LANE REGIONAL AIR ~~POLLUTION AUTHORITY~~ PROTECTION AGENCY
TITLE 47
Open Burning

Open burning in compliance with the rules in this Title 47 does not exempt any person from any civil or criminal liability for consequences or damages resulting from such burning, nor does it exempt any person from complying with any other applicable law, ordinance, regulation, rule, permit, order, or decree of this or any other governmental entity having jurisdiction.

Section 47-001 General Policy

In order to restore and maintain Lane County air quality in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the County, it is the policy of the Lane Regional Air ~~Pollution Authority~~ Protection Agency to eliminate open burning disposal practices where alternative disposal methods are feasible. As a result, all open burning is prohibited in Lane County except as expressly allowed by these rules or if exempted from these rules by Oregon Statute. Contained in these rules are the requirements for the open burning of residential, construction, demolition, commercial, and industrial waste, and forest slash waste on properties outside the Oregon Smoke Management Plan.

Section 47-005 ~~Statutory~~ Exemptions from These Rules

1. Statutory exemptions. Due to Oregon statutory exemptions, these rules shall not apply to the following:

~~1~~ A. The operation of residential barbecue equipment for the purpose of cooking food for human consumption, except that materials described in Section 47-015-1.E shall not be used as fuel.

~~2~~ B. Fires set or permitted by any public agency in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, a hazard to public health or safety, or for the instruction of employees in the methods of fire fighting.

~~3~~ C. Agricultural open burning.

~~4~~ D. Open burning on forest land permitted under the Oregon Department of Forestry (ODF) Smoke Management Plan filed with the Secretary of State.

2. Other exemptions.

A. Recreational fires, set for recreational purposes in designated recreational areas (such as parks, recreational campsites, and campgrounds, and on private property). Prohibited materials listed in Section 47-015-1.E, woody yard trimmings, leaves and grass clippings shall not be burned. Within the Eugene/ Springfield Urban Growth Boundary and within the city limits of Oakridge, these fires are prohibited on Yellow and Red Home Wood Heating Advisory days set by LRAPA during the months of November, December, January, and February. NOTE: LOCAL ORDINANCES FROM MUNICIPALITIES, RULES FROM LOCAL FIRE DISTRICTS, AND RULES FROM OREGON DEPARTMENT OF FORESTRY AND STATE FIRE MARSHAL MAY BE MORE PROHIBITIVE.

B. Outdoor barbecuing, when food is cooked by a fire that is sized proportionally to the amount of food being cooked, connected ~~with~~ to a group outing~~s~~, festival~~s~~, fair~~s~~ or similar occasion~~s~~, is allowed, except that prohibited materials listed in Section 47-015-1.E and commercial, industrial, construction, and demolition waste shall not be burned.

C. Religious ceremonial fires are allowed.

Section 47-005 Amended 03/14/08

Section 47-010 Definitions

The following definitions apply to this title, and additional general definitions can be found in Title 12 of these Rules and Regulations.

- "Agricultural open burning" means the open burning of vegetative "agricultural wastes," which are materials actually generated or used by an agricultural operation.

- "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~~ the sale of 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 or structures customarily provided in conjunction with the agricultural operation.

- "Agricultural waste" means any vegetative material actually generated or used by an agricultural operation but excluding those materials described in Section 47-015-1.E.

- "Bonfire" means a controlled outdoor fire held for celebratory, ceremonial, or entertainment purposes.

- "Commercial open burning" means the open burning of "commercial wastes," which are materials actually generated or used by a commercial operation including removed and transported materials, and excluding those materials described in Section 47-015-1.E..

- "Construction open burning" means the open burning of "construction wastes," which are materials actually resulting from or produced by a building or construction project,

excluding those materials described in Section 47-015-1.E. The open burning of construction waste materials which are actually resulting from or produced by a building or construction project, excluding those materials described in Section 47-015-1.E., that are transported from tax lot of origin is Commercial open burning.

- "Demolition open burning" means the open burning of "demolition wastes," which are materials actually resulting from or produced by the complete or partial destruction or tearing down of any man-made structure or the clearing of any site, or land clearing for site preparation for development, excluding those materials described in Section 47-015-1.E. The open burning of demolition waste materials which are actually resulting from or produced by the complete or partial destruction or tearing down of any man-made structure or the clearing of any site, or land clearing for site preparation for development, excluding those materials described in Section 47-015-1.E., that are transported from tax lot of origin is Commercial open burning.

- "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.

- "Forest slash open burning" means burning of vegetative debris and refuse on forest land related to the growing and/or harvesting of forest tree species where there is no change in the use of the land from timber production. Forest slash open burning does not include burning for commercial or individual use, or for any other type of land clearing not related to the growing and harvesting of forest tree species.

- "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and serving of food.

- "Industrial open burning" means the open burning of "industrial wastes," which are materials produced as a direct result of any manufacturing or industrial process, excluding those materials described in Section 47-015-1.E.

- "Land clearing" means the removal of trees, brush, logs, stumps, debris, or man-made structures for the purpose of site clean-up or site preparation.

- "Leaves" means needle or leaf materials which have fallen from trees, shrubs, or plants on the property around a dwelling unit.

- "Nuisance" means a substantial and unreasonable interference with anothers' use and enjoyment of real property, or the substantial and unreasonable invasion of a right common to members of the general public. (See Title 12 of these Rules and Regulations)

- "Open burning" includes burning in open fires, burn barrels, incinerators which do not meet emission limitations specified in ~~Section 30-020~~ Title 30 of these Rules and Regulations, and any other outdoor burning which occurs in such a manner that combustion air is not effectively controlled and combustion products are not effectively vented through a stack or chimney.

- "Recreational fire" means a small fire (combustible pile no larger than 3 feet in diameter and 2 feet in height), limited to cooking fires, and campfires, or fires lit in Chimineas, patio fireplaces, fire pits, or other similar devices using charcoal, natural gas, propane, manufactured firelogs, or clean dry natural firewood as fuel, and which occurs in designated areas on public lands or on private property. The fire cannot serve as a disposal fire for waste materials, including woody yard trimmings, leaves, and grass clippings, or materials listed in 47-015-1.E.

- "Religious ceremonial fire" means a controlled outdoor fire, integral to a religious ceremony or ritual. Prohibited materials listed in Section 47-015-01.E shall not be burned.
- "Residential open burning" means the open burning of clean, woody, ~~yard trimmings and prunings~~ which are actually generated in or around a dwelling for four (4) or fewer family living units. Once this material is removed from the property of origin it becomes commercial waste. Such materials actually generated in or around a dwelling of more than four (4) family living units are commercial wastes.

- "Responsible person" means each person who is in ownership, control, or custody of the property on which the open burning occurs, including any tenant thereof; or who is in ownership, control, or custody of the materials which are burned; or any person who causes or allows open burning to be initiated or maintained.

- "Salvage," as used in open burning rules, means the recovery, processing or use of woody debris for purposes including, but not limited to, energy production (such as fire wood or fuel), fiber production (such as soil amendments or mulch), or as a raw material for chemical or manufacturing processes.

- "Woody Yard Trimmings" means woody limbs, branches and twigs, with any attached leaves, which have been cut from or fallen from trees or shrubs from the property around a dwelling unit.

Section 47-010 Amended 03/14/08

Section 47-015 Open Burning Requirements

1. General requirements--to be met by all open burning conducted in accordance with these Rules and Regulations:

   A. All open burning shall be constantly attended by a responsible person or an expressly authorized agent, until extinguished.

   B. It shall be the duty of each responsible person to promptly extinguish any burning which is in violation of any rule of the LRAPA Board or of any permit issued by the ~~Authority~~ Agency.

   C. No person shall cause, or allow to be initiated or maintained, any open burning which is prohibited by the burning advisory ~~because of meteorological or air quality conditions~~ issued by the Agency.

D. No person shall cause, or allow to be initiated or maintained, any open burning which creates a ~~private or public~~ nuisance or a hazard to public safety.

E. No person shall cause, or allow to be initiated or maintained, open burning of any garbage, plastics, wire insulation, automobile parts, asphalt, petroleum by-products, petroleum-treated materials, rubber products, animal remains, ~~or animal or vegetable matter resulting from the handling, preparation, cooking, or service of food~~; or of any other material which normally emits dense smoke, noxious odors, or hazardous air contaminants.

F. To promote efficient burning and prevent excessive emissions of smoke, each responsible person shall assure that all combustible material is dried to the extent practicable and loosely stacked or windrowed to eliminate dirt, rocks and other non-combustible materials; and periodically restack or feed the burning pile to enhance combustion.

G. No person shall cause, or allow to be initiated or maintained, any open burning at any solid waste disposal site unless authorized by a Solid Waste Permit issued pursuant to **OAR 340-94-040**. The ~~Authority~~ Agency shall be notified by the responsible person prior to such burning.

H. ~~Fires involving materials less than three (3) cubic yards of volume, set for recreational purposes in designated recreational areas (such as parks, recreational campsites, and campgrounds) are allowed, except that prohibited materials listed in Section 47-015-1.E shall not be burned.~~ All burning shall be conducted in accordance with local fire safety regulations, including required minimum distances from structures.

~~I. Outdoor barbecuing connected with group outings, festivals, fairs or similar occasions is allowed, except that prohibited materials listed in Section 47-015-1.E shall not be burned.~~

2. Residential Open Burning Requirements

The residential open burning season is October ~~15~~ 1 through June 15, with the following restrictions:

A. Residential open burning is allowed only on approved burning days, between sunrise and sunset, with a valid fire permit (if required by fire district). The ~~beginning~~ start and end times for burning vary~~ies~~ and ~~is~~ are set as part of the daily burning advisory~~; however, fires must always be out by sunset~~.

B. All open burning is prohibited within the Eugene city limits.

C. All open burning is prohibited within the Springfield city limits, except that burning of woody yard trimmings is allowed on lots of one-half acre or more on approved burn days from March 1 through June 15 and from October 1 through October 31.

D. Within the ESUGB, burning is prohibited if required by local fire codes.

E. Residential open burning outside the city limits of Eugene and Springfield but within the Eugene-Springfield Urban Growth Boundary is prohibited except that burning of woody yard trimmings is allowed on lots of one-half acre or more on approved burn days from March 1 through June 15 and from October 1 through October 31. ~~permitted subject to the general requirements of Section 47-015-1, with the following restrictions:~~

~~(1) The burning of yard debris is limited to the woody yard trimmings from trees and shrubs growing upon the same premises where the burning occurs;~~

~~(2) Open Burning of leaves and grass clippings is prohibited; and~~

~~(3) The premises upon which such burning is to take place must be a private lot, as identified in the Lane County tax records, of one half acre in size or more.~~

F. Residential open burning of woody yard trimmings, leaves and grass clippings is allowed on approved burn days from October 1 through June 15 within the fire districts identified below:

(1) Bailey-Spencer RFPD
(2) Coburg ~~RFPD~~ Fire District
(3) ~~Cottage Grove/South Lane Fire District~~ South Lane County Fire & Rescue
(4) ~~Creswell RFPD~~
(~~5~~4) Dexter RFPD west of the Willamette Meridian
(~~6~~5) Eugene RFPD #1
(~~7~~6) Goshen ~~RFPD~~ Fire District
(7) Hazeldell RFPD
~~(8) Junction City Fire District~~
(~~9~~8) Junction City RFPD
(1~~0~~9) Lane County Fire District #1
(1~~1~~0) Lane ~~RFPD #1~~ Rural Fire & Rescue outside the ESUG~~A~~B
(1~~2~~1) Lowell RFPD
(1~~3~~2) ~~Marcola~~ Mohawk Valley RFPD
(1~~4~~3) McKenzie ~~RFPD~~ Fire & Rescue outside the ESUG~~A~~B
(1~~5~~4) Monroe RFPD, that portion within Lane County
(1~~6~~5) Oakridge ~~RFPD~~ Fire & EMS
(1~~7~~6) Pleasant Hill RFPD
(1~~8~~7) Santa Clara ~~RFPD~~ Fire District outside the ESUG~~A~~B
(18) Siuslaw Valley Fire & Rescue
(19) Westfir ~~RFPD~~ Fire Department
(20) Willakenzie RFPD
(21) Zumwalt RFPD

G. Residential open burning of woody yard trimmings, leaves, and grass clippings is allowed in Lane County, outside of the affected areas defined in 47-015-2.B through F of this section, on approved burn days from October 1 through June 15.

(Note: Some fire districts require burning permits. Fire districts may restrict burning whenever fire danger dictates. Persons wishing to conduct residential open burning should check first with their fire district.)

~~G. Residential open burning is allowed year-round outside of the affected areas defined in 47-015-2.B through F of this section.~~

H. Failure to conduct residential open burning in accordance with this section is a violation of these rules and may be cause for assessment of civil penalties. Citations will be issued by authorized enforcement agents to responsible person(s) ~~upon site inspection~~ where residential open burning rules are violated pursuant to this section.

3. Construction/Demolition Open Burning Requirements

A. Construction/demolition open burning is prohibited inside the ESUGB.

B. Construction/demolition open burning is prohibited inside the affected areas described in 47-015-2.F, unless authorized pursuant to Section 47-020.

C. Construction/demolition open burning is allowed elsewhere in Lane County, subject to the general requirements of Section 47-015-1.

4. Commercial Open Burning Requirements

A. Commercial open burning is prohibited inside the ESUGB.

B. Commercial open burning is prohibited elsewhere, unless authorized pursuant to Section 47-020.

5. Industrial Open Burning Requirements

A. Industrial open burning is prohibited inside the ESUGB.

B. Industrial open burning is prohibited elsewhere, unless authorized pursuant to Section 47-020.

6. Forest Slash Open Burning

A. Forest slash open burning in areas covered by the Oregon Smoke Management Plan is regulated by the ODF pursuant to ORS 477.515.

B. Forest slash open burning in Lane County which is in areas outside the Oregon Smoke Management Plan is treated by LRAPA as follows:

(1) Forest slash open burning is prohibited inside the ESUGB.

(2) Forest slash open burning is prohibited inside the affected areas described in 47-015-2.F, unless authorized pursuant to Section 47-020.

(3) Forest slash open burning elsewhere in Lane County, on properties which are not covered by the ODF Smoke Management Plan, is prohibited unless authorized pursuant to Section 47-020.

(4) Forest slash open burning will be coordinated with the ODF ~~East Lane~~ South Cascade and Western Lane districts and will occur as consistently as possible with slash burning advisories issued by the ODF.

(5) A written plan~~, approved by the ODF,~~ is required under the Forest Practices Act (ORS 527) when burning is to be conducted:

(a) within 100 feet of type D or F streams (domestic water supply or fish-bearing streams), lakes or significant wetlands (see **OAR 629-605-0170(1)(a) and 629-615-0300(3)**); ~~or~~

(b) within 300 feet of protected resources listed under OAR 629-605-170(1)(b), (c), and (d); or

(~~b~~c) on highly erosive soils.

The ODF should be contacted for all Forest Practices Act requirements.

Section 47-015 Amended 03/14/08

Section 47-020 Letter Permits

1. Open burning of commercial, industrial, construction, demolition, or forest slash wastes on a singly occurring or infrequent basis, which is otherwise prohibited, and a bonfire held for a single event, may be permitted by a letter permit issued by the ~~Authority~~ Agency in accordance with this rule and subject to the general requirements in Section 47-015-1.

2. Prescribed burning of standing vegetation for the purpose of species or wetland conversion, pursuant to federal or state laws or programs to promote or enhance habitat for indigenous species of plants or animals, which is otherwise prohibited, may be permitted by a letter permit issued by the ~~Authority~~ Agency in accordance with section 47-020. These permits require a permit fee of $100.

3. Prior to any burning, the applicant must also obtain a valid fire permit issued by the fire permit issuing agency having jurisdiction.

4. Permits issued for open burning other than prescribed burning of standing vegetation (47-020-2) require a permit fee of $4 per cubic yard, with a minimum fee of $50.

5. The following factors shall be evaluated in determining whether a letter permit will be approved or denied:

A. The quantity, type, and combustibility of the materials proposed to be burned;

B. The costs and practicability of alternative disposal methods, including on-site and landfill disposal and salvage;

C. The seasonal timing and expected duration of the burn;

D. The willingness and ability of the applicant to promote efficient combustion by using heavy equipment, fans, pit incineration, or other appropriate methods;

E. The location of the proposed burn site with respect to potential adverse impacts;

F. The expected frequency of the need to dispose of materials by burning in the future;

G. Any prior open burning violations by the applicant;

H. Any additional relevant information.

6. Upon receipt and review of the required information, the ~~Authority~~ Agency may approve the application if it is satisfied that:

A. The applicant has demonstrated that all reasonable alternatives have been explored and no practicable alternative method for disposal of the material exists;

B. The proposed burning will not cause or contribute to significant degradation of air quality;

C. There will be no actual or projected violation of any statute, rule, regulation, order, permit, ordinance, judgment, or decree.

7. The ~~Authority~~ Agency may revoke or suspend an issued letter permit, with no refund of the fee, via written or verbal notice, on any of the following grounds:

A. Any material misstatement or omission in the required application information;

B. If the conditions of the permit are being violated;

C. Any actual or projected violation of any statute, rule, regulation, order, permit, ordinance, judgment, or decree;

D. Any other relevant factor.

8. Failure to conduct open burning according to the conditions, limitations, or terms of a letter permit, or any open burning in excess of that permitted by the letter permit, shall be a violation of the permit and shall be cause for assessment of civil penalties or for other enforcement action by the ~~Authority~~ Agency.

9. Each letter permit issued by the ~~Authority~~ Agency pursuant to this rule shall contain at least the following elements:

A. The location at which the burning is permitted to take place;

B. A description of the material that may be burned;

C. The calendar period during which the burning is permitted to take place;

D. The equipment and methods required to be used by the applicant to insure efficient burning;

E. The limitations, if any, based upon meteorological conditions required before burning may occur;

F. Reporting requirements for both starting the fire and completion of the requested burning;

G. A statement that Section 47-015-1 is fully applicable to all burning under the permit;

H. Such other conditions that the ~~Authority~~ Agency considers to be desirable.

I. A statement that the respective fire department may include any control, suppression, safety, or hazard conditions deemed appropriate by the fire department.

10. Letter permits issued by the ~~Authority~~ Agency pursuant to this rule shall be forwarded to the fire permit issuing agency having jurisdiction. The fire permit issuing agency has the ultimate authority to issue or deny the burn permit.

