



LRAPA
Lane Regional Air Protection Agency

Proposed Rulemaking:
Air Quality Permitting Rule Changes

- Max Hueftle
Operations Manager
- Jonathan Wright
Permit Writer


Environmental Quality Commission Meeting
May 23, 2024



LRAPA
Lane Regional Air Protection Agency



Aligning LRAPA rules with DEQ



In November 2022, the Environmental Quality Commission (EQC) adopted new Air Quality Permitting Rules. Staff have implemented these changes into LRAPA's titles and the agency's Board adopted the changes following a public hearing at their April 11, 2024, Board meeting.



EQC Action, Staff Report AQ Permitting Rules

Staff report on LRAPA's Air Quality Permitting rule changes.



Attachment A

Proposed revisions to LRAPA Air Quality Permitting Rules (redlined version with changes shown).



Attachment B

Proposed revisions to LRAPA Air Quality Permitting Rules (clean version with edits incorporated).



Attachment C

Proposed revisions to OAR 340-200-0040 (redlined version with changes shown).



Proposed changes



Eliminate Generic Plant Site Emission Limits (PSEL).

This change would allow for more flexibility in setting limits which are better suited to the specific context of each facility.



Change Notice of Intent to Construct approvals.

This change would allow for a more expedited approval process for minor construction projects with clear emissions criteria and timely commencement requirements.



Require air quality modeling for smaller increases in emissions.

This change would mandate air quality modeling for even minor emission increases, safeguarding national air standards and guide the prioritizing of oversight.



Eliminates the ability to operate without pollution control devices for 48 hours.

This change would restrict operations without pollution control devices to urgent scenarios only, enhancing continuous emission control.



DEQ staff reviewed these changes to assess and confirm they are as stringent.



Eliminate Generic Plant Site Emission Limits



This change would allow for more flexibility in setting limits which are better suited to the specific context of each facility.

- Creates permits that more accurately reflect potential emissions.
- Provides more regulatory certainty.
- Avoids over-allocation of air resources.
- Provides transparency for communities.
- Allows review of air quality modeling to ensure compliance with short-term National Ambient Air Quality Standards (NAAQS).



Change Notice to Construct (NC) approvals



This change would allow for a more expedited approval process for minor construction projects with clear emissions criteria and timely commencement requirements.

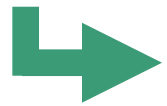
- Type 1 NC “notice and go” with optional 30 days for LRAPA to approve de minimis equipment.
- Clarify applicability of emission thresholds for each NC Type.
- Clarify **no** increase in Plant Site Emission Limits is allowed.
- Require all construction to commence within 18 months of approval.



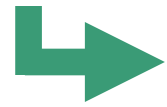
Air quality modeling requirements



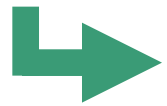
This change would mandate air quality modeling for minor emission increases, safeguarding national air standards and guide the prioritizing of oversight.



Require air quality modeling for minor increases in emissions.



Ensures the National Ambient Air Quality Standards (NAAQS) are protected for new equipment.



Alerts LRAPA that an existing source should be prioritized for short-term NAAQS compliance call-in.



Prohibition of operation without controls



This change would restrict operations without pollution control devices to urgent scenarios only, enhancing continuous emission control.

- ➔ Eliminate ability to operate without pollution control devices for 48 hours.
- ➔ Includes mandatory shutdown except for these scenarios:
 - ➔ Employee injury.
 - ➔ Equipment damage.
 - ➔ Emissions of shutdown/startup higher than continued operation.



Proposed clarifications & strengthened rules



Extend Simple permit terms from 5 to 10 years.

Provide no expiration date for pre-construction permits used to incorporate modifications into Title V permits.



Require more complete permit renewal applications.

Expand the use of short-term activity permits to include temporary operations in addition to unexpected and emergency activities.



Include DEQ's 3% increase in LRAPA's CAO annual fees as part of the annual ACDP fee increase.

Introduce a \$720 fee for Type 2 Notices of Construction, mirroring DEQ's fee to cover review costs and align LRAPA's rules.



Proposed streamlining

Clarify the effective date of permits.



Clarify categories of sources that require permits.

Some Title V sources will be subject to the Type 2 Notice of Construction fee.

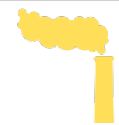


Include a process for reinstatement of permits terminated for late renewal or no payment of fees.

