TTTT are by this reference adopted and incorporated herein, 40 CFR part 60 subpart OOO is by this reference adopted and incorporated herein for major sources only, 40 CFR part 60, subpart IIII and JJJJ are by this reference adopted and incorporated herein only for sources required to have a Title V or ACDP permit and excluding the requirements for engine manufacturers.

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

(3) 40 CFR part 60 Subparts adopted by this section are titled as follows:

(a) Subpart A – General Provisions;

(b) Subpart D – Fossil-fuel-fired steam generators;

(c) Subpart Da – Electric utility steam generating units;

(d) Subpart Db – Industrial-commercial-institutional steam generating units;

(e) Subpart Dc – Small industrial-commercial-institutional steam generating units;

(f) Subpart E – Incinerators;

(g) Subpart Ea – Municipal waste combustors for which construction is commenced after December 20, 1989 and on or before September 20, 1994;

(h) Subpart Eb – Large municipal waste combustors for which construction is commenced after September 20, 1994 or for which modification or reconstruction is commenced after June 19, 1996;

(i) Subpart Ec – Hospital/Medical/Infectious waste incinerators that commenced construction after June 20, 1996, or for which modification is commenced after March 16, 1998;

(j) Subpart F – Portland cement plants;

(k) Subpart G – Nitric acid plants;

(l) Subpart Ga – Nitric acid plants for which construction, reconstruction, or modification commenced after October 14, 2011;

(m) Subpart H – Sulfuric acid plants;

(n) Subpart I – Hot mix asphalt facilities;

(o) Subpart J – Petroleum refineries;

(p) Subpart K – Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after June 11, 1973, and prior to May 19, 1978;

(q) Subpart Ka – Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after May 18, 1978, and prior to July 23, 1984;

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

(s) Subpart L – Secondary lead smelters;

(t) Subpart M – Secondary brass and bronze production plants;

(u) Subpart N – Primary emissions from basic oxygen process furnaces for which construction is commenced after June 11, 1973;

(v) Subpart Na – Secondary emissions from basic oxygen process steelmaking facilities for which construction is commenced after January 20, 1983;

(w) Subpart O – Sewage treatment plants;

(x) Subpart P – Primary copper smelters;

(y) Subpart Q – Primary Zinc smelters;

(z) Subpart R – Primary lead smelters;

(aa) Subpart S – Primary aluminum reduction plants;

(bb) Subpart T – Phosphate fertilizer industry: wet-process phosphoric acid plants;

(cc) Subpart U – Phosphate fertilizer industry: superphosphoric acid plants;

(dd) Subpart V – Phosphate fertilizer industry: diammonium phosphate plants;

(ee) Subpart W – Phosphate fertilizer industry: triple superphosphate plants;

(ff) Subpart X – Phosphate fertilizer industry: granular triple superphosphate storage facilities;

(gg) Subpart Y – Coal preparation and processing plants;

(hh) Subpart Z – Ferroalloy production facilities;

(ii) Subpart AA – Steel plants: electric arc furnaces constructed after October 21, 1974 and on or before August 17, 1983;

(jj) Subpart AAa – Steel plants: electric arc furnaces and argon-oxygen decarburization vessels constructed after August 17, 1983;

(kk) Subpart BB – Kraft pulp mills;

(ll) Subpart BBa – Kraft pulp mill affected sources for which construction, reconstruction, or modification commences after May 23, 2013.

(mm) Subpart CC – Glass manufacturing plants;

(nn) Subpart DD – Grain elevators;

(oo) Subpart EE – Surface coating of metal furniture;

(pp) Subpart GG – Stationary gas turbines;

(qq) Subpart HH – Lime manufacturing plants;

(rr) Subpart KK – Lead-acid battery manufacturing plants for which construction, reconstruction, or modification commenced after January 14, 1980, and on or before February 23, 2022;

(ss) Subpart LL – Metallic mineral processing plants;

(tt) Subpart MM – Automobile and light-duty truck surface coating operations;

(uu) Subpart NN – Phosphate rock plants;