~~11. Letter permits are valid only for the specified burning period and shall not be renewable unless there were no approved burning days during that period. Any requests to conduct additional burning shall require a new permit.~~

Section 47-020 Amended 03/14/08

Section 47-030 Summary of Seasons, Areas, and Permit Requirements for Open Burning

Type of Burning	Inside City Limits of Eugene	Inside City Limits of Springfield	Elsewhere Inside the ESUGB	Inside Affected Fire Districts and Outside ESUGB	All Other Areas
Residential Open Burning (Section 47-015-2)	Prohibited by City Ordinance and by LRAPA Section 47-015-2.B	Prohibited by City Ordinance, except that, between October 15 and June 15, tree trim mings and shrub prunings, only, may be burned on lots of one-half acre or greater in size. Burning of grass clippings and fallen leaves is prohibited. Also prohibited by LRAPA Section 47-015-2.C	Prohibited by LRAPA Title 47, except that, between October 15 and June 15, tree trimmings and shrub prunings, only, may be burned on lots of one-half acre or greater in size. Burning of grass clippings and fallen leaves is prohibited.	Burning of woody yard trimmings, leaves, and grass clippings is allowed between October 15 and June 15 on approved burning days with a valid permit from the local fire district (where required by fire district)	Burning of clean wood and yard debris is allowed year round on approved burning days with a valid permit from the local fire district (where required by fire district)
Construction/ Demolition Open Burning (Section 47-015-3)	Burning is prohibited by city ordinance and by LRAPA Section 47-015-3	Burning is prohibited by city ordinance and by LRAPA Section 47-015-3	Burning is prohibited by LRAPA Section 47-015-3	Burning is prohibited, except by letter permit from LRAPA	Burning of approved materials is allowed year round on approved burning days with a valid permit from the local fire district (where required by fire district)
Commercial Open Burning (Section 47-015-4)	Burning is prohibited by city ordinance and by LRAPA Section 47-015-4	Burning is prohibited by city ordinance and by LRAPA Section 47-015-4	Burning is prohibited by LRAPA Section 47-015-4	Burning is prohibited, except by letter permit from LRAPA	Burning is prohibited, except by letter permit from LRAPA
Industrial Open Burning (Section 47-015-5)	Burning is prohibited by city ordinance and by LRAPA Section 47-015-5	Burning is prohibited by city ordinance and by LRAPA Section 47-015-5	Burning is prohibited by LRAPA Section 47-015-5	Burning is prohibited, except by letter permit from LRAPA	Burning is prohibited, except by letter permit from LRAPA
Forest Slash Open Burning (Section 47-015-6) *Except on lands included in the ODF Smoke Management Plan*	Burning is prohibited by city ordinance and by LRAPA Section 47-015-6	Burning is prohibited by city ordinance and by LRAPA Section 47-015-6	Burning is prohibited by LRAPA Section 47-015-6	Burning is prohibited, except by letter permit from LRAPA	Burning is prohibited, except by letter permit from LRAPA or Under the ODF Smoke Management Plan

General open burning requirements are contained in section 47-015. In case of apparent conflict between this summary and the text of section 47-001 through 47-020, inclusive, the text shall apply.

Section 47-030 Amended 10/26/01

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 12

General Provisions and Definitions

Section 12-001 General

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

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

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

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

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

Section 12-005 Definitions

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

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

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

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

- "Actual Emissions" means the mass rate of emissions of a pollutant from an emissions source during a specified time period. Where the term "actual emissions" is used:
  A. For determining actual emissions as of the baseline period:
     (1) Except as provided in paragraph (2) and (3), actual emissions equal the average rate at which the source actually emitted the pollutant during a baseline period and that represents normal source operation~~.~~;
     (2) LRAPA presumes that the source-specific mass emissions limit included in a source's permit that was effective on September 8, 1981 is equivalent to the source's actual emissions during the baseline period if it is within 10 percent of the actual emissions calculated under paragraph (1).
     (3) For any source that had not begun normal operations but was permitted or approved to construct and operate in accordance with title 37 during the baseline period, actual emissions equal the potential to emit of the source.
  B. For any source that had not begun normal operations during any specified period but was permitted to construct and operate, actual emissions equal the potential to emit of the source during that specified period.
  ~~B~~C. For determining actual emissions for Oregon Title V Operating Permit Fees under OAR 340 Division 220:
     (1) Actual emissions include, but are not limited to, routine process emissions, fugitive emissions, excess emissions from maintenance, startups and shutdowns, equipment malfunction, and other activities, except categorically insignificant activities and secondary emissions.
  ~~C~~D. For determining Oregon Title V Operating Permit Fees under OAR 340 Division 220:
     (1) Actual emissions must be directly measured with a continuous monitoring system or;
     (2) Calculated using a material balance or verified emission factor determined in accordance with OAR 340 Division 220 in combination with the source's actual operating hours, production rates, or types of materials processed, stored, or combusted during the specified time period.

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

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

- "Affected states," means all states:

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

- "Agency" means Lane Regional Air Protection Agency

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

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

- "Aggregate Insignificant Emissions" means the annual actual emissions of any regulated air pollutant from one or more designated activities at a source that are less than or equal to the lowest applicable level specified in this section. The total emissions from each designated activity and the aggregate emissions from all designated activities must be less than or equal to the lowest applicable level specified.
  A. one (1) ton for each criteria pollutant (except lead), total reduced sulfur, hydrogen sulfide, sulfuric acid mist, any Class I or Class II substance subject to a standard promulgated under or established by Title VI of the act, Stratospheric Ozone Protection;
  B. 500 pounds for PM_{10} in a PM_{10} nonattainment area;
  C. 500 pounds for $PM_{2.5}$ in a $PM_{2.5}$ nonattainment area;
  ~~C~~D. 120 pounds for lead;
  ~~D~~E. 600 pounds for fluoride;
  ~~E~~F. the lesser of the amount established in LRAPA Title 44, Table 1 List of Hazardous Air Pollutants or Title 44, Table 3 List of Regulated Toxic and Flammable Substances for Purposes of Accidental Release Prevention, or 1,000 pounds;
  ~~F~~G. an aggregate of 5,000 pounds for all Hazardous Air Pollutants.
  H. 1,000 tons (short tons) of GHGs

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

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

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

- "Air Conveying System" means an air moving device such as a fan or blower, and associated ductwork, and a cyclone or other collection device, the purpose of which is to

move material from one point to another by entrainment in a moving air stream. It does not include particle dryers.

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

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

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

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

- "Ambient Air" means the air that surrounds the earth, excluding the volume of gases contained within any building or structure.

- "Applicable requirement" means all of the following as they apply to emissions units in an Oregon Title V Operating Permit program source or ACDP program source, including requirements that have been promulgated or approved by the EPA through rule making at the time of issuance but have future-effective compliance dates:
  A. Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by the EPA through rulemaking under Title I of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in **40 CFR Part 52** (Air Programs);
  B. Any standard or other requirement adopted under LRAPA's State Implementation Plan, that is more stringent than the federal standard or requirement which has not yet been approved by the EPA, and other state-only enforceable air pollution control requirements;
  C. Any term or condition in an ACDP, LRAPA Title 37, Air Contaminant Discharge Permits, including any term or condition of any preconstruction permits issued pursuant to LRAPA Title 38, New Source Review, until or unless LRAPA revokes or modifies the term or condition by a permit modification;
  D. Any term or condition in a Notice of Construction and Approval of Plans, Titles 34 and 38, Stationary Source Notification Requirements and Major New Source Review, until or unless LRAPA revokes or modifies the term or condition by a Notice of Construction and Approval of Plans or a permit modification;

E. Any term or condition in a Notice of Approval, OAR 340-218-0190, issued before July 1, 2001, until or unless LRAPA revokes or modifies the term or condition by a Notice of Approval or a permit modification;
F. Any term or condition of a PSD permit issued by the EPA until or unless the EPA revokes or modifies the term or condition by a permit modification;
G. Any standard or other requirement under section 111 of the Act (NSPS), including section 111(d);
H. Any standard or other requirement under section 112 of the Act (HAPs), including any requirement concerning accident prevention under section 112(r)(7) of the Act (Accidental Release Prevention);
I. Any standard or other requirement of the acid rain program under Title IV of the Act or the regulations promulgated thereunder;
J. Any requirements established pursuant to section 504(b) (Title V permit monitoring and analysis requirements) or section 114(a)(3) of the Act (Federal Enforcement; compliance certification);
K. Any standard or other requirement under section 126(a)(1) and (c) (PSD) of the Act;
L. Any standard or other requirement governing solid waste incineration, under section 129 of the Act (Solid Waste Combustion);
M. Any standard or other requirement for consumer and commercial products, under section 183(e) of the Act (Federal ozone measures);
N. Any standard or other requirement for tank vessels, under section 183(f) of the Act;
O. Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the Act;
P. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act, unless the Administrator has determined that such requirements need not be contained in an Oregon Title V Operating Permit; and
Q. Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the Act, but only as it would apply to temporary sources permitted pursuant to section 504(e) of the Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- "CFR" means Code of Federal Regulations

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

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

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

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

- "Categorically Insignificant Activity" means any of the following listed pollutant emitting activities principally supporting the source or the major industrial group. Categorically insignificant activities must comply with all applicable requirements.
  - A. constituents of a chemical mixture present at less than 1% by weight of any chemical or compound regulated under OAR Chapter 340, Divisions 218 and 220,and LRAPA Titles 12 through 51 or less than 0.1% by weight of any carcinogen listed in the U. S. Department of Health and Human Service's Annual Report on Carcinogens when usage of the chemical mixture is less than 100,000 pounds/year.
  - B. evaporative and tail pipe emissions from on-site motor vehicle operation;
  - C. distillate oil, kerosene, and gasoline fuel burning equipment rated at less than or equal to 0.4 million Btu/hr;
  - D. natural gas and propane burning equipment rated at less than or equal to 2.0 million Btu/hr;
  - E. office activities;
  - F. food service activities;
  - G. janitorial activities;
  - H. personal care activities;
  - I. groundskeeping activities including, but not limited to building painting and road and parking lot maintenance;
  - J. on-site laundry activities;
  - K. on-site recreation facilities;
  - L. instrument calibration;
  - M. maintenance and repair shop;
  - N. automotive repair shops or storage garages;
  - O. air cooling or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;
  - P. refrigeration systems with less than 50 pounds of charge of ozone depleting substances regulated under Title VI (Stratospheric Ozone Protection), including pressure tanks used in refrigeration systems but excluding any combustion equipment associated with such systems;
  - Q. bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated vacuum producing devices but excluding research and development facilities;
  - R. temporary construction activities;
  - S. warehouse activities;
  - T. accidental fires;
  - U. air vents from air compressors;
  - V. air purification systems;

W. continuous emissions monitoring vent lines;
X. demineralized water tanks;
Y. pre-treatment of municipal water, including use of deionzed water purification systems;
Z. electrical charging stations;
AA. fire brigade training;
BB. instrument air dryers and distribution;
CC. process raw water filtration systems;
DD. pharmaceutical packaging;
EE. fire suppression;
FF. blueprint making;
GG. routine maintenance, repair, and replacement such as anticipated activities most often associated with and performed during regularly scheduled equipment outages to maintain a plant and its equipment in good operating condition, including but not limited to steam cleaning, abrasive use, and woodworking;
HH. electric motors;
II. storage tanks, reservoirs, transfer and lubricating equipment used exclusively for ASTM grade distillate or residual fuels, lubricants, and hydraulic fluids;
JJ. on-site storage tanks not subject to any New Source Performance Standards (NSPS), including underground storage tanks (UST), storing gasoline or diesel used exclusively for fueling of the facility's fleet of vehicles;
KK. natural gas, propane, and liquefied petroleum gas (LPG) storage tanks and transfer equipment;
LL. pressurized tanks containing gaseous compounds;
MM. vacuum sheet stacker vents;
NN. emissions from wastewater discharges to publicly owned treatment works (POTW) provided the source is authorized to discharge to the POTW, not including on-site wastewater treatment and/or holding facilities;
OO. log ponds;
PP. storm water settling basins;
QQ. fire suppression and training;
RR. paved roads and paved parking lots within an urban growth boundary;
SS. hazardous air pollutant emissions of fugitive dust from paved and unpaved roads except for those sources that have processes or activities that contribute to the deposition and entrainment of hazardous air pollutants from surface soils;
TT. health, safety, and emergency response activities;
UU. emergency generators and pumps used only during loss of primary equipment or utility service due to circumstances beyond the reasonable control of the owner or operator, or to address a power emergency as determined by LRAPA or the Department;
VV. non-contact steam vents and leaks and safety and relief valves for boiler steam distribution systems;
WW. non-contact steam condensate flash tanks;
XX. non-contact steam vents on condensate receivers, deaerators and similar equipment;
YY. boiler blowdown tanks;
ZZ. industrial cooling towers that do not use chromium-based water treatment chemicals;

AAA. ash piles maintained in a wetted condition and associated handling systems and activities;
BBB. oil/water separators in effluent treatment systems;
CCC. combustion source flame safety purging on startup;
DDD. broke beaters, pulp and repulping tanks, stock chests and pulp handling equipment, excluding thickening equipment and repulpers;
EEE. stock cleaning and pressurized pulp washing, excluding open stock washing systems; and
FFF. white water storage tanks.

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

- "CFR" means Code of Federal Regulations.

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

- "Class I Area" means any federal, state, or Indian reservation land which is classified or reclassified as a Class I area. For the State of Oregon, these are as follows:
  A. Mt. Hood Wilderness;
  B. Eagle Cap Wilderness;
  C. Hells Canyon Wilderness;
  D. Mt. Jefferson Wilderness;
  E. Mt. Washington Wilderness;
  F. Three Sisters Wilderness;
  G. Strawberry Mountain Wilderness;
  H. Diamond Peak Wilderness;
  I. Crater Lake National Park;
  J. Kalmiopsis Wilderness;
  K. Mountain Lake Wilderness;
  L. Gearhart Mountain Wilderness.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- "De minimis emission level" means:

Pollutant	De minimis (tons/year, except as noted)
GHG (CO2e)	1,000
CO	1
NO_x	1
SO_2	1
VOC	1
PM	1
PM_{10}	1
Direct $PM_{2.5}$	1
Lead	0.1
Fluorides	0.3
Sulfuric Acid Mist	0.7
Hydrogen Sulfide	1
Total Reduced Sulfur (including hydrogen sulfide)	1
Reduced Sulfur	1
Municipal waste combustor organics (Dioxin and furans)	0.0000005
Municipal waste combustor metals	1
Municipal waste combustor acid gases	1
Municipal solid waste landfill gases	1
Single HAP	1
Combined HAP (aggregate)	1

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

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

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

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

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

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

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

- "Emission Factor" means an estimate of the rate at which a pollutant is released into the atmosphere, as the result of some activity, divided by the rate of that activity (e.g., production or process rate). ~~Where an emission factor is required sources must use an emission factor approved by EPA, Department or LRAPA.~~

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

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

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

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

  A. A part of a stationary source is any machine, equipment, raw material, product, or by-product that produces or emits air pollutants. An activity is any process, operation, action, or reaction (e.g., chemical) at a stationary source that emit air pollutants. Except as described in subsection D of this section, parts and activities may be grouped for purposes of defining an emissions unit provided the following conditions are met:
     (1) the group used to define the emissions unit may not include discrete parts or activities to which a distinct emissions standard applies or for which different compliance demonstration requirements apply; and
     (2) the emissions from the emissions unit are quantifiable.
  B. Emissions units may be defined on a pollutant-by-pollutant basis where applicable.

C. The term emissions unit is not meant to alter or affect the definition of the term unit for purposes of Title IV of the FCAA.
D. Parts and activities shall not be groups for purposes of determining emissions increases from an emissions unit under Section 44-070 (HAP Early Reductions) or OAR 340-218-0190 (Title V Construction/Modification), or for purposes of determining the applicability of a New Source Performance Standard (NSPS).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- "Federal Major Source" means a source with potential to emit any individual regulated pollutant, excluding hazardous air pollutants listed in LRAPA Title 44, greater than or equal to 100,000 short tons per year of GHG; or for any regulated pollutants other than GHG, 100 tons per year if in a source category listed below, or for non-listed sources 250 tons per year. The fugitive emissions of a stationary source are considered in determining whether it is a federal major stationary source. Potential to emit calculations must include emission increases due to a new or modified source.
  (a) Fossil fuel-fired steam electric plants of more than 250 million BTU/hour heat input;
  (b) Coal cleaning plants with thermal dryers;
  (c) Kraft pulp mills;
  (d) Portland cement plants;
  (e) Primary Zinc Smelters;
  (f) Iron and Steel Mill Plants;
  (g) Primary aluminum ore reduction plants;
  (h) Primary copper smelters;
  (i) Municipal Incinerators capable of charging more than 50 tons of refuse per day;
  (j) Hydrofluoric acid plants;
  (k) Sulfuric acid plants;
  (l) Nitric acid plants;
  (m) Petroleum Refineries;
  (n) Lime plants;
  (o) Phosphate rock processing plants;
  (p) Coke oven batteries;
  (q) Sulfur recovery plants;
  (r) Carbon black plants, furnace process;
  (s) Primary lead smelters;
  (t) Fuel conversion plants;
  (u) Sintering plants;

(v) Secondary metal production plants;
(w) Chemical process plants;
(x) Fossil fuel fired boilers, or combinations thereof, totaling more than 250 million BTU per hour heat input;
(y) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
(z) Taconite ore processing plants;
(aa) Glass fiber processing plants;
(bb) Charcoal production plants.

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

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

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

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

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

- "Generic PSEL" means:

Pollutant	Generic PSEL (tons/year, except as noted)
GHG (CO2e)	74,000
CO	99
NO_x	39
SO_2	39
VOC	39
PM	24
PM_{10}	14
$PM_{2.5}$	9
Lead	0.5
Fluorides	2
Sulfuric Acid Mist	6
Hydrogen Sulfide	9
Total Reduced Sulfur (including hydrogen sulfide)	9
Reduced Sulfur	9
Municipal waste combustor organics (Dioxin and furans)	0.0000030
Municipal waste combustor metals	14
Municipal waste combustor acid gases	39
Municipal solid waste landfill gases	49
Single HAP	9
Combined HAPs (aggregate)	24

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

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

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

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

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

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

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

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

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

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

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

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

- "Insignificant Change" means an off-permit change defined under OAR 340-218-0140(2)(a) to either a significant or an insignificant activity which:
  A. Does not result in a redesignation from an insignificant to a significant activity;
  B. Does not invoke an applicable requirement not included in the permit; and
  C. Does not result in emission of regulated air pollutants not regulated by the source's permit.

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

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

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

- "Lowest Achievable Emission Rate (LAER)" means that rate of emissions which reflects:
  A. The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or
  B. The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

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

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

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

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

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

  ~~A.~~B. The accumulation of emission increases due to physical changes and changes in the method of operation ~~since baseline that would result in~~as determined in accordance with paragraphs B.1 and B.2 is equal to or greater than the a significant emission rate ~~increase~~.
    1. Calculations of emission increases in (B) must account for all accumulated increases in actual emissions due to physical changes and changes in the method of operation occurring at the source since the applicable baseline period, or since

the time of the last construction approval issued for the source pursuant to the New Source Review Regulations in LRAPA Title 38 for that pollutant, whichever time is more recent. These include fugitive emissions and emissions from insignificant activities.

2. Emission increases due solely to increased use of equipment or facilities that existed during the baseline period are not included, if that increased use was possible during the baseline period under the baseline configuration of the source, and the increased use of baseline equipment capacity is not to support a physical change or change in the method of operation.