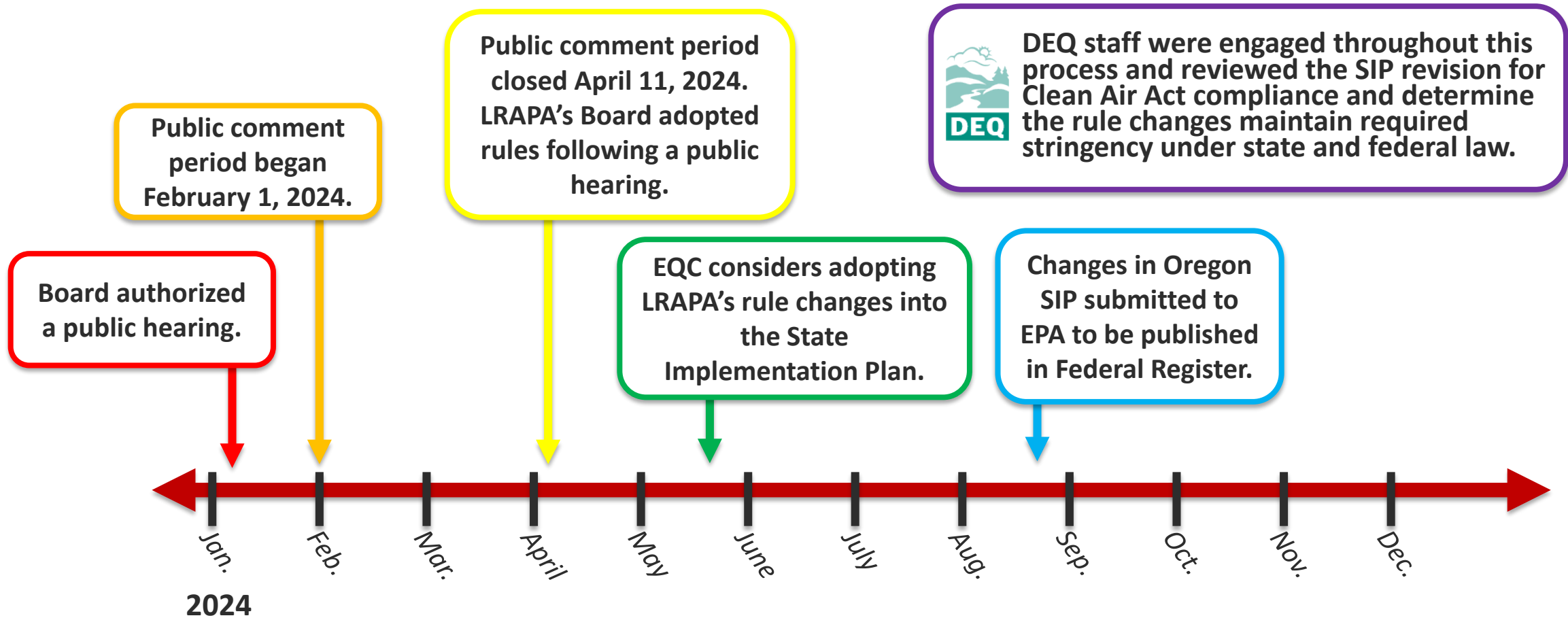
Add a new Hazardous Air Pollutant (1-bromopropane).



Switch to EPA Method 9 for opacity compliance, changing from a 3-minute aggregate to a 6-minute average, aligning LRAPA with DEQ and EPA standards.



Timeline of rulemaking process



Questions?



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Thank you!

- Max Hueftle
Operations Manager
- Jonathan Wright
Permit Writer



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DEQ

Proposed Motion Language

“I move that the Oregon Environmental Quality Commission:

- Find that the proposed LRAPA rule amendments in Attachment A are not less strict than any EQC rule or standard;***
- Approve the proposed LRAPA rule amendments seen in Attachment A under ORS 468A.135(2);***
- Approve incorporating the LRAPA rule amendments in Attachment A into the Oregon Clean Air Act State Implementation Plan under OAR 340-200-0040;***
- Adopt the proposed State Implementation Plan rule revision in Attachment C as part of Chapter 340 of the Oregon Administrative Rules; and***
- Direct DEQ to submit this State Implementation Plan revision to the U.S. Environmental Protection Agency for approval.”***





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Proposed Rulemaking:
Title 47 – Outdoor Burning

- Travis Knudsen
Director

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Responding to a local need for Outdoor Burning

In March 2023, Lowell City Administrator Jeremy Caudle notified LRAPA of the city's new ordinance 308, which changes seasonal residential burning rules and necessitates updates to LRAPA Title 47 for consistency.