(vv) Subpart PP – Ammonium sulfate manufacture;

(ww) Subpart QQ – Graphic arts industry: publication rotogravure printing;

(xx) Subpart RR – Pressure sensitive tape and label surface coating operations;

(yy) Subpart SS – Industrial surface coating: large appliances;

(zz) Subpart TT – Metal coil surface coating;

(aaa) Subpart UU – Asphalt processing and asphalt roofing manufacture;

(bbb) Subpart VV – Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry for which construction, reconstruction, or modification commenced after January 5, 1981, and on or before November 7, 2006;

(ccc) Subpart VVa – Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry for which construction, reconstruction, or modification commenced after November 7, 2006;

(ddd) Subpart WW – Beverage can surface coating industry;

(eee) Subpart XX – Bulk gasoline terminals;

(fff) Subpart BBB – Rubber tire manufacturing industry;

(ggg) Subpart DDD – Volatile organic compound (VOC) emissions from the polymer manufacture industry;

(hhh) Subpart FFF – Flexible vinyl and urethane coating and printing;

(iii) Subpart GGG – Equipment leaks of VOC in petroleum refineries for which construction, reconstruction, or modification commenced after January 4, 1983, and on or before November 7, 2006;

(jjj) Subpart GGGa-- Equipment leaks of VOC in petroleum refineries for which construction, reconstruction, or modification commenced after November 7, 2006;

(kkk) Subpart HHH – Synthetic fiber production facilities;

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

(mmm) Subpart JJJ – Petroleum dry cleaners;

(nnn) Subpart KKK – Equipment leaks of VOC from onshore natural gas processing plants for which construction, reconstruction, or modification commenced after January 20, 1984, and on or before August 23, 2011;

(ooo) Subpart LLL – SO_2 emissions from onshore natural gas processing for which construction, reconstruction, or modification commenced after January 20, 1984, and on or before August 23, 2011;

(ppp) Subpart NNN – Volatile organic compound (VOC) emissions from synthetic organic chemical manufacturing industry (SOCMI) distillation operations;

(qqq) Subpart OOO – Nonmetallic mineral processing plants (adopted by reference for major sources only);

(rrr) Subpart PPP – Wool fiberglass insulation manufacturing plants;

(sss) Subpart QQQ – VOC emissions from petroleum refinery wastewater systems;

(ttt) Subpart RRR – Volatile organic compound emissions from synthetic organic chemical manufacturing industry (SOCMI) reactor processes;

(uuu) Subpart SSS – Magnetic tape coating facilities;

(vvv) Subpart TTT – Industrial surface coating: surface coating of plastic parts for business machines;

(www) Subpart UUU – Calciners and dryers in mineral industries;

(xxx) Subpart VVV – Polymeric coating of supporting substrates facilities;

(yyy) Subpart WWW – Municipal solid waste landfills that commenced construction, reconstruction, or modification on or after May 30, 1991, but before July 18, 2014, as clarified by section 46-900;

(zzz) Subpart XXX – Municipal solid waste landfills that commenced construction, reconstruction, or modification after July 17, 2014;

(aaaa) Subpart AAAA – Small municipal waste combustion units for which construction is commenced after August 30, 1999 or for which modification or reconstruction is commenced after June 6, 2001;

(bbbb) Subpart CCCC – Commercial and industrial solid waste incineration units;

(cccc) Subpart EEEE – Other solid waste incineration units for which construction is commenced after December 9, 2004, or for which modification or reconstruction is commenced on or after June 16, 2006;

(dddd) Subpart IIII – Stationary compression ignition internal combustion engines (adopted only for sources required to have a Title V or ACDP permit), excluding the requirements for engine manufacturers (40 CFR 60.4201 through 60.4203, 60.4210, 60.4215, and 60.4216);

(eeee) Subpart JJJJ – Stationary spark ignition internal combustion engines (adopted only for sources required to have a Title V or ACDP permit), excluding the requirements for engine manufacturers (40 CFR 60.4231 through 60.4232, 60.4238 through 60.4242, and 60.4247);

(ffff) Subpart KKKK – Stationary combustion turbines;

(gggg) Subpart LLLL – New sewage sludge incineration units;

(hhhh) Subpart OOOO – Crude oil and natural gas facilities for which construction, modification, or reconstruction commenced after August 23, 2011, and on or before September 18, 2015;

(iiii) Subpart OOOOa – Crude oil and natural gas facilities for which construction, modification, or reconstruction commenced after September 18, 2015; and

(jjjj) Subpart TTTT – Greenhouse gas emissions for electric generating units.