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

~~1~~C. ~~Any~~ Except as provided in 3. any change at a source, including production increases, that would result in a Plant Site Emission Limit increase of 1 ton or more for any regulated pollutant for which the source is a major source, that is described by paragraphs C.1 or C.2~~; or~~:

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

~~2. The addition or modification of any stationary source or sources after the initial construction that have cumulative potential emissions greater than or equal to the significant emission rate, excluding any emission decreases.~~

3. Changes to the PSEL solely due to the availability of better emissions information are exempt from being considered an increase.

D. The following are not considered major modifications:

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

- "Major Source":
  A. Except as provided in subsection B., means a source that emits, or has the potential to emit, any regulated air pollutant at a Significant Emission Rate. This includes fugitive emissions and emissions from insignificant activities. Potential to emit calculations must include emission increases due to a new or modified source.
  B. As used in LRAPA Title 34, Stationary Source Notification Requirements, OAR 340 division 218, rules applicable to sources required to have LRAPA Title V Operating Permits OAR 340 division 220, Title V Operating Permit Fees, and LRAPA Section 37-0066 Standard ACDPs, means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties and are under common control of the same person (or persons under common control)) belonging to a single major industrial grouping or supporting the major industrial group and that is described in paragraphs (1), (2), or (3) of this subsection. For the purposes of this subsection, a stationary source or group of stationary sources is considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual (U.S. Office of Management and Budget, 1987) or support the major industrial group.
     (1) A major source of hazardous air pollutants, which means:
        (i) Any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any single hazardous air pollutant; 25 tpy or more of any combination of hazardous air pollutants, unless the Administrator establishes a lesser quantity, or in the case of radionuclide, different criteria from those in this sentence. Emissions from any oil or gas exploration or production well, along with its associated equipment, and emissions from any pipeline compressor or pump station will not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or
        (ii) For radionuclides, "major source" will have the meaning specified by the Administrator by rule.
     (2) A major stationary source of GHG means any source that directly emits or has the potential to emit 100,000 short tons per year or more of GHG. The fugitive emissions of a stationary source must be considered in determining whether it is a major source of GHG.
     (~~2~~3) A major stationary source of air pollutants, as defined in section 302 of the Act, that directly emits or has the potential to emit 100 tpy or more of any regulated air pollutant (other than GHG), including any major source of fugitive emissions of any such pollutant. The fugitive emissions of a stationary source are not considered in determining whether it is a major stationary source for the purposes of section 302(j) of the Act, unless the source belongs to one of the following categories of stationary source:
        (i) Coal cleaning plants (with thermal dryers);

(ii) Kraft pulp mills;
(iii) Portland cement plants;
(iv) Primary zinc smelters;
(v) Iron and steel mills;
(vi) Primary aluminum ore reduction plants;
(vii) Primary copper smelters;
(viii) Municipal incinerators capable of charging more than 50 tons of refuse per day;
(ix) Hydrofluoric, sulfuric, or nitric acid plants;
(x) Petroleum refineries;
(xi) Lime plants;
(xii) Phosphate rock processing plants;
(xiii) Coke oven batteries;
(xiv) Sulfur recovery plants;
(xv) Carbon black plants (furnace process);
(xvi) Primary lead smelters;
(xvii)Fuel conversion plants;
(xviii) Sintering plants;
(xix) Secondary metal production plants;
(xx) Chemical process plants;
(xxi) Fossil-fuel boilers, or combination thereof, totaling more than 250 million British thermal units per hour heat input;
(xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
(xxiii) Taconite ore processing plants;
(xxiv) Glass fiber processing plants;
(xxv) Charcoal production plants;
(xxvi) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or
(xxvii) All other stationary source categories, that as of August 7, 1980, is being regulated by a standard promulgated under section 111 or 112 of the Act, but only with respect to those air pollutants that have been regulated for that category.

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

(I) That are classified as "serious;" and
(II) In which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tpy or more of carbon monoxide.

(iv) For particulate matter (PM_{10}) nonattainment areas classified as "serious," sources with the potential to emit 70 tpy or more of PM_{10}.

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

- "Modification", except as used in the term "major modification", means any physical change to, or change in the method of operation of, a stationary source that results in an increase in the stationary source's potential to emit any regulated air pollutant on an hourly basis. Modifications do not include the following:
  A. Increases in hours of operation or production rates that do not involve a physical change or change in the method of operation;
  B. Changes in the method of operation due to using an alternative fuel or raw material that the stationary source was physically capable of accommodating during the baseline period; and
  C. Routine maintenance, repair and like-for-like replacement of components unless they increase the expected life of the stationary source by using component upgrades that would not otherwise be necessary for the stationary source to function.

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

H. Any other form of measuring, recording, or verifying on a routine basis emissions, process parameters, capture system parameters, control device parameters or other factors relevant to assessing compliance with emission limitations or standards.

- "Netting Basis" means the baseline emission rate MINUS any emission reductions required by rule, orders, or permit conditions required by the SIP or used to avoid SIP requirements, MINUS any unassigned emissions that are reduced from allowable emissions under LRAPA Title 42, Section 42-0045, MINUS any emission reduction credits transferred off site, PLUS any emission increases approved through the New Source Review regulations of Title 38.

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

~~A. With the first permitting action for a source after October 14, 2008, the baseline emissions rate will be frozen and shall be recalculated only if:~~

~~1. A better emission factor is established for the baseline period and approved by LRAPA;~~

~~2. A currently operating emissions unit that LRAPA formerly thought had negligible emissions, is determined to have non-de minimis emissions and needs to be added to the baseline emission rate; or~~

B. ~~3. A new pollutant is added to the regulated pollutant list (e.g., $PM_{2.5}$).~~ For a pollutant that is newly regulated after ~~11/15/90~~March 1, 2011, the initial netting basis is the actual emissions during any 12 consecutive month period within the 24 months immediately preceding its designation as a regulated pollutant if a baseline period is not defined for the pollutant. ~~LRAPA may allow a prior 12 consecutive month time period to be used if it is shown to be more representative of normal source operation.~~

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

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

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

1. Any regulated pollutant emitted from a source that first obtained a permits to construct~~ed~~ and operate after the applicable baseline period for that regulated pollutant, and has not undergone New Source Review for that pollutant;
2. Any pollutant that has a generic PSEL in a permit;
3. Any source permitted as portable; and
4. Any source with a netting basis calculation resulting in a negative number.

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

~~D~~G. Emission reductions required by rule, order, or permit condition affect the netting basis if the source currently has devices or emissions units that are subject to the rules, order, or permit condition. The baseline emission rate is not affected. The netting basis reduction will be effective on the effective date of the rule, order, or permit condition

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

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

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

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

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

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

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

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

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

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

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

- "Oregon Title V Operating Permit" or "LRAPA Title V Operating Permit" means any permit covering an Oregon or LRAPA Title V Operating Permit source that is issued, renewed, amended, or revised pursuant to OAR 340 division 218.
- "Oregon Title V Operating Permit program" means a program approved by the Administrator under 40 CFR Part 70.
- "Oregon Title V Operating Permit program source" means any source subject to the permitting requirements, OAR 340 division 218.
- "Ozone Precursor" means nitrogen oxides and volatile organic compounds.
- "Ozone Season" means the contiguous 3 month period during which ozone exceedances typically occur (i.e., June, July, and August).
- "Particle Fallout Rate" means the weight of particulate matter which settles out of the air in a given length of time over a given area.
- "Particulate Matter" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by the method specified within the standard or by an applicable reference method in accordance with LRAPA 35-0120 and LRAPA 35-0140. Sources with exhaust gases at or near ambient conditions may be tested with DEQ Method 5 or DEQ Method 8, as approved by LRAPA. Direct heat transfer sources shall be tested with DEQ Method 7; indirect heat transfer combustion sources and all other non-fugitive emissions sources not listed above shall be tested with DEQ Method 5 or an equivalent method approved by LRAPA. Equivalent methods applied to federal standards included in the State Implementation Plan may only be used if they are also approved in advance by EPA.
- "Permit" or "Air Contaminant Discharge Permit" means a written permit issued by LRAPA, pursuant to LRAPA and DEQ rules and regulations.
- "Permittee" means the owner or operator of the facility, authorized by the Air Contaminant Discharge Permit or the Oregon or LRAPA Title V Operating Permit to operate the source.
- "Person" means any individual, public or private corporation, political subdivision, agency, board, department, or bureau of the state or federal government, municipality, partnership, association, firm, trust, estate, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.
- "Plant Site Emission Limit (PSEL)" means the total mass emissions per unit time of an individual air pollutant specified in a permit for a source. The PSEL for a major source may consist of more than one assessable emission.
- "PM_{10}" , when used in the context of ambient concentration, means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured in accordance with **40 CFR 53 Subpart, Appendix J**.

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

- "$PM_{2.5}$" means:
  A. ~~A.~~ When used in the context of direct PM2.5 emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, emitted to the ambient air ~~as measured by conditional test method CTM 040 (EPA Emission Measurement Center) and a reference method based on 40 CFR Part 52, Appendix M~~.
  B. When used in the context of PM2.5 Precursor emissions, means sulfur dioxide (SO2) and nitrogen oxides (NOx) emitted to the ambient air as measured by an EPA reference method in 40 CFR Part 60, appendix A
  ~~B~~C. When used in the context of ambient concentration, means particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR Part 50, Appendix L, or an equivalent method designated in accordance with 40 CFR Part 53.

- "Potential to emit" or "PTE" means the lesser of:
  A. The capacity of a stationary source; or
  B. The maximum allowable emissions taking into consideration any physical or operational limitation, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, if the limitation is enforceable by the Administrator.
  C. This definition does not alter or affect the use of this term for any other purposes under the Act or the term "capacity factor" as used in Title IV of the Act and the regulations promulgated thereunder. Secondary emissions are not considered in determining the potential to emit.

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

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

- "Reference method" means any method of sampling and analyzing for an air pollutant as specified in **40 CFR Part 52, 60, 61** or **63**.

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

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

A. Except as provided in subsections B. and C. of this rule, means:
   1. Nitrogen oxides or any VOCs;
   2. Any pollutant for which a national ambient air quality standard has been promulgated;
   3. Any pollutant that is subject to any standard promulgated under section 111 of the Act;
   4. Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act; or
   5. Any pollutant listed under LRAPA Title 44, Section 44-020 or 44-160.
   6. Greenhouse Gases.

B. As used in OAR 340 division 220, ~~means any air pollutant as included in subsection A. of this rule, except the following~~regulated pollutant means particulates, volatile organic compounds, oxides of nitrogen and sulfur dioxide:
   ~~1. Carbon monoxide;~~
   ~~2. Any pollutant that is a regulated pollutant solely because it is a Class I or Class II substance subject to a standard promulgated under or established by Title VI of the Federal Clean Air Act; or~~
   ~~3. Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under section 112(r) of the Federal Clean Air Act.~~

C. As used in LRAPA Title 38 ~~any~~, regulated pollutant does not include any pollutant listed ~~under LRAPA Title 44, Section 44-020 or Section 44-160 is not a regulated pollutant~~in Titles 44 and 46, unless the pollutant is listed in the Significant Emission Rate (SER) table in this Title.

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

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

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

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

D. For affected sources:

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

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

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

- "Secondary Emissions" means emissions from new or existing sources which occur as a result of the construction and/or operation of a source or modification, but do not come from the source itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source associated with the secondary emissions. Secondary emissions may include, but are not limited to:
  A. Emissions from ships and trains coming to or from a facility;
  B. Emissions from off-site support facilities which would be constructed or would otherwise increase emissions as a result of the construction of a source or modification.

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

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

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

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

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

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

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

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

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

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

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

- "Significant Emission Rate" or "SER," except as provided in subsections A. and B. of this section, means an emission rate equal to or greater than the rates specified in **Table 2.**
  A. For regulated air pollutants not listed in **Table 2** or **3,** the significant emission rate is zero unless LRAPA determines the rate that constitutes a significant emission rate.
  B. Any new source or modification with an emissions increase less than the rates specified in **Table 2** or **3** associated with a new source or modification which would construct within 10 kilometers of a Class I area, and would have an impact on such area equal to or greater than 1 ug/m^3 (24 hour average) is emitting at a significant emission rate. This provision does not apply to GHG emissions.

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

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

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

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

C. A recycling project;

D. An alternative fuel project;

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

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

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

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

- "Source" means any building, structure, facility, installation or combination thereof that emits or is capable of emitting air contaminants to the atmosphere, is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control. The term includes all pollutant emitting activities that belong to a single major industrial group (i.e., that have the same two-digit code) as described in the Standard Industrial Classification Manual, (U.S. Office of Management and Budget, 1987) or that support the major industrial group.

- "Source category":
  A. Except as provided in subsection B. of this section, means all the pollutant emitting activities that belong to the same industrial grouping (i.e., that have the same two-digit code) as described in the Standard Industrial Classification Manual, (U.S. Office of Management and Budget, 1987).
  B. As used in OAR 340 division 220, Oregon Title V Operating Permit Fees, means a group of major sources that LRAPA and the Department determines are using similar raw materials and have equivalent process controls and pollution control equipment.

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

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

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

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

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

- "Stationary Source" means:
  A. Any building, structure, facility, or installation which emits or may emit any regulated air pollutant.
  B. As used in Section 44-160, any buildings, structures, equipment, installations, or substance-emitting stationary activities:
     (1) That belong to the same industrial group;
     (2) That are located on one or more contiguous properties;
     (3) That are under the control of the same person (or persons under common control); and
     (4) From which an accidental release may occur.

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

- "Title I modification" means one of the following modifications pursuant to Title I of the FCAA:
  A. A major modification subject to LRAPA 38-0050, Requirements for Sources in Nonattainment Areas;
  B. A major modification subject to LRAPA 38-0060, Requirements for Sources in Maintenance Areas;
  C. A major modification subject to LRAPA 38-0070, Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas;
  D. A modification that is subject to a New Source Performance Standard under Section 111 of the FCAA; or
  E. A modification under Section 112 of the FCAA.

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

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

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

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

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

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

- "Volatile Organic Compound" or "VOC" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.
  A. This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity in the formation of tropospheric ozone: methane; ethane; methylene chloride (dichloromethane); dimethyl carbonate; propylene carbonate; 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114; chloropentafluoroethane (CFC-115); 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123);

1.1.1.2-tetrafluoroethane (HFC-134a); 1,1-dichloro-1-fluoroethane (HCFC-141b); 1-chloro-1,1-difluoroethane (HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); HCFC 225ca and cb; HFC 43-10mee; pentafluoroethane [~~2~~] (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene (tertrachloroethylene); difluorormethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1 chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$); methyl acetate; 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3, HFE-7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea); methyl formate (HCOOCH3); (1) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300); and perfluorocarbon compounds which fall into these classes:

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

B. For purposes of determining compliance with emissions limits, VOC will be measured by an applicable reference method in accordance with the Department's **Source Sampling Manual**, January, 1992. Where such a method also measures compounds with negligible photochemical reactivity, the latter may be excluded as VOC if the amount of such compounds is accurately quantified, and LRAPA approves the exclusion.

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

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

- "Wigwam Waste Burner" means a burner which consists of a single combustion chamber, has the general features of a truncated cone, and is used for incineration of wastes.
- "Year", unless otherwise defined, means any consecutive 12 month period of time.

Section 12-010 Abbreviations and Acronyms

- ~~(1)~~ "ACDP" means Air Contaminant Discharge Permit.
- ~~(2)~~ "ACT" means Federal Clean Air Act.
- ~~(3)~~ "AE" means Actual Emissions.
- ~~(4)~~ "AICPA" means Association of Independent Certified Public Accountants.
- ~~(5)~~ "AQCR" means Air Quality Control Region.
- ~~(6)~~ "AQMA" means Air Quality Maintenance Area.
- ~~(7)~~ "ASME" means American Society of Mechanical Engineers.
- ~~(8)~~ "ASTM" means American Society for Testing & Materials.
- ~~(9)~~ "ATETP" means Automotive Technician Emission Training Program.
- ~~(10)~~ "AWD" means all wheel drive.
- ~~(11)~~ "BACT" means Best Available Control Technology.
- ~~(12)~~ "BLS" means black liquor solids.
- ~~(13)~~ "CAA" means Clean Air Act
- ~~(14)~~ "CAR" means control area responsible party.
- ~~(15)~~ "CBD" means central business district.
- ~~(16)~~ "CCTMP" means Central City Transportation Management Plan.
- ~~(17)~~ "CEM" means continuous emissions monitoring.
- ~~(18)~~ "CEMS" means continuous emission monitoring system.
- ~~(19)~~ "CERCLA" means Comprehensive Environmental Response Compensation and Liability Act.
- ~~(20)~~ "CFRMS" means continuous flow rate monitoring system.
- ~~(21)~~ "CFR" means Code of Federal Regulations.
- ~~(22)~~ "CMS" means continuous monitoring system.
- ~~(23)~~ "CO" means carbon monoxide.
- "CO2e" means carbon dioxide equivalent
- ~~(24)~~ "COMS" means continuous opacity monitoring system.
- ~~(25)~~ "CPMS" means continuous parameter monitoring system.
- ~~(26)~~ "DEQ" means Oregon Department of Environmental Quality.
- ~~(27)~~ "DOD" means Department of Defense.
- ~~(28)~~ "EA" means environmental assessment.
- ~~(29)~~ "ECO" means employee commute options.
- ~~(30)~~ "EEAF" means emissions estimate adjustment factor.
- ~~(31)~~ "EF" means emission factor.
- ~~(32)~~ "EGR" means exhaust gas re-circulation.
- ~~(33)~~ "EIS" means Environmental Impact Statement
- ~~(34)~~ "EPA" means Environmental Protection Agency.
- ~~(35)~~ "EQC" means Environmental Quality Commission.
- ~~(36)~~ "ESP" means electrostatic precipitator.
- ~~(37)~~ "FCAA" means Federal Clean Air Act.
- ~~(38)~~ "FHWA" means Federal Highway Administration.
- ~~(39)~~ "FONSI" means finding of no significant impact.
- ~~(40)~~ "FTA" means Federal Transit Administration.
- ~~(41)~~ "GFA" means gross floor area.