EQC Action, Staff Report Title 47 Rules
Staff report on LRAPA's Title 47 – Outdoor burning rule changes.

Attachment A
Proposed revisions to LRAPA Title 47 Outdoor Burning Rules (redline version) and the final approved rules.

Attachment B
Crosswalk summary of proposed revisions to LRAPA Outdoor Burning Rules.

Attachment C
Demonstration of Noninterference PM NAAQS Under Section 110(l) of the Clean Air Act (CAA) for Proposed Revision to Allow Outdoor Burning of Woody Yard Trimmings in Lowell, Oregon During Winter Months.

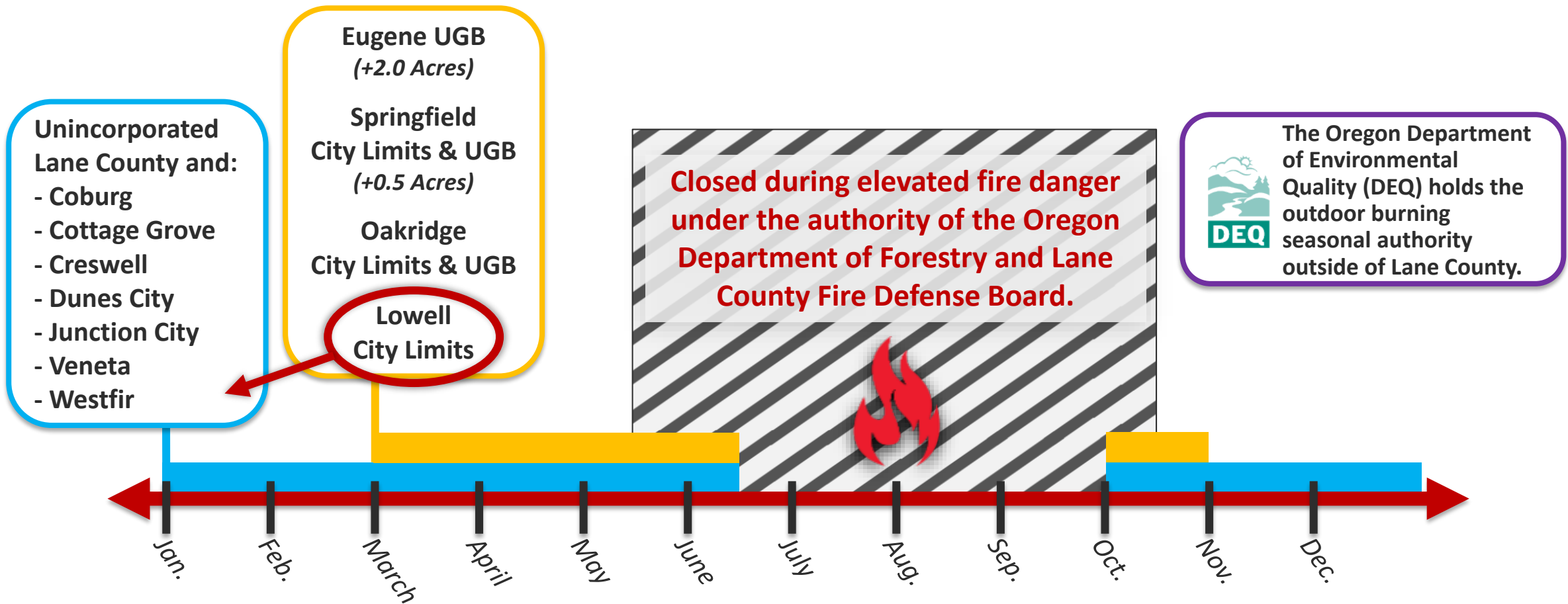
Attachment D
Proposed revisions to OAR 340-200-0040 (redlined version with changes shown).



These burns are limited to small residential backyard piles of woody yard debris like branches and brush. This change does not apply to slash burning, field burning, or any larger outdoor burns.