Section 46-800 Compliance

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

Section 46-805 More Restrictive Regulations

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

Section 46-900 Municipal Solid Waste Landfills

(1) Applicability. The following small and large municipal solid waste landfills must comply with 40 CFR part 60, subpart WWW:

(a) Landfills constructed after May 30, 1991;

(b) Existing landfills with modifications after May 30, 1991;

(c) Landfills that closed after November 8, 1987 with modifications after May 30, 1991.

(2) Permitting requirements. Landfills subject to 40 CFR part 60, subpart WWW must comply with Oregon Title V Operating Permit Program Requirements as specified in OAR chapter 340, divisions 218 and 220:

(a) Existing large landfills with modifications after May 30, 1991 must submit a complete Federal Operating Permit application by March 12, 1997;

(b) Existing large landfills with modifications after March 12, 1997 must submit a complete Federal Operating Permit application the earliest of one (1) year from the date EPA approves the 111(d) State Plan for this section, or within one (1) year of the modification;

(c) New large landfills, which includes newly constructed large landfills after March 12, 1996 and existing small landfills that become large landfills after March 12, 1996 must submit a complete Federal Operating Permit application within one (1) year of becoming subject to this requirement;

(d) New and modified existing small landfills that are major sources as defined in title 12 must submit a complete Federal Operating Permit application within one (1) year of becoming a major source.

(3) Reporting requirements. Landfills subject to 40 CFR part 60, subpart WWW must comply with the following:

(a) Large landfills listed in paragraphs (1)(a) through (c) of this section must:

(A) Submit an Initial Design Capacity Report and an Initial Nonmethane Organic Compound Report within 30 days of the effective date of this section; and

(B) Submit an annual Nonmethane Organic Compound Report until nonmethane emissions are 50 mg/yr.

(b) Small landfills listed in paragraphs (1)(a) through (c) of this section must submit an Initial Design Capacity Report and an Initial Nonmethane Organic Compound Report within 30 days of the effective date of this section;

(c) Landfills subject to this section after the effective date of this section must submit an Initial Design Capacity Report and an Initial Nonmethane Organic Compound Report within 30 days of becoming subject to this section.

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, section 29-0010 and this section apply to this title. If the same term is defined in this title and title 12 or section 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 may 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 may 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 (6) minute period. The minimum observation time must be at least six (6) 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 (6) 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 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 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 section 49-010 for the identified nuisance. For sources subject to section 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.

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.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 50

AMBIENT AIR STANDARDS AND PSD INCREMENTS

Section 50-001 Definitions

The definitions in title 12, section 29-0010, and this section apply to this title. If the same term is defined in this section and title 12 or section 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 sections 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 sections 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 have historically been exceeded in certain parts of Lane County. 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 $\mu g/m^3$ of $PM_{2.5}$ 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 $\mu g/m^3$ as determined in accordance with Appendix N of 40 CFR part 50.

(b) 35 $\mu g/m^3$ of $PM_{2.5}$ as a 3-year average of annual 98^{th} percentile 24-hour average values recorded at each monitoring site. This standard is attained when the 3-year average of annual 98^{th} percentile 24-hour average concentrations is equal to or less than 35 $\mu g/m^3$ 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 $\mu g/m^3$ 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 $\mu g/m^3$, as determined in Appendix K of 40 CFR part 50 is equal to or less than one (1) 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 will be rounded to the nearest integer in parts per million (ppm). Fractional parts of 0.5 or greater will be rounded up. Concentrations of carbon monoxide as measured by an approved method, must 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 (3) 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 sections 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 section 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 (1) location.