- "GHG" means greenhouse gases
- ~~(42)~~ "GLA" means gross leasable area.
- ~~(43)~~ "GPM" means grams per mile.
- ~~(44)~~ "gr/dscf" means grains per dry standard cubic foot.
- ~~(45)~~ "GTBA" means grade tertiary butyl alcohol.
- ~~(46)~~ "GVWR" means gross vehicle weight rating.
- ~~(47)~~ "HAP" means hazardous air pollutant.
- ~~(48)~~ "HEPA" means high efficiency particulate air.
- ~~(49)~~ "HMIWI" means hospital medical infectious waste incinerator.
- ~~(50)~~ "I/M" means inspection and maintenance program.
- ~~(51)~~ "IG" means inspection grade.
- ~~(52)~~ "IRS" means Internal Revenue Service.
- ~~(53)~~ "ISECP" means indirect source emission control program.
- ~~(54)~~ "ISTEA" means Intermodal Surface Transportation Efficiency Act.
- ~~(55)~~ "LAER" means Lowest Achievable Emission Rate.
- ~~(56)~~ "LDT2" means light duty truck 2.
- ~~(57)~~ "LIDAR" means laser radar; light detection and ranging.
- ~~(58)~~ "LPG" means liquefied petroleum gas.
- ~~(59)~~ "LRAPA" means Lane Regional Air Protection Agency.
- ~~(60)~~ "LUCS" means Land Use Compatibility Statement.
- ~~(61)~~ "MACT" means Maximum Achievable Control Technology.
- ~~(62)~~ "MPO" means Metropolitan Planning Organization.
- ~~(63)~~ "MTBE" means methyl tertiary butyl ether.
- ~~(64)~~ "MWC" means municipal waste combustor.
- ~~(65)~~ "NAAQS" means National Ambient Air Quality Standards.
- ~~(66)~~ "NEPA" means National Environmental Policy Act.
- ~~(67)~~ "NESHAP" means National Emissions Standard for Hazardous Air Pollutants.
- ~~(68)~~ "NIOSH" means National Institute of Occupational Safety & Health.
- ~~(69)~~ "NO_x" means nitrogen oxides.
- ~~(70)~~ "NSPS" means New Source Performance Standards.
- ~~(71)~~ "NSR" means New Source Review.
- ~~(72)~~ "NSSC" means neutral sulfite semi-chemical.
- ~~(73)~~ "O_3" means ozone.
- ~~(74)~~ "OAR" means Oregon Administrative Rules.
- ~~(75)~~ "ODOT" means Oregon Department of Transportation.
- ~~(76)~~ "ORS" means Oregon Revised Statutes.
- ~~(77)~~ "OSAC" means orifice spark advance control.
- ~~(78)~~ "OSHA" means Occupational Safety & Health Administration.
- ~~(79)~~ "PCDE" means pollution control device collection efficiency.
- ~~(80)~~ "PEMS" means predictive emission monitoring system.
- ~~(81)~~ "PM" means particulate matter.
- ~~(82)~~ "PM_{10}" means particulate matter less than 10 microns.
- "PM2.5" means particulate matter less than 2.5 microns.
- ~~(83)~~ "POTW" means Publicly Owned Treatment Works.

- ~~(84)~~ "POV" means privately owned vehicle.
- ~~(85)~~ "PSD" means Prevention of Significant Deterioration.
- ~~(86)~~ "PSEL" means Plant Site Emission Limit.
- ~~(87)~~ "QIP" means quality improvement plan.
- ~~(88)~~ "RACT" means Reasonably Available Control Technology.
- ~~(89)~~ "RVCOG" means Rogue Valley Council of Governments.
- ~~(90)~~ "RWOC" means running weighted oxygen content.
- ~~(91)~~ "SKATS" means Salem-Kaiser Area Transportation Study.
- ~~(92)~~ "scf" means standard cubic feet.
- ~~(93)~~ "SCS" means speed control switch.
- ~~(94)~~ "SD" means standard deviation.
- ~~(95)~~ "SIP" means State Implementation Plan.
- ~~(96)~~ "SO_2" means sulfur dioxide.
- ~~(97)~~ "SOCMI" means synthetic organic chemical manufacturing industry.
- ~~(98)~~ "SOS" means Secretary of State.
- ~~(99)~~ "TAC" means thermostatic air cleaner.
- ~~(100)~~ "TACT" means Typically Achievable Control Technology.
- ~~(101)~~ "TCM" means transportation control measures.
- ~~(102)~~ "TCS" means throttle control solenoid.
- ~~(103)~~ "TIP" means Transportation Improvement Program.
- ~~(104)~~ "TRS" means total reduced sulfur.
- ~~(105)~~ "TSP" means total suspended particulate matter.
- ~~(106)~~ "UGA" means urban growth area.
- ~~(107)~~ "UGB" means urban growth boundary.
- ~~(108)~~ "US DOT" means United States Department of Transportation.
- ~~(109)~~ "UST" means underground storage tanks.
- ~~(110)~~ "UTM" means universal transverse mercator.
- ~~(111)~~ "VIN" means vehicle identification number.
- ~~(112)~~ "VMT" means vehicle miles traveled.
- ~~(113)~~ "VOC" means volatile organic compounds.

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

~~*Pollutant*~~	~~*Pollutant Averaging Time*~~				
	~~*Annual*~~	~~*24 Hour*~~	~~*8 Hour*~~	~~*3 Hour*~~	~~*1 Hour*~~
~~SO_2~~	~~1.0 µg/m^3~~	~~5 µg/m^3~~		~~25 µg/m^3~~	
~~PM_{10}~~	~~0.2 µg/m^3~~	~~1.0 µg/m^3~~			
~~NO_2~~	~~1.0 µg/m^3~~				
~~CO~~			~~0.5 mg/m^3~~		~~2 mg/m^3~~

TABLE 1

LRAPA Title 12

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

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

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

	~~*Significant*~~ *Pollutant*	*Emission Rate*
	GHG (CO2e)	75,000 tons/year
~~(A)~~	Carbon Monoxide	100 tons/year
~~(B)~~	Nitrogen Oxides (NO_X)	40 tons/year
~~(C)~~	Particulate Matter	25 tons/year
~~(D)~~	PM_{10}	15 tons/year
	Direct $PM_{2.5}$	10 tons/year
	$PM_{2.5}$ Precursors (NOx and SO_2)	40 tons/year
~~(E)~~	Sulfur Dioxide	40 tons/year
~~(F)~~	Volatile Organic Compounds (VOC)	40 tons/year
	Ozone Precursors (NOx and SO_2)	40 tons/year
~~(G)~~	Lead	0.6 ton/year
~~(H)~~	Fluorides	3 tons/year
~~(I)~~	Sulfuric Acid Mist	7 tons/year
~~(J)~~	Hydrogen Sulfide	10 tons/year
~~(K)~~	Total Reduced Sulfur (including hydrogen sulfide)	10 tons/year
~~(L)~~	Reduced sulfur compounds (including hydrogen sulfide)	10 tons/year
~~(M)~~	Municipal waste combustor organics (measured as total tetra- through octa- chlorinated dibenzo-p-dioxins and dibenzofurans)	0.0000035 ton/year
~~(N)~~	Municipal waste combustor metals (measured as particulate matter)	15 tons/year
~~(O)~~	Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	40 tons/year

TABLE 2 LRAPA Title 12 SIGNIFICANT EMISSION RATES FOR POLLUTANTS REGULATED UNDER THE CLEAN AIR ACT		
	~~*Significant*~~ *Pollutant*	*Emission Rate*
~~(P)~~	Municipal solid waste landfill emissions (measured as nonmethane organic compounds)	50 tons/year

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

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

Section 12-020 Exceptions

1. Except as provided in section 2. of this rule, LRAPA Rules and Regulations do not apply to:
   A. Agricultural operations, including but not limited to:
      1) Growing or harvesting crops;
      2) Raising fowl or animals;
      3) Clearing or grading agricultural land;
      4) Propagating and raising nursery stock;
      5) Propane flaming of mint stubble; and
      6) Stack or pile burning of residue from Christmas trees, as defined in ORS 571.505, during the period beginning October 1 and ending May 31 of the following year.
   B. Equipment used in agricultural operations, except boilers used in connection with propagating and raising nursery stock.
   C. Barbeque equipment used in connection with any residence.
   D. Heating equipment in or used in connection with residences used exclusively as dwellings for not more than four families, except woodstoves which shall be subject to regulation under this section, ORS 468A.460 to 468A.480, 468A.490 and 468A.515.
   E. Fires set or permitted by any public agency when such fire is set or permitted in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, or instruction of employees in the methods of fire fighting, which in the opinion of the agency is necessary.
   F. Fires set pursuant to permit for the purpose of instruction of employees of private industrial concerns in methods of fire fighting, or for civil defense instruction.

2. Section 1. of this rule does not apply to the extent:

A. Otherwise provided in ORS 468A.555 to 468A.620, 468A.790, 468A.992, 476.380 and 478.960;
B. Necessary to implement the federal Clean Air Act (P.L. 88-206 as amended) under ORS 468A.025, 468A.030, 468A.035, 468A.040, 468A.045 and 468A.300 to 468A.330; or
C. Necessary for LRAPA, in the Board's discretion, to implement a recommendation to the Task Force on Dairy Air Quality created under section 3, chapter 799, Oregon Laws 2007, for the regulation of dairy air contaminant emissions.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 32

EMISSION STANDARDS

Section 32-075 Federal Acid Rain Regulations Adopted by Reference

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

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 34

Stationary Source Notification Requirements

Section 34-005 Definitions

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

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

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

RULES APPLICABLE TO ALL STATIONARY SOURCES

Section 34-010 Applicability

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

   A. All stationary sources; and

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

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

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

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

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

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

Section 34-015 Request for Information

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

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

2. Ascertain applicability of any requirement;

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

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

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

Section 34-020 Information Exempt from Disclosure

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

2. If an owner or operator claims that any writing, as that term is defined in ORS 192.410(5), is confidential or otherwise exempt from disclosure, in whole or in part, the owner or operator shall comply with the following procedures:

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

   B. The owner or operator shall state the specific statutory provision under which it claims exemption from disclosure and explain why the writing meets the requirements of that provision.

   C. For writings that contain both exempt and non-exempt material, the proposed exempt material shall be clearly distinguishable from the non-exempt material. If possible, the exempt material shall be arranged so that it is placed on separate pages from the non-exempt material.

3. For a writing to be considered exempt from disclosure as a "trade secret," it shall meet all of the following criteria:

   A. the information shall not be patented;

B. it shall be known only to a limited number of individuals within a commercial concern who have made efforts to maintain the secrecy of the information;

C. it shall be information which derives actual or potential economic value from not being disclosed to other persons; and

D. it shall give its users the chance to obtain a business advantage over competitors not having the information.

Registration

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

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

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

1. Any air contaminant source which is not subject to the ACDP rules (34-090 through 34-160) or the Title V Operating Permit program rules (OAR Division 218) shall register with LRAPA upon request pursuant to 34-030-1 through 4.
2. The following air contaminant sources that are certified through an LRAPA approved environmental certification program and subject to an Area Source NESHAP may register with LRAPA pursuant to LRAPA Section 34-030 in lieu of obtaining a permit in accordance with LRAPA 37-0020, unless LRAPA determines that the source has not complied with the requirements of the environmental certification program.
   A. Motor vehicle surface coating operations.
   B. Dry cleaners using perchloroethylene,
3. Approved environmental certification program. To be approved, the environmental certification program must, at a minimum, require certified air contaminant sources to comply with all applicable state and federal rules and regulations and require additional measures to increase environmental protection.
4. Fees. In order to obtain and maintain registration, owners and operators of air contaminant sources registered pursuant to section 2. of this rule must pay the applicable fees in Title 37 Table 2 by March 1 of each year:
   A. Failure to pay fees. Registration is may be terminated upon failure to pay annual fees within 90 days of invoice by LRAPA, unless prior arrangements for payment have been approved in writing by LRAPA.
5. Recordkeeping. In order to maintain registration, owners and operators of air contaminant sources registered pursuant to section 2 of this rule must maintain records required by the approved environmental performance program under section 3 of this rule. The records must be kept on site and in a form suitable and readily available for expeditious inspection and review.
6. Revocation. LRAPA may revoke a registration if a source fails to meet any requirement in LRAPA 34-030.

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

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

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

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

3. In order to obtain registration pursuant to Section 34-025-1, ~~The~~ the following information shall be reported by registrants:

   A. name, address, and nature of business;

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

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

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

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

   F. type and quantity of fuels used;

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

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

   I. any other information requested by LRAPA.

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

45. ~~Once a year, upon the annual date of registration~~In order to re-register or maintain registration, a person responsible for an air contaminant source shall reaffirm in writing, by March 1st each year, the correctness and current status of the information furnished to LRAPA. ~~Any changes in any of the factual data reported under subsection 3 of this section shall be reported to LRAPA, at which time re-registration may be required on forms furnished by LRAPA.~~

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

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

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

Section 34-034 Requirements for Construction

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

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

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

Section 34-035 Types of Construction/Modification Changes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Would increase emissions from any stationary source or combination of stationary sources by more than the significant emission rate but are not subject to Section 42-0041-3.B. or LRAPA Title 38 (NSR rules);

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

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

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

Section 34-036 Notice to Construct

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

   A. Name, address, and nature of business;

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

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

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

   E. A description of the constructed or modified source;

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

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

   H. Type and quantity of fuels used;

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

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

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

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

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

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

O. Amount and method of refuse disposal; and

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

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

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

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

Section 34-037 Construction Approval

1. Approval to Construct:

A. For Type 1 changes, the owner or operator may proceed with construction or modification 10 days after LRAPA receives the notice required in Section 34-~~0230~~036, unless LRAPA notifies the owner or operator in writing that the proposed construction or modification is not a Type 1 change.

B. For Type 2 changes, the owner or operator may proceed with the construction or modification 60 days after LRAPA receives the notice required in Section 34-~~0230~~ 036 or on the date that LRAPA approves the proposed construction in writing, whichever is sooner.

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

D. For Type 4 changes, the owner or operator must obtain a new or modified Standard ACDP in accordance with LRAPA Title 37 before proceeding with the construction or modification.

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

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

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

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

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

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

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

Section 34-038 Approval to Operate

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

2. Type 1 and 2 changes:

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

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

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

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

3. Type 3 and 4 changes:

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

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

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

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

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

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

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

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

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

Section 34-080 Excess Emissions

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

Section 34-160 New Source Review

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

RULES APPLICABLE TO SOURCES REQUIRED TO HAVE TITLE V OPERATING PERMITS

Section 34-170 Applicability

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

Section 34-170 Amended 06/13/00.

Section 34-180 Authority to Implement

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

Section 34-180 Amended 06/13/00.

Section 34-190 Definitions

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

Section 34-190 Amended 06/13/00.

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

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

Section 34-200 Amended 06/13/00.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 36
Excess Emissions

Section 36-020 All Other Excess Emissions

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

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

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

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

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 37

AIR CONTAMINANT DISCHARGE PERMITS

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

Section 37-0020
Applicability

This title applies to all sources referred to in Table 1 of this ~~Title~~title. This title also applies to LRAPA Title V Operating Permit program sources when an ACDP is required by OAR 340-218-0020 or Section 38-0010. Sources referred to in Table 1 of this title are subject to fees set forth in Table 2 of this title.

1. No person may construct, install, establish, develop or operate any air contaminant source which is referred to in **Table 1** without first obtaining an Air Contaminant Discharge Permit (ACDP) from ODEQ or LRAPA unless otherwise deferred from the requirement to obtain an ACDP in Section 1.C or D. of this rule. No person may continue to operate an air contaminant source if the ACDP expires, or is terminated or revoked; except as provided in Section 37-0082.

   A. For portable sources, a single permit may be issued for operating at any area of the state if the permit includes the requirements from both the ODEQ and LRAPA.

   B. The ODEQ or LRAPA where the portable source's Corporate offices are located will be responsible for issuing the permit. If the corporate office of a portable source is located outside of the state, the ODEQ will be responsible for issuing the permit.

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

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

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

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

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

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

Section 37-0025 Types of Permits

1. Construction ACDP

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. A permit duration not to exceed 5 years.

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

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

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

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

D. A permit duration not to exceed 5 years.

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

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

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

Section 37-0030 Definitions

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

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

Section 37-0040 Application Requirements

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

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

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

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

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

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

   F. The type and quantity of fuels used;

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

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

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

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

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

   L. Any other information requested by LRAPA.

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

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

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

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

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

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

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

~~6.~~7. Two copies of the application are required, unless otherwise requested by LRAPA. At least one of the copies must be a paper copy, but the others may be in any other format, including electronic copies, upon approval by LRAPA.

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

~~8.~~9. The name of the applicant must be the legal name of the facility or the owner's agent or the lessee responsible for the operation and maintenance of the facility. The legal name must be registered with the Secretary of State Corporations Division.

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

~~10.~~11. Applications that are obviously incomplete, unsigned, improperly signed, or lacking the required exhibits or fees will be rejected by LRAPA and returned to the applicant for completion.

~~11.~~12. Within 15 days after receiving the application, LRAPA will preliminarily review the application to determine the adequacy of the information submitted:

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

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

~~12.~~13. If at any time while processing the application, LRAPA determines that additional information is needed, LRAPA will promptly ask the applicant for the needed information. The application will not be considered complete for processing until the requested information is received. The application will be considered withdrawn if the applicant fails to submit the requested information within 90 days of the request.

~~13.~~14. If, upon review of an application, LRAPA determines that a permit is not required, LRAPA will so notify the applicant in writing. Such notification is a final action by LRAPA on the application.

Section 37-0052 Construction ACDP

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

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

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

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

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

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

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

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

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

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

C. A requirement to comply with all applicable requirements;

D. Emission limits for affected stationary sources;

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

F. Performance test requirements;

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

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

I. General ACDP conditions for incorporating generally applicable requirements;

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

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

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

5. Permit issuance procedures:

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

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

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

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

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

Section 37-0054 Short Term Activity ACDPs

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

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

3. Permit content.

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

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

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

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

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

Section 37-0056 Basic ACDPs

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

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

3. Permit content:

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

   B. A Basic ACDP does not contain a PSEL;

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

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

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

Section 37-0060 General Air Contaminant Discharge Permits

1. Applicability.

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

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

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

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

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

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

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

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

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

      4) A permit ~~duration~~ expiration date not to exceed 10 years from the date of issuance.

   C. Permit issuance procedures: A new General ACDP requires public notice and opportunity for comment in accordance with ~~ORS 183.325 to 183.410~~LRAPA Title 31 for Category III permit actions. A reissued General ACDP or a modification to a General ACDP requires public notice and opportunity for comment in accordance with LRAPA Title 31 for Category II permit actions. All General ACDPs are on file and available for review at LRAPA. The Director signs a General ACDP.

2. Source assignment:

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

B. Fees. Applicants must pay the fees set forth in Table 2 of Section 37-0020. The fee class for each General ACDP is as follows:

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

C. Source assignment procedures:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~**NOTES:**~~

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

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

37-0062
General ACDP Attachments

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

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

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

C. Assignment procedures:

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

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

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

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

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

Section 37-0064 Simple ACDP

1. Applicability.

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

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

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

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

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

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

      4) The location of the source; and

      5) The compliance history of the source.