The outdoor burning seasons



Considerations of the NAAQS

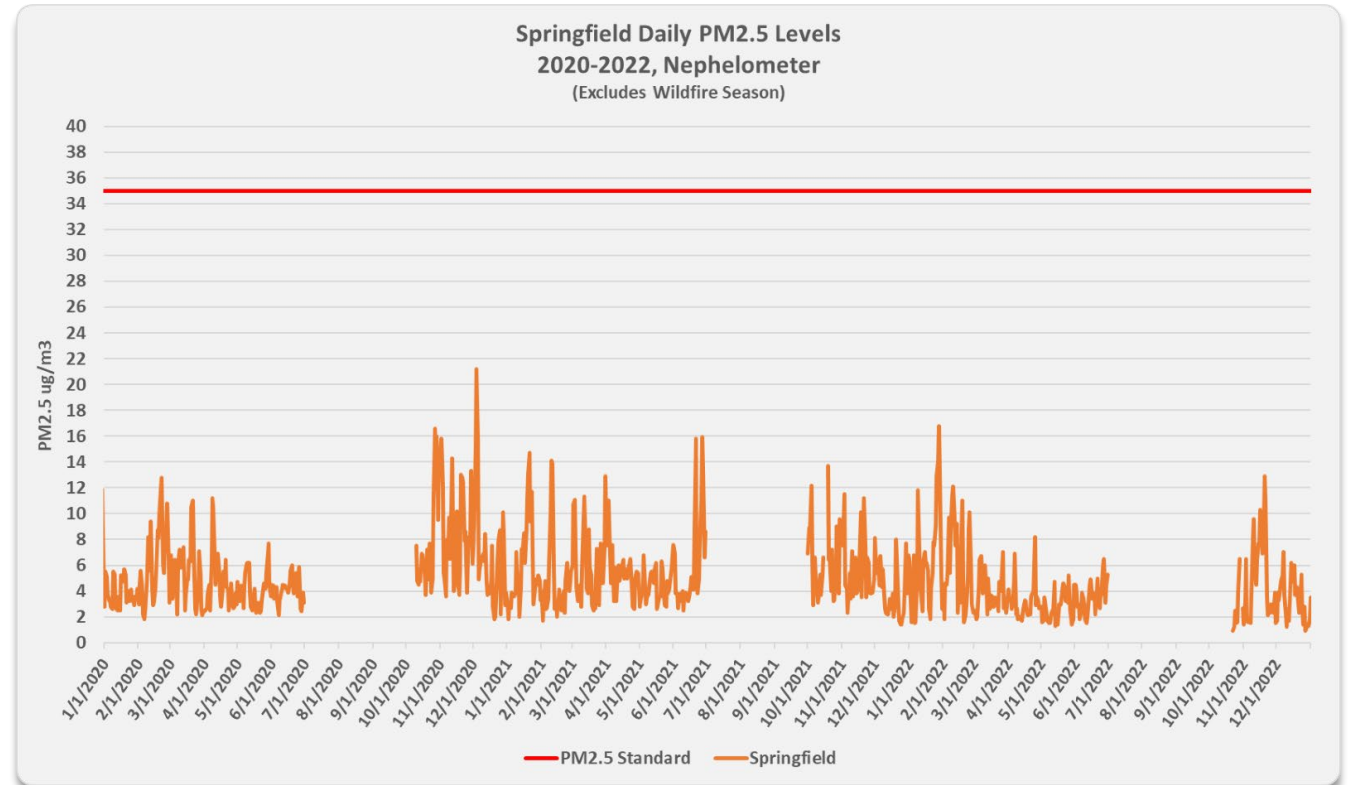


LRAPA is required to assess if this change would have any impact on the airshed's compliance with the National Ambient Air Quality Standards (NAAQS).

Following this assessment, LRAPA does not believe this change will affect Lane County's compliance with NAAQS.



LRAPA has completed a 110(I) evaluation, affirming the rule modification's alignment with air quality objectives, ready for DEQ's presentation to the EPA.



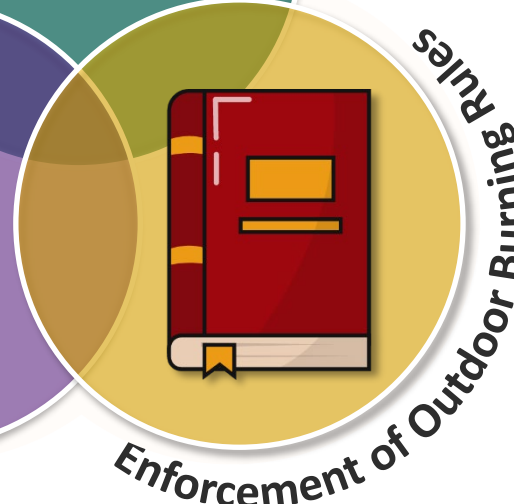
Considerations of the NAAQS

Informs residents of daily burning advisory and window, ensuring that outdoor burning is conducted on appropriate days.