Table 1 Section 50-055 Maximum Allowable Increase	
CLASS I	
POLLUTANT	*Micrograms per cubic meter*
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	
Pollutant	*Micrograms per cubic meter*
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:	

Table 1 Section 50-055 Maximum Allowable Increase	
Annual arithmetic mean 24-hour maximum 3-hour maximum	20 91 512
Nitrogen Dioxide: Annual arithmetic mean	25
CLASS III	
Pollutant	*Micrograms per cubic meter*
Particulate Matter: PM_{10}, annual arithmetic mean PM_{10}, 24-hour maximum $PM_{2.5}$, Annual arithmetic mean $PM_{2.5}$, 24-hour maximum	 34 60 8 18
Sulfur Dioxide: Annual arithmetic mean 24-hour maximum 3-hour maximum	 40 182 700
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 sections 38-0060 and 38-0260, if required:

(a) In a carbon monoxide maintenance area, 0.5 mg/m^3 (8 hour average) and 2 mg/m^3 (1-hour average).

(b) In a PM_{10} maintenance area:

(A) 120 $\mu g/m^3$ (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

Sections 51-010, 51-015, 51-020 and 51-025 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 an AQMA as defined in title 29, or 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 (SO_2) − 1.0 ppm, 24-hour average.

(2) For particulate matter:

(a) PM_{10} − 600 μg/m^3, 24-hour average.

(b) $PM_{2.5}$ − 350.5 μg/m^3, 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 (O_3) − 0.6 ppm, 1-hour average.

(5) For nitrogen dioxide (NO_2):

(a) 2.0 ppm, 1-hour average

(b) 0.5 ppm, 24-hour average

Section 51-007 Definitions

The definitions in title 12, section 29-0010, and this section apply to this title. If the same term is defined in this section and title 12 or section 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 must 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 ($\mu g/m^3$), 24-hour average;

(ii) $PM_{2.5}$ − 140.5 micrograms per cubic meter ($\mu g/m^3$) -- 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 must 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 $\mu g/m^3$, 24-hour average;

(ii) $PM_{2.5}$ − 210.5 $\mu g/m^3$, 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) PM_{10} − 500 $\mu g/m^3$, 2-hour average;

(ii) $PM_{2.5}$ − 280.5 $\mu g/m^3$ -- 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 $\mu g/m^3$ − 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 $\mu g/m^3$ − 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 $\mu g/m^3$ − 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 section 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 LRAPA-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 (3). 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 title. 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 section 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 source 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 will be requested to voluntarily curtail or eliminate all unnecessary operations within the designated Alert Episode area, and public transportation systems will 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 will be taken in the designated Alert Episode area:

1. There will be no open burning by any person of any material.

2. Persons operating fuel burning equipment which requires boiler lancing or soot blowing will 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 will take all required actions for the Alert level, in accordance with the preplanned strategy:

Sources of Air Contamination	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 or carbon monoxide or ozone, the following measures must be taken:

1. Operating of motor vehicles carrying fewer than three (3) persons will 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 will, 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 will 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 perchloroethylene).

5. Where appropriate for carbon monoxide episodes during the heating season, and where legal authority exists, governmental agencies will 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 will be taken:

1. There will be no open burning by any person of any material.

2. The use of incinerators for the disposal of solid or liquid wastes will be prohibited.

3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing will perform such operations only between the hours of 12 noon and 4 p.m.

4. Where legal authority exists, governmental agencies will 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 will 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	(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 will be no open burning by any person of any material.

2. The use of incinerators for the disposal of solid or liquid wastes will be prohibited.

3. All places of employment, commerce, trade, public gatherings, government, industry, business, or manufacture will 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 will 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 will be closed to all except emergency air traffic.

7. Where legal authority exists, governmental agencies will prohibit all use of woodstoves and fireplaces.

8. Any person responsible for the operation of a source of atmospheric contamination listed below will take all required control actions for this Emergency Level.

Source of Air Contamination	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.