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

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

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

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

(a) Category 6. Asphalt felt and coatings;

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

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

(d) Category 30. Galvanizing & Pipe coating;

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

(f) Category 37. Gypsum products;

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

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

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

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

~~(k)~~ Category 75. All Other Sources not listed in Table 1 which would have actual emissions, if the source were to operate uncontrolled, of 5 or more tons a year **of direct $PM_{2.5}$ or PM_{10} if located in a direct $PM_{2.5}$ or PM_{10}** non-attainment or maintenance area, or 10 or more tons of any single criteria pollutant in any part of Lane County~~; or~~

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

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

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

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

4. Permit Content.

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

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

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

D. A permit duration not to exceed 5 years

5. Permit issuance procedures:

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

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

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

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

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

Section 37-0066 Standard ACDPs

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

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

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

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

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

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

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

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

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

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

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

D. A permit duration not to exceed 5 years.

4. Permit issuance procedures.

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

1) For non-NSR permit actions, issuance of a new or renewed Standard ACDP requires public notice in accordance with LRAPA Title 31 for Category III permit actions for any increase in allowed emissions, or Category II permit actions if no emissions increase is allowed.

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

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

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

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

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

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

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

Section 37-0082 Termination or Revocation of an ACDP

1. Expiration

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

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

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

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

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

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

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

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

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

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

4. Revocation:

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

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

Section 37-0084 LRAPA Initiated Modification

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

Section 37-0090 Sources Subject to ACDPs and Fees

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

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

Section 37-0094 Temporary Closure

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

2. Annual fees for temporary closure are one half of the regular annual fee for the source.

3. Sources who have received LRAPA approval for payment of the temporary closure fee must obtain authorization from LRAPA prior to resuming permitted activities. Owners or operators must submit written notification, together with the prorated annual fee for the remaining months of the year, to LRAPA at least thirty (30) days before startup and specify in the notification the earliest anticipated startup date.

TITLE 37 (Section 37-0020) Table 1

Part A: Activities and Sources

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

1. ~~Autobody Repair or Painting Shops painting more than 25 automobiles in a year.~~ Decorative chrome plating
2. ~~Natural Gas and Propane Fired~~ Boilers and other fuel-burning equipment (with or without #2 diesel oil back-up***~~(a)~~) of 2.5 or more MMBTU but less than 10 MMBTU/hr heat input ~~constructed after June 9, 1989~~.
3. Concrete Manufacturing including Redimix and CTB more than 5,000 but less than 25,000 cubic yards per year output.
4. Crematory and Pathological Waste Incinerators with less than 20 tons/yr. material input.
5. Prepared feeds for animals and fowl and associated grain elevators more than 1,000 tons/yr. but less than 10,000 tons per year throughput.
6. Rock, Concrete or Asphalt Crushing both portable and stationary more than 5,000 tons/yr. but less than 25,000 tons/yr. crushed.
7. Surface coating operations whose actual or expected usage of coating materials is less than 250 gallons per month, excluding sources that exclusively use non-VOC and non-HAP containing coatings ~~)~~.
8. Sources not elsewhere classified with actual emissions of more than 1 ton/year VOC and/or HAP.
9. Sawmills and/or Planing Mills and/or Millwork and/or wood furniture and fixtures manufacturing of less than 25,000 bd. ft./maximum 8 hr. finished product.
10. Coffee Roasting (roasting less than 30 tons per year)
~~10.~~11. Motor Vehicle and Mobile Equipment Surface Coating Operations subject to an Area Source NESHAP and using less than 20 gallons of coating per year excluding motor vehicle surface coating operations registered pursuant to LRAPA 34-025-2.

Part B: Activities and Sources

The following commercial and industrial sources must obtain either:

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

1. Aerospace or Aerospace Parts Manufacturing
2. Aluminum Production - Primary
3. Ammonia Manufacturing
4. Animal Rendering and Animal Reduction Facilities
5. Asphalt Blowing Plants
6. Asphalt Felts or Coating
7. Asphaltic Concrete Paving Plants both stationary and portable
8. Bakeries, Commercial over 10 tons of VOC emissions per year
9. Battery Separator Manufacturing

10. Battery Manufacturing and Re-manufacturing
11. Beet Sugar Manufacturing
12. Boilers and other Fuel Burning Equipment over 10 MMBTU/hr. heat input~~, except exclusively Natural Gas and Propane fired units (with or without #2 diesel backup) under 30 MMBTU/hr. heat input~~
13. Building paper and Buildingboard Mills
14. Calcium Carbide Manufacturing
15. Can or Drum Coating
16. Cement Manufacturing and/or Distribution
17. Cereal Preparations and Associated Grain Elevators
18. Charcoal Manufacturing
19. Chlorine and Alkalies Manufacturing
20. Chrome Plating (Hard)
21. Coffee Roasting (roasting 30 or more tons per year)
22. Concrete Manufacturing including Redimix and CTB 25,000 or more cubic yards per year output
23. Crematory and Pathological Waste Incinerators 20 or more tons/yr. material input
24. Degreasers (halogenated solvents subject to a NESHAP)
25. Electrical Power Generation from combustion, ~~(~~excluding units used exclusively as emergency generators and less than 500kW~~)~~
26. Ethylene Oxide Sterilization
27. Flatwood Coating
28. Flexographic or Rotogravure Printing
29. Flour, Blended and/or Prepared and Associated Grain Elevators
30. Galvanizing and Pipe Coating
31. Gasoline Bulk Plants, Bulk Terminals, and Pipeline Facilities
32. **Gasoline Dispensing Facilities (GDFs)
33. Glass and Glass Container Manufacturing
34. Grain Elevators used for intermediate storage 10,000 or more tons/yr. throughput
35. Grain terminal elevators
36. Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries 100 or more tons/yr. metal charged (not elsewhere identified)
37. Gypsum Products Manufacturing
38. Hardboard Manufacturing (including fiberboard)
39. Incinerators with two or more ton per day capacity
40. Lime Manufacturing
41. Liquid Storage Tanks
42. Magnetic Tape Manufacturing
43. Manufactured and Mobile Home Manufacturing
44. Marine Vessel Petroleum Loading and Unloading
45. Millwork (including kitchen cabinets and structural wood members) 25,000 or more bd. ft./maximum 8 hr. input
46. Molded Container
47. Motor Coach Manufacturing
48. Natural Gas and Oil Production and Processing and associated fuel burning equipment
49. Nitric Acid Manufacturing
50. Non-Ferrous Metal Foundries 100 or more tons/yr. of metal charged
51. Organic or Inorganic Chemical Manufacturing and Distribution with ½ or more tons per year emissions of any one criteria pollutant (sources in this category with less than ½ ton/yr. of each criteria pollutant are not required to have an ACDP)
52. Paper or other Substrate Coating
53. Particleboard Manufacturing (including strandboard, flakeboard, and waferboard)
54. Perchloroethylene ~~dry~~ Dry ~~cleaners~~ Cleaning Operations subject to an Area Source NESHAP, excluding perchoroethylene dry cleaning operations registered pursuant to

LRAPA 34-025-2~~that do not submit a complete Dry Cleaner Annual Hazardous Waste and Air Compliance Report by June 1 of any given year~~

55. Pesticide Manufacturing 5,000 or more tons/yr. annual production
56. Petroleum Refining and Re-refining of Lubricating Oils and Greases including Asphalt Production by Distillation and the reprocessing of oils and/or solvents for fuels
57. Plywood Manufacturing and/or Veneer Drying
58. Prepared feeds manufacturing for animals and fowl and associated grain elevators 10,000 or more tons per year throughput
59. Primary Smelting and/or Refining of Ferrous and Non-Ferrous Metals
60. Pulp, Paper and Paperboard Mills
61. Rock, Concrete or Asphalt Crushing both portable and stationary 25,000 or more tons/yr. crushed
62. Sawmills and/or Planing Mills 25,000 or more bd. ft./maximum 8 hr. finished product
63. Secondary Smelting and/or Refining of Ferrous and Non-Ferrous Metals
64. Seed Cleaning and Associated Grain Elevators 5,000 or more tons/yr. throughput
65. Sewage Treatment Facilities employing internal combustion for digester gasses
66. Soil Remediation Facilities stationary or portable
67. Steel Works, Rolling and Finishing Mills
68. Surface Coating Manufacturing
69. Surface Coating Operations: coating operations whose actual or expected usage of coating materials is greater than 250 gallons per month, excluding sources that exclusively use non-VOC and non-HAP containing coatings.
70. Synthetic Resin Manufacturing
71. Tire Manufacturing
72. Wood Furniture and Fixtures 25,000 or more bd. ft./maximum 8 hr. input
73. Wood Preserving (excluding waterborne)
74. All Other Sources not listed herein that LRAPA determines an air quality concern exists including minor sources of HAPs not elsewhere classified or one which would emit significant malodorous emissions
75. All Other Sources not listed herein which would have actual emissions, if the source were to operate uncontrolled, of 5 or more tons a year of direct $PM_{2.5}$ or PM_{10} if located in a $PM_{2.5}$ or PM_{10} non-attainment or maintenance area, or 10 or more tons of any single criteria pollutant in any part of Lane County.
76. Aluminum, Copper, and Other Nonferrous Foundries subject to an Area Source NESHAP.
77. Ferroalloy Production Facilities subject to an Area Source NESHAP.
78. Metal Fabrication and Finishing Operations subject to an Area Source NESHAP
79. Motor Vehicle and Mobile Equipment Surface Coating Operations subject to an Area Source NESHAP using more than 20 gallons of coating per year excluding motor vehicle surface coating operations registered pursuant to LRAPA 34-025-2.
80. Paint Stripping and Miscellaneous Surface Coating Operations subject to an Area Source NESHAP.
81. Paint and Allied Products Manufacturing subject to an Area Source NESHAP
82. Plating and Polishing Operations subject to an Area Source NESHAP
~~75.~~83. Fiberglass lay-up and/or reinforced plastic composites production

Part C: Activities and Sources

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

1. Incinerators for PCBs and / or other hazardous wastes
2. All Sources that LRAPA determines have emissions that constitute a nuisance
3. All Sources electing to maintain the source's baseline emission rate, or netting basis

4. All Sources subject to a BACT, LAER, NESHAP, NSPS, LRAPA MACT, or other significant Air Quality regulation(s), except:
    a. Source categories for which a General ACDP has been issued~~, and~~.
    b. Sources with less than 10 tons/yr. actual emissions that are subject to, NSPS or a NESHAP which qualify for a Simple ACDP.
    c. Sources registered pursuant to LRAPA 34-025-2.
    d. Electrical power generation units used exclusively as emergency generators and units less than 500 kW.
    e. Gasoline dispensing facilities with exclusively above ground tanks, provided the gasoline dispensing facility has monthly throughput of less than 10,000 gallons of gasoline per month and does not sell gasoline for use in motor vehicles.
    ~~b.~~f. Motor vehicle surface coating and mobile equipment surface coating operations subject to an area source NESHAP using less than 20 gallons of coating per year.
5. All sources having the potential to emit more than 100,000 short tons of GHG emissions in a year.
~~5.~~6. All Sources having the Potential to Emit more than 100 tons of any regulated air contaminant in a year, other than GHGs and HAPs.
~~6.~~7. All Sources having the Potential to Emit more than 10 tons of a single hazardous air pollutant in a year
~~7.~~8. All Sources having the Potential to Emit more than 25 tons of all hazardous air pollutants combined in a year

Notes:
* Applies only to Special Control Areas
**~~Gasoline dispensing facilities are not required to be registered or obtain an ACDP before adoption of area source NESHAPs standards.~~ Gasoline dispensing facilities with 1) gasoline storage tanks greater than or equal to 250 gallons and less than 5,000 gallons must obtain registration or 2) exclusively above ground tanks are required to obtain an ACDP only if they have month throughput of 10,000 gallons of gasoline per month or more or sell gasoline for use in motor vehicles.
~~(a)~~*** "back-up" means less than 10,000 gallons of fuel per year

For more information contact:

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

TITLE 37 (Section 37-0020) Table 2

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

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

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

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

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

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

Part 3. Specific Activity Fees:

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

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

~~k. Registration(7)~~

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

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

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

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

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

Part 5. Specific Registration Fees:

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

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 38

MAJOR NEW SOURCE REVIEW

Section 38-0010 Applicability and General Prohibitions

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

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

~~1.~~3. Owners and operators of sources that do not meet the applicability criteria of sections 1. or 2. of this rule ~~This title does not apply to owners or operators of proposed non-major sources or non-major modifications and does not apply in attainment areas to major sources or major modifications that are not Federal Major sources. Such~~ owners or operators are subject to other LRAPA rules, including Highest and Best Practicable Treatment and Control Required (Section 32-0005 through 32-0009), Title 42- Plant Site Emission Limits, Notice of Construction and Approval of Plans (Section 34-010 and 34-034through 34-038), ACDPs (LRAPA Title 37, Sections 37-0025-1. and 37-0052), Emission Standards for Hazardous Air Contaminants (LRAPA Title 44), and Standards of Performance for New Stationary Sources (LRAPA Title 46) and Stationary Source Plant Site Emission Limits (LRAPA Title 42).

4. No owner or operator of a source that meets the applicability criteria of sections 1. or 2. of this rule may begin construction ~~of a major source or a major modification of an air contaminant source~~ without having received an air contaminant discharge permit (ACDP) from LRAPA and having satisfied the requirements of this title.

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

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

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

Section 38-0020 Definitions

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

Section 38-0030 Procedural Requirements

1. Information Required. The owner or operator of a proposed major source or major modification must submit all information LRAPA needs to perform any analysis or make any determination required under this title and LRAPA Title 40. The information must be in writing on forms supplied by LRAPA and include the information for a standard ACDP as detailed in LRAPA Title 37.

2. Other Obligations:

   A. Approval to construct becomes invalid if construction is not commenced within 18 months after LRAPA issues such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within 18 months of the scheduled time. LRAPA may extend the 18-month period for good cause. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date;

   B. Approval to construct does not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the State Implementation Plan and any other requirements under local, state or federal law;

   C. Approval to construct a source under an ACDP issued under paragraph 3.B. of this rule authorizes construction and operation of the source, except as prohibited in subsection D. of this rule, until the later of:

      1) One year from the date of initial startup of operation of the major source or major modification; or

2) If a timely and complete application for an LRAPA Title V Operating Permit is submitted, the date of final action by LRAPA on the LRAPA Title V Operating Permit application.

D. Where an existing LRAPA Title V Operating Permit would prohibit construction or change in operation, the owner or operator must obtain a permit revision before commencing construction or operation.

3. Application Processing:

A. Within 30 days after receiving an application to construct, or any addition to such application, LRAPA will advise the applicant of any deficiency in the application or in the information submitted. For purposes of this section, the date LRAPA received a complete application is the date on which LRAPA received all required information;

B. Notwithstanding the requirements of Section 37-0040 or OAR 340-218-0040, concerning permit application requirements, LRAPA will make a final determination on the application within six months after receiving a complete application. This involves performing the following actions in a timely manner:

1) Making a preliminary determination whether construction and/or modification should be approved, approved with conditions, or disapproved;

2) Making the proposed permit available in accordance with the public participation procedures required by LRAPA Title 31 for Category IV. Extension of Construction Permits beyond the 18-month time period in paragraph 2.A. of this rule are available in accordance with the public participation procedures required by Category II in lieu of Category IV.

Section 38-0040 Review of New Sources and Modifications for Compliance With Regulations

The owner or operator of a proposed major source or major modification must demonstrate the ability of the proposed source or modification to comply with all applicable air quality requirements of LRAPA.

Section 38-0050 Requirements for Sources in Nonattainment Areas

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

~~area,~~ including VOC or NO_x in a designated ~~Ozone~~ ozone ~~Nonattainment~~ nonattainment ~~Area~~area or SO_2 or NO_x in a designated $PM_{2.5}$ nonattainment area must meet the requirements listed below:

1. Lowest Achievable Emission Rate (LAER). The owner or operator must ~~demonstrate that the source or modification will comply with~~ apply ~~the~~ LAER for each nonattainment pollutant or precursor(s) emitted at or above the significant emission rate (SER). LAER applies separately to the nonattainment pollutant or precursor(s) if emitted at or above a SER over the netting basis.

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

   B. For phased construction projects, the LAER determination must be reviewed at the latest reasonable time before commencing construction of each independent phase.

   C. When determining LAER for a change that was made at a source before the current NSR application, LRAPA will consider technical feasibility of retrofitting required controls provided:

      1) The change was made in compliance with NSR requirements in effect when the change was made, and

      2) No limit will be relaxed that was previously relied on to avoid NSR.

   D. ~~Individual modifications~~ Modifications ~~with~~ to individual emission units that increase the potential to emit less than 10 percent of the SER are exempt from this section unless:

      1) They are not constructed yet;

      2) They are part of a discrete, identifiable, larger project that was constructed within the previous 5 years and is equal to or greater than 10 percent of the SER; or

3) They were constructed without, or in violation of, the LRAPA's approval.

2. Offsets and Net Air Quality Benefit. The owner or operator must obtain offsets and demonstrate that a net air quality benefit will be achieved as specified in Section 40-0090.

3. Additional Requirements:

A. The owner or operator of a source that emits or has the potential to emit 100 tons per year or more of any regulated ~~NSR~~ pollutant subject to this title must evaluate alternative sites, sizes, production processes, and environmental control techniques for the proposed source or modification and demonstrate that benefits of the proposed source or modification will significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification.

B. The owner or operator of a source that emits or has the potential to emit 100 tons per year or more of any regulated ~~NSR~~ pollutant subject to this title must demonstrate that all major sources owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in the state are in compliance, or are on a schedule for compliance, with all applicable emission limitations and standards under the Act.

C. The owner or operator of a federal major source must meet the visibility impact requirements in Section 40-0070.

Section 38-0060 Requirements for Sources in Maintenance Areas

Within a designated nonattainment area, ~~P~~proposed major sources and major modifications ~~that would emit~~of a maintenance pollutant, ~~within a designated ozone or carbon monoxide maintenance area,~~ including VOC or NO_x in a designated ozone maintenance area, or SO_2 or NOx in a designated $PM_{2.5}$ maintenance area, must meet the requirements listed below:

1. Best Available Control Technology (BACT). Except as provided in section 5. of this rule, the owner or operator must apply BACT for each maintenance pollutant or precursor(s) emitted at or above a significant emission rate (SER). BACT applies separately to the maintenance pollutant or precursor(s) if emitted at or above a SER over the netting basis.

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

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

2) Each ~~modified~~ emissions unit that emits the maintenance pollutant or precursor(s) and is included in the most recent netting basis but has been modified and the modification resulted in an increase in actual emissions above the portion of the most recent netting basis attributable to the emissions unit or the maintenance pollutant or precursor(s).~~increases the actual emissions of the pollutant in question above the netting basis~~.

B. For phased construction projects, the BACT determination must be reviewed at the latest reasonable time before commencement of construction of each independent phase.

C. When determining BACT for a change that was made at a source before the current NSR application, the technical and economic feasibility of retrofitting required controls may be considered provided:

1) The change was made in compliance with NSR requirements in effect at the time the change was made, and

2) No limit is being relaxed that was previously relied on to avoid NSR.

D. ~~Individual modifications~~ Modifications ~~with~~ to individual emissions units that increase the potential to emit less than 10 percent of the significant emission rate are exempt from this section unless:

1) They are not constructed yet;

2) They are part of a discrete, identifiable larger project that was constructed within the previous 5 years and that is equal to or greater than 10 percent of the significant emission rate; or

3) They were constructed without, or in violation of, LRAPA's approval.