Enforcement ensures outdoor burning ceases on days with poor air quality or inadequate ventilation, protecting the air quality.

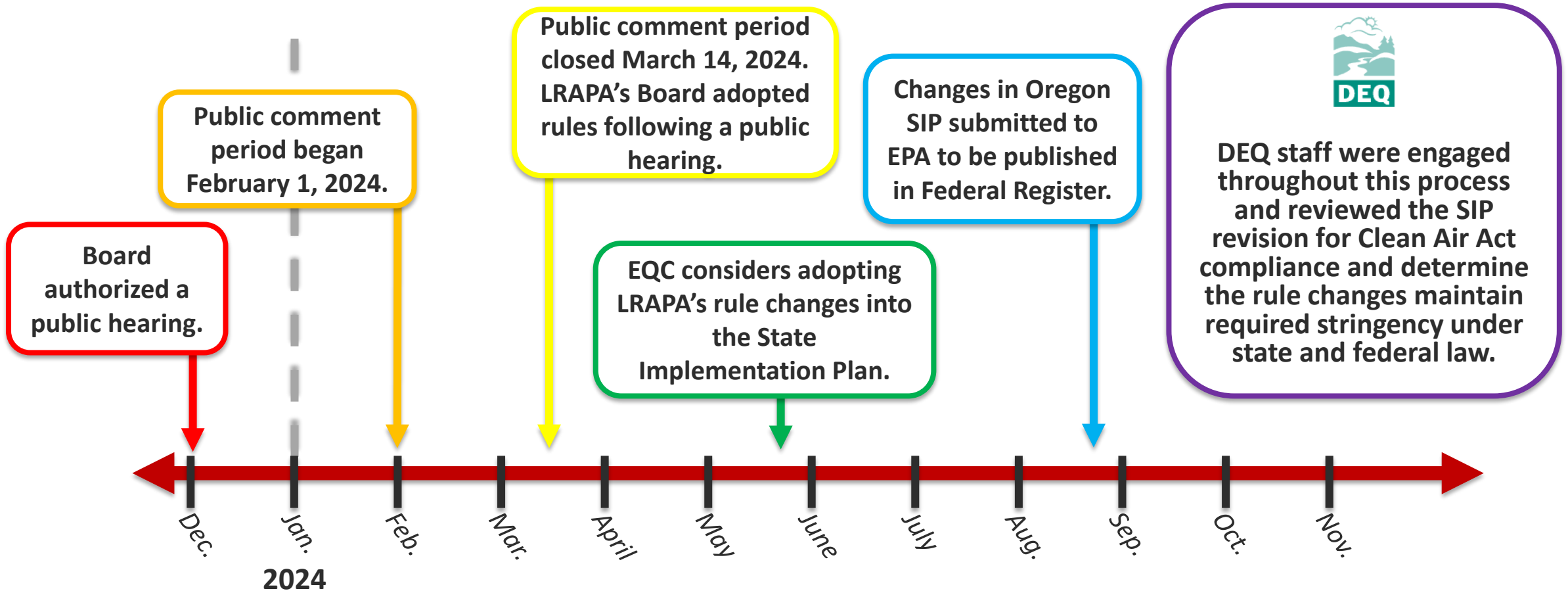
Provides a structured system to ensure that only appropriate materials are burned, preventing the burning of prohibited items.



These layered approaches, coupled with the sufficient margin in design value, support LRAPA and DEQ's confidence that this rule change will uphold Lane County's compliance with NAAQS.



Timeline of rulemaking process



Questions?



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Thank you!

- Travis Knudsen
Director



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DEQ

Proposed Motion Language

“I move that the Oregon Environmental Quality Commission:

- Find that the proposed LRAPA rule amendments in Attachment A are not less strict than any EQC rule or standard;***
- Approve the proposed LRAPA rule amendments seen in Attachment A under ORS 468A.135(2);***
- Approve incorporating the LRAPA rule amendments in Attachment A into the Oregon Clean Air Act State Implementation Plan under OAR 340-200-0040;***
- Adopt the proposed State Implementation Plan rule revision in Attachment D as part of Chapter 340 of the Oregon Administrative Rules; and***
- Direct DEQ to submit this State Implementation Plan revision to the U.S. Environmental Protection Agency for approval.”***



Title VI and alternative formats

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