2. Air Quality Protection:

A. Offsets and Net Air Quality Benefit. Except as provided in subsections B. of this section, the owner or operator must obtain offsets and demonstrate that a net air quality benefit will be achieved in the area as specified in Section 40-0090.

B. In a carbon monoxide maintenance area, a proposed carbon monoxide major source or major modification is exempt from subsection A. of this section if the owner or operator can demonstrate that the source or modification will not cause or contribute to an air quality impact equal to or greater than 0.5 mg/m3 (8 hour average) and 2 mg/m3 (1-hour average). The demonstration must comply with the requirements of Section 40-0045.

3. The owner or operator of a source subject to this rule must provide an air quality analysis in accordance with Section 40-0050-1 and 2, and Section 40-0060.

4. Additional Requirements for Federal Major Sources: The owner or operator of a federal major source subject to this rule must provide an analysis of the air quality impacts for the proposed source or modification in accordance with Section 40-0050-3 and 40-0070. In addition to the provisions of this section, provisions of Section 38-0070 also apply to federal major sources.

5. Contingency Plan Requirements. If the contingency plan in an applicable maintenance plan is implemented due to a violation of an ambient air quality standard, this section applies in addition to other requirements of this rule until LRAPA adopts a revised maintenance plan and EPA approves it as a SIP revision.

A. The requirement for BACT in section ~~(~~1~~)~~. of this rule is replaced by the requirement for LAER contained in Section 38-0050-1.

B. The exemption provided in section 2.B. of this rule for major sources or major modifications within a carbon monoxide maintenance area no longer applies.

6. Pending Redesignation Requests. This rule does not apply to a proposed major source or major modification for which a complete application to construct was submitted to LRAPA before the maintenance area was redesignated from nonattainment to attainment by EPA. Such a source is subject to Section 38-0050.

Section 38-0070 Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas

~~Proposed~~ Within a designated attainment or unclassified area, proposed ~~new~~ federal major sources ~~or~~ and major modifications at federal major sources ~~locating in areas designated attainment or unclassifiable~~for the pollutant(s) for which the area is designated attainment or unclassified, must meet the ~~following~~ requirements listed below:

1. Best Available Control Technology (BACT). The owner or operator ~~of the proposed federal major source or major modification at a federal major source~~ must apply BACT for each pollutant or precursor(s) emitted at or above a significant emission rate (SER) ~~over the netting basis~~. BACT applies separately to the pollutant or precursor(s) if emitted at or above a SER over the netting basis.

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

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

      2) Each ~~modified~~ emissions unit that emits the pollutant or precursor (s) and is included in the most recent netting basis but has been modified and the modification resulted in an increase in actual emissions above the portion of the most recent netting basis attributable to the emissions unit or the nonattainment pollutant or precursor(s).~~increases the actual emissions of the pollutant in question above the netting basis~~.

   B. For phased construction projects, the BACT determination must be reviewed at the latest reasonable time before commencement of construction of each independent phase.

   C. When determining BACT for a change that was made at a source before the current NSR application, any additional cost of retrofitting required controls may be considered provided:

      1) The change was made in compliance with NSR requirements in effect at the time the change was made, and

      2) No limit is being relaxed that was previously relied on to avoid NSR.

   D. ~~Individual modifications~~ Modifications ~~with~~ to individual emissions units that increase the potential to emit less than 10 percent of the significant emission rate are exempt from this section unless:

      1) They are not constructed yet;

      2) They are part of a discrete, identifiable larger project that was constructed within the previous 5 years and that is equal to or greater than 10 percent of the significant emission rate; or

3) They were constructed without, or in violation of, LRAPA's approval.

2. Air Quality Analysis: The owner ~~of~~ or operator of a source subject to this rule must provide an analysis of the air quality impacts of each pollutant for which emissions will exceed the netting basis by the SER or more due to ~~for~~ the proposed source or modification in accordance with Section 40-0050 through 40-0070.

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

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

~~2.~~3. Air Quality Monitoring: The owner or operator of a source subject to this rule must conduct ambient air quality monitoring in accordance with the requirements in Section 40-0050.

~~3.~~4. The owner or operator of a source subject to this rule and significantly impacting a PM_{10} maintenance area (significant air quality impact is defined in LRAPA Title 12), must comply with the requirements of Section 38-0060-2.

Section 38-0080 Exemptions

Temporary emission sources that would be in operation at a site for less than two years, such as pilot plants and portable facilities, and emissions resulting from the construction phase of a new source or modification must comply with Section 38-0050-1, 38-0060-1 or 38-0070-1, whichever is applicable, but are exempt from the remaining requirements of Section 38-0050, 38-0060 and 38-0070 provided that the source or modification would not impact a Class I area or an area with a known violation of a National Ambient Air Quality Standard (NAAQS) or an applicable increment as defined in LRAPA Title 50.

Section 38-0100 Fugitive and Secondary Emissions

Fugitive emissions are included in the calculation of emission rates of all air contaminants. Fugitive emissions are subject to the same control requirements and analyses required for emissions from identifiable stacks or vents. Secondary emissions are not included in calculations of potential emissions that are made to determine if a proposed source or modification is major.

Once a source or modification is identified as being major, secondary emissions are added to the primary emissions and become subject to the air quality impact analysis requirements in this title and LRAPA Title 40.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 40

Air Quality Analysis Requirements

Section 40-0010 Purpose

This title contains the definitions and requirements for air quality analysis referred to in LRAPA Rules. It does not apply unless a rule in another title refers the reader here. For example, Title 42 (Stationary Source Plant Site Emissions Limits) and Title 38 (Major New Source Review) refer the reader to provisions in this title for specific air quality analysis requirements.

Section 40-0020 Definitions

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

1. "Allowable Emissions" means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

   A. The applicable standards as set forth in 40 CFR parts 60 and 61;
   B. The applicable State Implementation Plan emissions limitation, including those with a future compliance date; or
   C. The emissions rate specified as a federally enforceable permit condition.

2. "Background Light Extinction" means the reference levels (Mm^{-1}) shown in the estimates of natural conditions as referenced in the FLAG to be representative of the PSD Class I or Class II area being evaluated.

3. "Baseline Concentration" means:

   A. The ambient concentration level for sulfur dioxide and PM_{10} that existed in an area during the calendar year 1978. ~~If no ambient air quality data is available in an area, the baseline concentration may be estimated using modeling based on actual emissions for 1978.~~ Actual emission increases or decreases occurring before January 1, 1978 must be included in the baseline calculation, except that actual emission increases from any source or modification on which construction commenced after January 6, 1975 must not be included in the baseline calculation;

B. The ambient concentration level for nitrogen oxides that existed in an area during the calendar year 1988.

~~b.~~

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

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

4. "Competing PSD Increment Consuming Source Impacts" means the total modeled concentration above the modeled Baseline Concentration resulting from increased emissions of all other sources since the baseline concentration year that are within the Range of Influence of the source in question. Allowable Emissions may be used as a conservative estimate, in lieu of Actual Emissions, in this analysis.

5. "Competing NAAQS Source Impacts" means total modeled concentration resulting from allowable emissions of all other sources that are within the Range of Influence of the source in question.

6. "FLAG " refers to the Federal Land Managers' Air Quality Related Values Work Group Phase I Report -REVISED. See ~~66~~ 75 Federal Register ~~2~~66125, ~~January 3~~October 27, ~~2001~~ 2010~~at 382 to 383~~.

7. "General Background Concentration" means impacts from natural sources and unidentified sources that were not explicitly modeled. LRAPA may determine this as site-specific ambient monitoring or representative ambient monitoring from another location.

8. "Nitrogen Deposition" means the sum of anion and cation nitrogen deposition expressed in terms of the mass of total elemental nitrogen being deposited. As an example, Nitrogen Deposition for NH_4NO_3 is 0.3500 times the weight of NH_4NO_3 being deposited.

9. "Ozone Precursor Distance" means the distance in kilometers from the nearest boundary of a designated ozone nonattainment or maintenance area within which a major new or modified source of VOC or NO_x is considered to significantly affect that designated area. The determination of significance is made by either the formula method or the demonstration method.

A. The Formula Method.

1) For sources with complete permit applications submitted before January 1, 2003: D = 30 km
2) For sources with complete permit applications submitted on or after January 1, 2003: D = (Q/40) x 30 km

3) D is the Ozone Precursor Distance in kilometers. The value for D is 100 kilometers when D is calculated to exceed 100 kilometers. Q is the larger of the NO_x or VOC emissions increase from the source being evaluated in tons/year, and is quantified relative to the netting basis.
4) If a source is located at a distance less than D from the designated area, the source is considered to have a significant effect on the designated area. If the source is located at a distance equal to or greater than D, it is not considered to have a significant effect.

B. The Demonstration Method. An applicant may demonstrate to LRAPA that the source or proposed source would not significantly impact a nonattainment area or maintenance area. This demonstration may be based on an analysis of major topographic features, dispersion modeling, meteorological conditions, or other factors. If LRAPA determines that the source or proposed source would not significantly impact the nonattainment area or maintenance area under high ozone conditions, the Ozone Precursor Distance is zero kilometers.

10. "Ozone Precursor Offsets" means the emission reductions required to offset emission increases from a major new or modified source located inside the designated nonattainment or maintenance area or within the Ozone Precursor Distance. Emission reductions must come from within the designated area or from within the Ozone Precursor Distance of the offsetting source as described in Section 38-0090. The offsets determination is made by either the formula method or the demonstration method.

A. The Formula Method.
1) Required offsets (RO) for new or modified sources are determined as follows:
(a) For sources with complete permit applications submitted before January 1, 2003: RO = SQ
(b) For sources with complete permit applications submitted on or after January 1, 2003: RO = (SQ minus (40/30 * SD))
2) Contributing sources may provide offsets (PO) calculated as follows: PO = CQ minus (40/30 * CD)
3) Multiple sources may contribute to the required offsets of a new source. For the formula method to be satisfied, total provided offsets (PO) must equal or exceed the required offset (RO).
4) Definitions of factors used in paragraphs 1), 2) and 3) of this subsection:
(a) RO is the required offset of NO_x or VOC in tons per year as a result of the source emissions increase. If RO is calculated to be negative, RO is set to zero;
(b) SQ is the source emissions increase of NO_x or VOC in tons per year above the netting basis;
(c) SD is the source distance in kilometers to the nonattainment or maintenance area. SD is zero for sources located within the nonattainment or maintenance area.

(d) PO is the provided offset from a contributing source and must be equal to or greater than zero;
(e) CQ is the contributing emissions reduction in tons per year quantified relative to contemporaneous pre-reduction actual emissions (Section 41-0030-1.B.).
(f) CD is the contributing source distance in kilometers to the nonattainment or maintenance area. For a contributing source located within the nonattainment or maintenance area, CD equals zero.

B. The Demonstration Method. An applicant may demonstrate to LRAPA using dispersion modeling or other analyses the level and location of offsets that would be sufficient to provide actual reductions in concentrations of VOC or NO_x in the designated area during high ozone conditions. The modeled reductions of ambient VOC or NO_x concentrations resulting from the emissions offset must be demonstrated over a greater area and over a greater period of time within the designated area as compared to the modeled ambient VOC or NO_x concentrations resulting from the emissions increase from the source subject to this rule. If LRAPA determines that the demonstration is acceptable, then LRAPA will approve the offsets proposed by the applicant. The demonstration method does not apply to sources located inside an ozone nonattainment area.

11. "Range of Influence (ROI)" means:
A. For PSD Class II and Class III areas, the Range of Influence of a competing source (in kilometers) is defined by:

1) ROI (km) = Q (tons/year) / K (tons/year km).
2) Definition of factors used in paragraph (1) of this subsection:
(a) ROI is the distance a source has an effect on an area and is compared to the distance from a potential competing source to the Significant Impact Area of a proposed new source. Maximum ROI is 50 km, however LRAPA may request that sources at a distance greater than 50 km be included in a competing source analysis.
(b) Q is the emission rate of the potential competing source in tons per year.
(c) K (tons/year km) is a pollutant specific constant as defined in the table below:

Constant K for Range of Influence Calculation					
Pollutant	$PM_{2.5}$/PM_{10}	SO_x	NO_x	CO	Lead
K	5	5	10	40	0.15

B. For PSD Class I areas, the Range of Influence of a competing source includes emissions from all sources that occur within the modeling domain of the source being evaluated. LRAPA determines the modeling domain on a case-by-case basis.

12. "Source Impact Area" means a circular area with a radius extending from the source to the largest distance to where predicted impacts from the source or modification equal or exceed the Class II Significant Air Quality Impact levels set out in Table 1 of LRAPA Title 12. This definition only applies to PSD Class II areas and is not intended to limit the distance for PSD Class I modeling.

13. "Sulfur Deposition" means the sum of anion and cation sulfur deposition expressed in terms of the total mass of elemental sulfur being deposited. As an example, sulfur deposition for $(NH4)_2SO_4$ is 0.2427 times the weight of $(NH4)_2SO_4$ being deposited.

Section 40-0030 Procedural Requirements

Information Required. In addition to the requirements defined in Section 37-0040, the owner or operator of a source (where required by Titles 42 or 38) must submit all information necessary to perform any analysis or make any determination required under these rules. Such information must include, but is not limited to:

1. Emissions data for all existing and proposed emission points from the source or modification. This data must represent maximum emissions for the ~~following~~ averaging times by pollutant consistent with the ambient air quality standards in Title 50 –Ambient Air Standards.~~:~~

~~PM_{10}~~	~~24 hours, annual~~
~~Sulfur Oxides~~	~~3 hour, 24 hours, annual~~
~~Nitrogen Oxides~~	~~annual~~
~~Carbon Monoxide~~	~~1 hour, 8 hours, annual~~
~~Lead~~	~~annual quarterly, annual~~

2. Stack parameter data (height above ground, exit diameter, exit velocity, and exit temperature data) for all existing and proposed emission points from the source or modification,

3. An analysis of the air quality and visibility impact of the source or modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts; and

4. An analysis of the air quality and visibility impacts, and the nature and extent of all commercial, residential, industrial, and other source emission growth, that has occurred since January 1, 1978, in the area the source or modification would significantly affect.

Section 40-0040 Air Quality Models

All modeled estimates of ambient concentrations required under this rule must be based on the applicable air quality models, data bases, and other requirements specified in 40 CFR Part

51, Appendix W, "Guidelines on Air Quality Models (Revised) " (July 1, 2000). Where an air quality impact model specified in 40 CFR Part 51, Appendix W is inappropriate, the methods published in the FLAG are generally preferred for analyses in PSD Class I areas. Where an air quality impact model specified in 40 CFR Part 51, Appendix W is inappropriate in PSD Class II and III areas, the model may be modified or another model substituted. Any change or substitution from models specified in 40 CFR Part 51, Appendix W is subject to notice and opportunity for public comment and must receive prior written approval from LRAPA and the EPA. Where necessary, methods like those outlined in the "Interim Procedures for Evaluating Air Quality Models (Revised)" (U.S. Environmental Protection Agency, 1984) provide guidance in determining the comparability of models.

Section 40-0045 Requirements for Analysis in Maintenance Areas

Modeling: For determining compliance with the limits established in Section 38-0060-2.C., NAAQS, and PSD Increments, the following methods must be used:

1. For each maintenance pollutant and its precursors, ~~A~~ a single source impact analysis is sufficient to show compliance with standards, PSD increments, and limits if modeled impacts from emission increases equal to or greater than a significant emission rate above the netting basis due to the proposed source or modification being evaluated are less than the Class II Significant Air Quality Impact ~~levels~~ Levels specified in LRAPA Title 12, Table 1 ~~for all maintenance pollutants~~.
2. If the ~~above~~ requirement in section 1. of this rule is not satisfied, the owner or operator of a proposed source or modification being evaluated must perform competing source modeling as follows:

   A. For demonstrating compliance with the NAAQS, the owner or operator of a proposed source or modification must show that the total modeled impacts plus total Competing NAAQS Source Impacts plus General Background Concentrations are less than the NAAQS for all averaging.
   B. For demonstrating compliance with the PSD Increments (as defined in Section 50-055, Table 1), the owner or operator of a proposed source or modification must show that modeled impacts from the proposed increased emissions (above the baseline concentration) plus competing PSD Increment Consuming Source Impacts (above the baseline concentration) are less than the PSD increments for all averaging times.

Section 40-0050 Requirements for Analysis in PSD Class II and Class III Areas

Modeling: For determining compliance with the NAAQS and PSD Increments in PSD Class II and Class III areas, the following methods must be used:

1. For each pollutant and its precursors, ~~A~~ a single source impact analysis is sufficient to show compliance with standards and increments if modeled impacts from emission

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

2. If the ~~above~~ requirement in section 1. of this rule is not satisfied, the owner or operator of a proposed source or modification being evaluated must perform competing source modeling as follows:

   A. For demonstrating compliance with the PSD Increments (as defined in Section 50-055, Table 1), the owner or operator of a proposed source or modification must show that modeled impacts from the proposed increased emissions (above the modeled Baseline Concentration) plus Competing PSD Increment Consuming Source Impacts (above the modeled Baseline Concentration) are less than the PSD increments for all averaging times.

   B. For demonstrating compliance with the NAAQS, the owner or operator of a proposed source must show that the total modeled impacts plus total Competing NAAQS Source Impacts plus General Background Concentrations are less than the NAAQS for all averaging times.

3. Additional Impact Modeling:

   A. When referred to this rule by Titles 42 or 38, the owner or operator of a source must provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the source or modification, and general commercial, residential, industrial and other growth associated with the source or modification. As a part of this analysis, deposition modeling analysis is required for sources emitting heavy metals above the significant emission rates as defined in LRAPA Title 12, Table 2. Concentration and deposition modeling may also be required for sources emitting other compounds on a case-by-case basis;

   B. The owner or operator must provide an analysis of the air quality concentration projected for the area as a result of general commercial, residential, industrial and other growth associated with the source or modification.

4. Air Quality Monitoring:

   A. Preconstruction:

      1) When referred to this rule by Titles 42 or 38, the owner or operator of a source must submit with the application an analysis of ambient air quality in the area impacted by the proposed project. This analysis, which is subject to LRAPA's approval, must be conducted for each pollutant potentially emitted at a significant emission rate by the proposed source or modification. The analysis must include continuous air quality monitoring data for any pollutant that may be emitted by the source or modification,

except for volatile organic compounds. The data must relate to the year preceding receipt of the complete application and must have been gathered over the same time period. LRAPA may allow the owner or operator to demonstrate that data gathered over some other time period would be adequate to determine that the source or modification would not cause or contribute to a violation of an ambient air quality standard or any applicable pollutant increment. Pursuant to the requirements of these rules, the owner or operator must submit for LRAPA's approval, a preconstruction air quality monitoring plan. This plan must be submitted in writing at least 60 days prior to the planned beginning of monitoring and approved in writing by LRAPA before monitoring begins.

2) Required air quality monitoring must be conducted in accordance with 40 CFR 58 Appendix B, "Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring" (July 1, 2000) and with other methods on file with LRAPA.

3) LRAPA may exempt the owner or operator of a proposed source or modification from preconstruction monitoring for a specific pollutant if the owner or operator demonstrates that the air quality impact from the emissions increase would be less than the amounts listed below **or** that modeled competing source concentration (plus General Background Concentration) of the pollutant within the Source Impact Area are less than the following significant monitoring concentrations:

1) Carbon monoxide - 575 ug/m^3, 8 hour average;
2) Nitrogen dioxide - 14 ug/m^3, annual average;
3) PM_{10} - 10 ug/m^3, 24 hour average;
~~3)~~4) $PM_{2.5}$; 4 ug/m^3, 24-hour average;
~~4)~~5) Sulfur dioxide - 13 ug/m^3, 24 hour average;
~~5)~~6) Ozone - Any net increase of 100 tons/year or more of VOCs from a source or modification subject to PSD requires an ambient impact analysis, including the gathering of ambient air quality data. However, requirement for ambient air monitoring may be exempted if existing representative monitoring data shows maximum ozone concentrations are less than 50% of the ozone NAAQS based on a full season of monitoring;
~~6)~~7) Lead - 0.1 ug/m^3, 24 hour average;
~~7)~~8) Fluorides - 0.25 ug/m^3, 24 hour average;
~~8)~~9) Total reduced sulfur - 10 ug/m^3, 1 hour average;
~~9)~~10) Hydrogen sulfide - 0.04 ug/m^3, 1 hour average;
~~10)~~11) Reduced sulfur compounds - 10 ug/m^3, 1 hour average.

4) LRAPA may allow the owner or operator of a source (where required by Titles 42 or 38) to substitute post construction monitoring for the requirements of 4.A.(1) for a specific pollutant if the owner or operator demonstrates that the air quality impact from the emissions increase would not cause or contribute to an exceedance of any air quality standard. This

analysis must meet the requirements of Section 40-0050-2.B. and must use representative or conservative General Background Concentration data.

5) When PM_{10} preconstruction monitoring is required by this section, at least four months of data must be collected, including the season(s) LRAPA judges to have the highest PM_{10} levels. PM_{10} must be measured in accordance with 40 CFR part 50, Appendix J (July 1, 1999). In some cases, a full year of data will be required.

B. Post-construction: After construction has been completed, LRAPA may require ambient air quality monitoring as a permit condition to establish the effect of emissions, other than volatile organic compounds, on the air quality of any area that such emissions could affect.

Section 40-0060 Requirements for Demonstrating Compliance with Standards and Increments in PSD Class I Areas

For determining compliance with standards and increments in PSD Class I areas, the following methods must be used:

1. Before January 1, 2003, the owner or operator of a source (where required by Titles 42 or 38) must model impacts and demonstrate compliance with standards and increments on all PSD Class I areas that may be affected by the source or modification.

2. On or after January 1, 2003, the owner or operator of a source (where required by Titles 42 or 38) must meet the following requirements:

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

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

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

~~NO_2~~	~~Annual~~	~~0.10 µg/m^3~~

B. If the ~~above~~ requirement in subsection A. of this section is not satisfied, the owner or operator must also show that the increased source impacts (above Baseline Concentration) plus Competing PSD Increment Consuming Source Impacts are less than the PSD increments for all averaging times.

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

D. If the requirement of subsection ~~(~~2.A~~)~~ of this section is not satisfied, and background monitoring data for each PSD Class I area shows that the NAAQS is more controlling than the PSD increment then the source must also demonstrate compliance with the NAAQS by showing that their total modeled impacts plus total modeled Competing NAAQS Source Impacts plus General Background Concentrations are less than the NAAQS for all averaging times.

Section 40-0070 Requirements for Demonstrating Compliance with AQRV Protection

1. Sources that are not Federal Major Sources are exempt from the requirements of the remainder of this rule.

2. Notice of permit application for actions subject to the requirements of Titles 42 or 38:

   A. If a proposed major source or major modification could impact air quality related values (including visibility) within a Class I area, LRAPA will provide written notice to the EPA and to the appropriate Federal Land Manager within 30 days of receiving such permit application. The notice will include a copy of all information relevant to the permit application, including analysis of anticipated impacts on Class I area air quality related values (including visibility). LRAPA will also provide at least 30 days notice to EPA and the appropriate Federal Land Manager of any scheduled public hearings and preliminary and final actions taken on the application;

   B. If LRAPA receives advance notice of a permit application for a source that may affect Class I area visibility, LRAPA will notify all affected Federal Land Managers within 30 days of receiving the advance notice;

   C. During its review of source impacts on Class I area air quality related values (including visibility) pursuant to this rule, LRAPA will consider any analysis performed by the Federal Land Manager that is received by LRAPA within 30

days of the notice required by subsection A. If LRAPA disagrees with the Federal Land Manager's demonstration, LRAPA will include a discussion of the disagreement in the Notice of Public Hearing;

D. As a part of the notification required in Section 31-0060, LRAPA will provide the Federal Land Manager an opportunity to demonstrate that the emissions from the proposed source or modification would have an adverse impact on air quality related values (including visibility) of any federal mandatory Class I area. This adverse impact determination may be made even if there is no demonstration that a Class I maximum allowable increment has been exceeded. If LRAPA agrees with the demonstration, it will not issue the permit.

3. Visibility impact analysis requirements:

A. If Titles 42 or 38 require a visibility impact analysis, the owner or operator must demonstrate that the potential to emit any pollutant at a significant emission rate in conjunction with all other applicable emission increases or decreases, including secondary emissions, permitted since January 1, 1984 and other increases or decreases in emissions, will not cause or contribute to significant impairment of visibility on any Class I area.

B. The owner or operator must submit all information necessary to perform any analysis or demonstration required by these rules pursuant to Section 38-0030-1.

C. Determination of significant impairment: The results of the modeling must be sent to the affected Federal Land Managers and LRAPA. The land managers may, within 30 days following receipt of the source's visibility impact analysis, determine whether or not significant impairment of visibility in a Class I area would result. LRAPA will consider the comments of the Federal Land Manager in its consideration of whether significant impairment will result. If LRAPA determines that impairment would result, it will not issue a permit for the proposed source.

4. Types of visibility modeling required. For receptors in PSD Class I areas within the PSD Class I Range of Influence, a plume blight analysis or regional haze analysis is required.

5. Criteria for visibility impacts:

A. The owner or operator of a source (where required by Titles 42 or 38) is encouraged to demonstrate that their impacts on visibility satisfy the guidance criteria as referenced in the FLAG.

B. If visibility impacts are a concern, LRAPA will consider comments from the Federal Land Manager when deciding whether significant impairment will result.

Emission offsets may also be considered. If LRAPA determines that impairment would result, it will not issue a permit for the proposed source.

6. Deposition modeling may be required for receptors in PSD Class I areas where visibility modeling is required. This may include, but is not limited to an analysis of Nitrogen Deposition and Sulfur Deposition.

7. Visibility monitoring:

   A. If Titles 42 or 38 require visibility monitoring data, the owner or operator must use existing data to establish existing visibility conditions within Class I areas as summarized in the FLAG Report.

   B. After construction has been completed the owner or operator must conduct such visibility monitoring as LRAPA requires as a permit condition to establish the effect of the pollutant on visibility conditions within the impacted Class I area.

8. Additional impact analysis: the owner or operator subject to Section 38-0060-3. or Section 38-0070-2. must provide an analysis of the impact to visibility that would occur as a result of the proposed source or modification and general commercial, residential, industrial, and other growth associated with the source or major modification.

9. If the Federal Land Manager recommends and LRAPA agrees, LRAPA may require the owner or operator to analyze the potential impacts on other Air Quality Related Values and how to protect them. Procedures from the FLAG report should be used in this recommendation. Emission offsets may also be used. If the Federal Land Manager finds that significant impairment would result from the proposed activities and LRAPA agrees, LRAPA will not issue a permit for the proposed source.

Section 40-0090 Requirements for Demonstrating a Net Air Quality Benefit

Demonstrations of net air quality benefit for offsets must include the following:

1. Ozone areas (VOC and NO_x emissions). For sources capable of impacting a designated ozone nonattainment or maintenance area;

   A. Offsets for VOC and NO_x are required if the source will be located within the designated area or within the Ozone Precursor Distance.

   B. The amount and location of offsets must be determined in accordance with this subsection:

1) For new or modified sources locating within a designated nonattainment area, the offset ratio is 1.1:1. These offsets must come from within either the same designated nonattainment area as the new or modified source or another ozone nonattainment area (with equal or higher nonattainment classification) that contributes to a violation of the NAAQS in the same designated nonattainment area as the new or modified source.

2) For new or modified sources locating within a designated maintenance area, the offset ratio is 1.1:1. These offsets may come from within either the designated area or the ozone precursor distance.

3) For new or modified sources locating outside the designated area, but within the ozone precursor distance, the offset ratio is 1:1. These offsets may come from within either the designated area or the ozone precursor distance.

4) Offsets from outside the designated area but within the Ozone Precursor Distance must be from sources affecting the designated area in a comparable manner to the proposed emissions increase. Methods for determining offsets are described in the Ozone Precursor Offsets definition (Section 40-0020-11.).

C. In lieu of obtaining offsets, the owner or operator may obtain an allocation at the rate of 1:1 from a growth allowance, if available, in an applicable maintenance plan.

2. Non-Ozone areas (PM2.5, PM_{10}, SO_2, CO, NO_x, and Lead emissions):

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

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

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

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

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

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

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

~~4)~~5) Provide offsets sufficient to demonstrate reasonable further progress toward achieving the NAAQS.

B. For a source locating outside a designated nonattainment area but causing a significant air quality impact on the area, the owner or operator must provide offsets sufficient to reduce the modeled impacts below the significant air quality impact level (LRAPA Title 12) at all receptors within the designated nonattainment area. These offsets may come from within or outside the designated nonattainment area.

C. For a source locating inside or causing a significant air quality impact on a designated maintenance area, the owner or operator must either provide offsets sufficient to reduce modeled impacts below the significant air quality impact level (LRAPA Title 12) at all receptors within the designated maintenance area or obtain an allocation from an available growth allowance as allowed by an applicable maintenance plan. These offsets may come from within or outside the designated maintenance area.

~~c.~~

3. Except as provided in paragraph 2.A.3) of this rule, ~~The~~ the emission reductions used as offsets must be of the same type of pollutant as the emissions from the new source or modification. Sources of PM_{10} must be offset with particulate in the same size range.

~~3.~~

4. The emission reductions used as offsets must be contemporaneous, that is, the reductions must take effect before the time of startup but not more than two years before the submittal of a complete permit application for the new source or modification. This time limitation may be extended through banking, as provided for in LRAPA Title 41, Emission Reduction Credit Banking. In the case of replacement facilities, LRAPA may allow simultaneous operation of the old and new facilities during the startup period of the new facility, if net emissions are not increased during that time period. Any emission reductions must be federally enforceable at the time of the issuance of the permit.

5. Offsets required under this rule must meet the requirements of Emissions Reduction Credits in LRAPA Title 41.

6. Emission reductions used as offsets must be equivalent in terms of short-term, seasonal, and yearly time periods to mitigate the effects of the proposed emissions.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 42

STATIONARY SOURCE PLANT SITE EMISSION LIMITS

Section 42-0010 Policy

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

Section 42-0020 Applicability

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

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

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

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

   C. Administering offset and banking programs; and

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

3. PSELs are not required for:

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

   B. Short Term Activity and Regulated Source ACDPs, or

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

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

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

Section 42-0030 Definitions

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

Criteria for Establishing Plant Site Emission Limits

Section 42-0040 Generic annual PSEL

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

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

Section 42-0041 Source specific annual PSEL

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

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

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

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

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

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

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

(a) Obtain offsets and demonstrate a net air quality benefit in accordance with Section 40-0090;
(b) Obtain an allocation from an available growth allowance in accordance with the applicable maintenance plan; or
(c) For carbon monoxide, demonstrate that the source or modification will not cause or contribute to an air quality impact equal to or greater than 0.5 mg/m3 (8 hour average) and 2 mg/m3 (1-hour average).

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

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

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

Section 42-0042 Short Term PSEL

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 42-0043 General Requirements for all PSEL

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

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

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

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

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

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

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

Section 42-0045 Unassigned Emissions

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

2. Establishing unassigned emissions.

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

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

3. Maximum unassigned emissions

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

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

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

4. Using unassigned emissions

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

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

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

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

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

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

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

   B. Asks LRAPA to create an enforceable PTE limit.

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

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

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

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

Section 42-0070 Plant Site Emission Limits for Insignificant Activities

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

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

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

Section 42-0080 Plant Site Emission Limit Compliance

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

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

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

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

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

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

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

   A. Continuous emissions monitors,

B. Material balance calculations,

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

D. Alternative production or process limits, and

E. Other methods approved by LRAPA.

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

Section 42-0090 Combining and Splitting Sources

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

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

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

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

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

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

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

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

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

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

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

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 44 (Moved from Title 37)

HAZARDOUS AIR POLLUTANT PROGRAM

General Provisions for Stationary Sources

Definitions of words and terms used in Title 44 can be found in Title 12, Definitions.

Section 44-015 Definitions

The definitions in Title 12, OAR 340-218-0030 and this rule apply to this Title. If the same term is defined in this rule and Title 12 or 340-218-0030, the definition in this rule applies to this title.

1. "Accidental Release" means an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.
2. "Act" and "FCAA" mean the Federal Clean Air Act, Public Law 88-206 as last amended by Public Law 101-549.
3. Actual Emissions" means the mass emissions of a pollutant from an emissions source during a specified time period.
   A. Actual emissions shall equal the average rate at which the source actually emitted the pollutant and which is representative of normal source operation. Actual emissions shall be directly measured with a continuous monitoring system or calculated using a material balance or verified emission factor in combination with the source's actual operating hours, production rates and types of materials processed, stored, or combusted during the specified time period;
   B. For any source which had not yet begun normal operation in the specified time period, actual emissions shall equal the potential to emit of the source;
   C. For purposes of Section 44-040 through 44-120 actual emissions shall equal the actual rate of emissions of a pollutant, but does not include excess emissions from a malfunction, or startups and shutdowns associated with a malfunction.
4. "Area Source" means any stationary source which has the potential to emit hazardous air pollutants but is not a major source of hazardous air pollutants.
5. "Artificially or Substantially Greater Emissions" means abnormally high emissions such as could be caused by equipment malfunctions, accidents, unusually high production or operating rates compared to historical rates, or other unusual circumstances.
6. "Base Year Emissions" for purposes of Early Reductions only (Section 44-040), means actual emissions in the calendar year 1987 or later.
7. "CFR" means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, ~~2008~~ 2010 edition.

EMISSION STANDARDS

Section 44-150 Federal Regulations Adopted by Reference

1. Except as provided in section 2 of this rule, **40 CFR Part 61, Subparts A, C through F, J, L, N through P, V, Y, BB, and FF (July 1, 2008)** and **40 CFR Part 63, Subparts A, F, G, H, I, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, LL, MM, OO, PP, QQ, RR, SS, TT, UU, VV, WW, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, VVV, XXX, AAAA, CCCC, DDDD, EEEE, FFFF, GGGG, HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, YYYY, ZZZZ, AAAAA, BBBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, IIIII, JJJJJ, KKKKK, LLLLL, MMMMM, NNNNN, PPPPP, QQQQQ, RRRRR, SSSSS, TTTTT, WWWWW, YYYYY, ZZZZZ, BBBBBB, DDDDDD, EEEEEE, FFFFFF, GGGGGG, HHHHHH, JJJJJJ, LLLLLL, MMMMMM, NNNNNN, OOOOOO, PPPPPP, QQQQQQ, RRRRRR, SSSSSS, TTTTTT, VVVVVV, WWWWWW, XXXXXX, YYYYYY, ~~and~~ ZZZZZZ, AAAAAAA, BBBBBBB, CCCCCCC, DDDDDDD** are by reference adopted and incorporated herein.

2. Where "Administrator" or "EPA" appears in **40 CFR Part 61** or **63**, "LRAPA" shall be substituted, except in any section of **40 CFR Part 61** or **63** for which a federal rule or delegation specifically indicates that authority will not be delegated to the state.

3. 40 CFR Part 63 Subpart M -- Dry Cleaning Facilities using Perchloroethylene: The exemptions in 40 CFR 63.320(d) and (e) do not apply.

4. **40 CFR Part 61** Subparts adopted by this rule are titled as follows:

   A. Subpart A-General Provisions;

   B. Subpart C-Beryllium;

   C. Subpart D-Beryllium Rocket Motor Firing;

   D. Subpart E-Mercury;

   E. Subpart F-Vinyl Chloride;

   F. Subpart J - Equipment Leaks (Fugitive Emission Sources) of Benzene;

   G. Subpart L-Benzene Emissions from Coke By-Product Recovery Plants;

   H. Subpart N-Inorganic Arsenic Emissions from Glass Manufacturing Plants;

   I. Subpart O-Inorganic Arsenic Emissions from Primary Copper Smelters;

J. Subpart P-Inorganic Arsenic Emissions from Arsenic Trioxide and Metal Arsenic Facilities;

K. Subpart V-Equipment Leaks (Fugitive Emission Sources);

L. Subpart Y-Benzene Emissions from Benzene Storage Vessels; and

M. Subpart BB – Benzene Emissions from Benzene Transfer Stations

N. Subpart FF-Benzene Waste Operations.

5. **40 CFR Part 63** Subparts adopted by this rule are titled as follows:

A. Subpart A-General Provisions;

B. Subpart F-SOCMI;

C. Subpart G-SOCMI-Process Vents, Storage Vessels, Transfer Operations;

D. Subpart H-SOCMI-Equipment Leaks;

E. Subpart I-Certain Processes Subject to the Negotiated Regulation for Equipment Leaks;

F. Subpart J - Polyvinyl Chloride and Copolymers Production (federally vacated)

G. Subpart L-Coke Oven Batteries;

H. Subpart M-Dry Cleaning Facilities using Perchloroethylene;

I. Subpart N-Hard and Decorative Electroplating and Anodizing;

J. Subpart O-Ethylene Oxide Sterilization;

K. Subpart Q-Industrial Process Cooling Towers;

L. Subpart R-Gasoline Distribution (Bulk Gasoline Terminals and Pipeline Breakout Stations);

M. Subpart S-Pulp and Paper Industry;

N. Subpart T-Halogenated Solvent Cleaning;

O. Subpart U-Group I Polymers and Resins;

P. Subpart W-Epoxy Resins and Non-Nylon Polyamides Production;

Q. Subpart X-Secondary Lead Smelting;

R. Subpart Y-Marine Tank Vessel Loading Operations;

S. Subpart AA-Phosphoric Acid Manufacturing Plants;

T. Subpart BB-Phosphate Fertilizer Production Plants;

U. Subpart CC-Petroleum Refineries;

V. Subpart DD-Off-Site Waste and Recovery Operations;

W. Subpart EE-Magnetic Tape Manufacturing Operations;

X. Subpart GG-Aerospace Manufacturing Operations;

Y. Subpart HH-Oil and Natural Gas Production Facilities;

Z. Subpart II-Shipbuilding and Ship Repair (Surface Coating);

AA. Subpart JJ-Wood Furniture Manufacturing Operations;

BB. Subpart KK-Printing and Publishing Industry;

CC. Subpart LL-Primary Aluminum Reduction Plants;

DD. Subpart MM-Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semi-Chemical Pulp Mills

EE. Subpart OO-TanksBLevel 1;

FF. Subpart PP-Containers;

GG. Subpart QQ-Surface Impoundments;

HH. Subpart RR-Individual Drain Systems;

II. Subpart SS-Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process;

JJ. Subpart TT-Equipment LeaksBControl Level 1;

KK. Subpart UU-Equipment LeaksBControl Level 2 Standards;

LL. Subpart VV-Oil-Water Separators and Organic-Water Separators;

MM. Subpart WW-Storage Vessels (Tanks)- Control Level 2;

NN. Subpart XX - Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations;

OO. Subpart YY-Generic Maximum Achievable Control Technology Standards;

PP. Subpart CCC-Steel Pickling-HCI Process Facilities and Hydrochloric Acid Regeneration Plants;

QQ. Subpart DDD-Mineral Wool Production;

RR. Subpart EEE-Hazardous Waste Combustors;

SS. Subpart GGG-Pharmaceuticals Production;

TT. Subpart HHH-Natural Gas Transmission and Storage Facilities;

UU. Subpart III-Flexible Polyurethane Foam Production;

VV. Subpart JJJ-Group IV Polymers and Resins;

WW. Subpart LLL-Portland Cement Manufacturing Facilities;

XX. Subpart MMM-Pesticide Active Ingredient Production;

YY. Subpart NNN-Wool Fiberglass Manufacturing;

ZZ. Subpart OOO-Manufacture of Amino/Phenolic Resins;

AAA. Subpart PPP-Polyether Polyols Production;

BBB. Subpart QQQ - Primary Copper Smelting;

CCC. Subpart RRR-Secondary Aluminum Production

DDD. Subpart TTT-Primary Lead Smelting;

EEE. Subpart UUU - Petroleum Refineries -- Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units;

FFF. Subpart VVV-Publicly Owned Treatment Works;

GGG. Subpart XXX-Ferro Alloys, Ferromanganese, and Silico Manganese Production

HHH. Subpart AAAA -- Municipal Solid Waste Landfills;

III. Subpart CCCC-Manufacturing of Nutritional Yeast

JJJ. Subpart DDDD -- Plywood and Composite Wood Products;

KKK. Subpart EEEE -- Organic Liquids Distribution (non-gasoline);

LLL. Subpart FFFF -- Miscellaneous Organic Chemical Manufacturing;

MMM. Subpart GGGG-Solvent Extraction for Vegetable Oil Production

NNN. Subpart HHHH -- Wet Formed Fiberglass Mat Production;

OOO. Subpart IIII -- Surface Coating of Automobiles and Light-Duty Trucks;

PPP. Subpart JJJJ -- Paper and Other Web Coating;

QQQ. Subpart KKKK -- Surface Coating of Metal Cans;

RRR. Subpart MMMM -- Surface Coating of Miscellaneous Metal Parts and Products;

SSS. Subpart NNNN -- Surface Coating of Large Appliances;

TTT. Subpart OOOO - Printing, Coating, and Dyeing of Fabrics and Other Textiles;

UUU. Subpart PPPP - Surface Coating of Plastic Parts and Products;

VVV. Subpart QQQQ - Surface Coating of Wood Building Products;

WWW. Subpart RRRR - Surface Coating of Metal Furniture;

XXX. Subpart SSSS - Surface Coating of Metal Coil;

YYY. Subpart TTTT - Leather Finishing Operations;

ZZZ. Subpart UUUU - Cellulose Production Manufacturing;

AAAA. Subpart VVVV - Boat Manufacturing;

BBBB. Subpart WWWW - Reinforced Plastics Composites Production;

CCCC. Subpart XXXX - Rubber Tire Manufacturing;

DDDD. Subpart YYYY - Stationary Combustion Turbines;

EEEE. Subpart ZZZZ - Reciprocating Internal Combustion Engines;

FFFF. Subpart AAAAA - Lime Manufacturing;

GGGG. Subpart BBBBB - Semiconductor Manufacturing;

HHHH. Subpart CCCCC - Coke Ovens: Pushing, Quenching & Battery Stacks;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Section 37-150 Original Adoption 06/11/02, includes updated provisions of 43-020 through 43-035 which were deleted from Title 43 by 06/11/02 rulamking; Amended 1/12/2010)

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 46

NEW SOURCE PERFORMANCE STANDARDS

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

PERFORMANCE STANDARDS

Section 46-535 Federal Regulations Adopted by Reference

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

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

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

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

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

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

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

   E. Subpart E -- Incinerators;

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

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

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

I. Subpart F -- Portland cement plants;

J. Subpart G -- Nitric acid plants;

K. Subpart H -- Sulfuric acid plants;

L. Subpart I -- Hot mix asphalt facilities;

M. Subpart J -- Petroleum refineries;

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

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

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

Q. Subpart L -- Secondary lead smelters;

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

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

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

U. Subpart O -- Sewage treatment plants;

V. Subpart P -- Primary copper smelters;

W. Subpart Q -- Primary Zinc smelters;

X. Subpart R -- Primary lead smelters;

Y. Subpart S -- Primary aluminum reduction plants;

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

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

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

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

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

EE. Subpart Y -- Coal preparation plants;

FF. Subpart Z -- Ferroalloy production facilities;

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

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

II. Subpart BB -- Kraft pulp mills;

JJ. Subpart CC -- Glass manufacturing plants;

KK. Subpart DD -- Grain elevators;

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

MM. Subpart GG -- Stationary gas turbines;

NN. Subpart HH -- Lime manufacturing plants;

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

PP. Subpart LL -- Metallic mineral processing plants;

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

RR. Subpart NN -- Phosphate rock plants;

SS. Subpart PP -- Ammonium sulfate manufacture;

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

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

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

WW. Subpart TT -- Metal coil surface coating;

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

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

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

AAA. Subpart XX -- Bulk gasoline terminals;

BBB. Subpart AAA – New Residential Wood Heaters

CCC. Subpart BBB -- Rubber tire manufacturing industry;

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

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

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

GGG. Subpart HHH -- Synthetic fiber production facilities;

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

III. Subpart JJJ -- Petroleum dry cleaners;

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

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

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

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

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

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

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

QQQ. Subpart SSS -- Magnetic tape coating facilities;

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

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

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

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

0100;

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

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

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

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

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

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

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

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

DDDD. Subpart KKKK Stationary Combustion Turbines .

EEEE. Subpart JJJJ Stationary Spark Ignition Internal Combustion Engines

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 50

Ambient Air Standards and PSD Increments

Section 50-001 Definitions

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

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

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

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

4. "Baseline Concentration" means:

   A. The ambient concentration level for sulfur dioxide and PM_{10} that existed in an area during the calendar year 1978. ~~If no ambient air quality data is available in an area, the baseline concentration may be estimated using modeling based on actual emissions for 1978.~~ Actual emission increases or decreases occurring before January 1, 1978 must be included in the baseline calculation, except that actual emission increases from any major source or major modification on which construction commenced after January 6, 1975 must not be included in the baseline calculation;

   B. The ambient concentration level for nitrogen oxides that existed in an area during the calendar year 1988.

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

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

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

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

entire sample mixture of gases.

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

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

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

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

Section 50-010 Particle Fallout

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

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

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

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

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

Section 50-015 Particulate Matter

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

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

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

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

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

Section 50-020 Odors

(Deleted 10/09/01)

Section 50-025 Sulfur Dioxide

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

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

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

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

Section 50-030 Carbon Monoxide

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

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

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

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

Section 50-035 Ozone

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

Section 50-040 Nitrogen Dioxide

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

Section 50-045 Lead

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

Prevention of Significant Deterioration Increments

Section 50-050 General

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

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

Section 50-055 Ambient Air Increments

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

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

Section 50-060 Ambient Air Ceilings

1. No concentration of a pollutant may exceed:

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

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

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

Table 1
LRAPA 50-055
Maximum Allowable Increase
Micrograms per cubic meter

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

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

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

Industrial Rule Streamlining Corrections

This document and attachment summarizes the corrections (14 total) to the industrial permitting rule streamlining adopted October 14, 2008.

Correction No. 1 - Title 12 unassigned emissions definition addition:

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

Correction No. 2 – Crematory Opacity rule correction:

Section 30-045 Emission Limitations of Crematory Incinerators

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

Correction No. 3 – Title 31 rule citation to correct punctuation in several places and also the following rule citation:

Section 31-0080 Issuance or Denial of a Permit

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

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

Correction No. 4 – Title 34 rule citation correction as follows:

Section 34-037 Construction Approval

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

Correction No. 5 – Title 34 rule citation correction as follows:

Section 34-035 Types of Construction/Modification Changes

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

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

Correction No. 6 – Title 37 rule citation change from "Title 14" to read "Title 31" in several sections and also to change the permitting thresholds as follows:

Section 37-0060 General Air Contaminant Discharge Permits

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

Correction No.7 - Add the following two categories and changes to Section 37-0064-3.A.1) as follows:

Section 37-0064 Simple ACDP

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

(j) Category 74. All Other Sources not listed in 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

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

Correction No. 8– Title 37, Table 1 changes attached

Correction No. 9- Title 38: change "Title 14" to read "Title 31" in Section 38-0030-3.B.2.

Correction No. 10- Title 40: change "Title 14" to read "Title 31" in Section 40-0070-2.D.

Correction No. 11- Title 44: change the second Section 44-150-4 to read "Section 44-150-5".

Correction No. 12 – AQGP – 012 Crematories General Permit: change Condition 2.1 to read as follows: ~~No visible emissions may be present except for one 6 minute period per hour of not more than 20% opacity as measured by EPA Method 9~~ No visible emissions shall be present except for a period aggregating no more than three (3) minutes in any sixty (60)-minute period, as measured by EPA Method 9. At no time shall visible emissions exceed an opacity of 10%.

Correction No. 13– AQGP – 016 Coffee Roasters General Permit: change the first (cover) page of the permit to read as follows: Coffee roasting, ~~30 tons per year or more roasted product~~. SIC 2095.

And Condition 9.1 to read as follows: The Annual Compliance Determination Fee specified in LRAPA Title 37, Section 37-0090, Table 2, Part 2(c) for a Class ~~Two~~ One General ACDP (roasting 30 or more tons per year) ~~-~~is due on **December 1** of each year this permit is in effect. An invoice indicating the amount, as determined by LRAPA regulations, will be mailed prior to the above date.

Correction No. 14 –Title 37: Correct rule citations 37-0060-2.D, E, and F to 37-0060-3, 4 and 5, respectively.

Correction No. 15– Title 12 Add the definition for "Title 1 modification":

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

A. A major modification subject to LRAPA 38-0050, Requirements for Sources in Nonattainment Areas;
B. A major modification subject to LRAPA 38-0060, Requirements for Sources in Maintenance Areas;
C. A major modification subject to LRAPA 38-0070, Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas;
D. A modification that is subject to a New Source Performance Standard under Section 111 of the FCAA; or
E. A modification under Section 112 of the FCAA.

Correction No. 16 – Correct typos in Section 37-0020-1 as follows:

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

Correction No. 17 – Correct typo in Section 37-0040-2 as follows:

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

Correction No. 18 – Correct typo in Section 13-035(1) as follows:

(1) The Agency shall permit the public to inspect and copy any emission data reported by source owners or operators or otherwise obtained by the Agency except for data which the Board has determined to be "confidential information," as provided in Section ~~12~~13-035(2).

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 12

General Provisions and Definitions

Section 12-001 General

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

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

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

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

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

Section 12-005 Definitions

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

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

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

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

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

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

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

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

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

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

- "Affected states," means all states:

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

- "Agency" means Lane Regional Air Protection Agency

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

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

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

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

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

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

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

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

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

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

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

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

- "Ambient Air" means the air that surrounds the earth, excluding the volume of gases contained within any building or structure.

- "Applicable requirement" means all of the following as they apply to emissions units in an Oregon Title V Operating Permit program source or ACDP program source, including requirements that have been promulgated or approved by the EPA through rule making at the time of issuance but have future-effective compliance dates:

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

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

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

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

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

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

  G. Any standard or other requirement under section 111 of the Act (NSPS), including section 111(d);

H. Any standard or other requirement under section 112 of the Act (HAPs), including any requirement concerning accident prevention under section 112(r)(7) of the Act (Accidental Release Prevention);

I. Any standard or other requirement of the acid rain program under Title IV of the Act or the regulations promulgated thereunder;

J. Any requirements established pursuant to section 504(b) (Title V permit monitoring and analysis requirements) or section 114(a)(3) of the Act (Federal Enforcement; compliance certification);

K. Any standard or other requirement under section 126(a)(1) and (c) (PSD) of the Act;

L. Any standard or other requirement governing solid waste incineration, under section 129 of the Act (Solid Waste Combustion);

M. Any standard or other requirement for consumer and commercial products, under section 183(e) of the Act (Federal ozone measures);

N. Any standard or other requirement for tank vessels, under section 183(f) of the Act;

O. Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the Act;

P. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act, unless the Administrator has determined that such requirements need not be contained in an Oregon Title V Operating Permit; and

Q. Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the Act, but only as it would apply to temporary sources permitted pursuant to section 504(e) of the Act.

- ”Applicable State Implementation Plan” and “Plan” refer to the programs and rules of the Department or LRAPA, as approved by the EPA, or any EPA-promulgated regulations (see **40 CFR Part 52, Subpart MM**).

- "Assessable Emission" means a unit of emissions for which the owner or operator of the major source will be assessed a fee. It includes an emission of a pollutant defined in OAR 340-220-0060, Oregon Title V Operating Permit Fees from emission devices or activities and processes within a major source.

- "ASTM" means the American Society for Testing Materials.

- "Baseline concentration" means that ambient concentration level for a particular regulated pollutant which existed in an area during the calendar year 1978. If no ambient air quality data is available in an area, the baseline concentration for any pollutant may be estimated using modeling based on actual emissions for the calendar year 1978. Actual emissions increases or decreases occurring before January 1, 1978 will be included in the baseline concentration.

- "Baseline Emission Rate" means the average actual emission rate during the baseline period. Baseline emission rate shall not include increases due to voluntary fuel switches or increased hours of operation that have occurred after the baseline period.

- "Baseline Period" means either calendar years 1977 or 1978. LRAPA shall allow the use of a prior time period upon a determination that it is more representative of normal source operation.

- "Best Available Control Technology (BACT)" means an emissions limitation based on the maximum degree of reduction (considering energy, environmental, and economic impacts) achievable for each pollutant, on a case by case basis, through the application of production processes and available methods, systems, and techniques, including fuel cleaning, treatment or innovative fuel combustion techniques. The federal definition of BACT requires that BACT limits be no less stringent than any emission standard promulgated under NSPS and NESHAPS. If an emission limitation is not feasible, a design, equipment, work practice, or operational standard, or combination thereof, may be required. Such standard shall, to the degree possible, set forth the emission reduction achievable and shall provide for compliance by prescribing appropriate permit conditions.

- "Board" means the Board of Directors of the Lane Regional Air Protection Agency

- "CFR" means Code of Federal Regulations

- "Calculated Emission" means actual emissions estimated using Agency-approved procedures.

- "Capacity" means the maximum regulated pollutant emissions from a stationary source under its physical and operational design.

- Capture System means the equipment (including but not limited to hoods, ducts, fans, and booths) used to contain, capture and transport a pollutant to a control device.

- "Categorically Insignificant Activity" means any of the following listed pollutant emitting activities principally supporting the source or the major industrial group. Categorically insignificant activities must comply with all applicable requirements.

  A. constituents of a chemical mixture present at less than 1% by weight of any chemical or compound regulated under OAR Chapter 340, Divisions 218 and 220,and LRAPA Titles 12 through 51 or less than 0.1% by weight of any carcinogen listed in the U. S. Department of Health and Human Service's Annual Report on Carcinogens when usage of the chemical mixture is less than 100,000 pounds/year.
  B. evaporative and tail pipe emissions from on-site motor vehicle operation;
  C. distillate oil, kerosene, and gasoline fuel burning equipment rated at less than or equal to 0.4 million Btu/hr;
  D. natural gas and propane burning equipment rated at less than or equal to 2.0 million Btu/hr;
  E. office activities;
  F. food service activities;
  G. janitorial activities;

H. personal care activities;
I. groundskeeping activities including, but not limited to building painting and road and parking lot maintenance;
J. on-site laundry activities;
K. on-site recreation facilities;
L. instrument calibration;
M. maintenance and repair shop;
N. automotive repair shops or storage garages;
O. air cooling or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;
P. refrigeration systems with less than 50 pounds of charge of ozone depleting substances regulated under Title VI (Stratospheric Ozone Protection), including pressure tanks used in refrigeration systems but excluding any combustion equipment associated with such systems;
Q. bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated vacuum producing devices but excluding research and development facilities;
R. temporary construction activities;
S. warehouse activities;
T. accidental fires;
U. air vents from air compressors;
V. air purification systems;
W. continuous emissions monitoring vent lines;
X. demineralized water tanks;
Y. pre-treatment of municipal water, including use of deionzed water purification systems;
Z. electrical charging stations;
AA. fire brigade training;
BB. instrument air dryers and distribution;
CC. process raw water filtration systems;
DD. pharmaceutical packaging;
EE. fire suppression;
FF. blueprint making;
GG. routine maintenance, repair, and replacement such as anticipated activities most often associated with and performed during regularly scheduled equipment outages to maintain a plant and its equipment in good operating condition, including but not limited to steam cleaning, abrasive use, and woodworking;
HH. electric motors;
II. storage tanks, reservoirs, transfer and lubricating equipment used exclusively for ASTM grade distillate or residual fuels, lubricants, and hydraulic fluids;
JJ. on-site storage tanks not subject to any New Source Performance Standards (NSPS), including underground storage tanks (UST), storing gasoline or diesel used exclusively for fueling of the facility's fleet of vehicles;
KK. natural gas, propane, and liquefied petroleum gas (LPG) storage tanks and transfer equipment;
LL. pressurized tanks containing gaseous compounds;
MM. vacuum sheet stacker vents;

NN. emissions from wastewater discharges to publicly owned treatment works (POTW) provided the source is authorized to discharge to the POTW, not including on-site wastewater treatment and/or holding facilities;
OO. log ponds;
PP. storm water settling basins;
QQ. fire suppression and training;
RR. paved roads and paved parking lots within an urban growth boundary;
SS. hazardous air pollutant emissions of fugitive dust from paved and unpaved roads except for those sources that have processes or activities that contribute to the deposition and entrainment of hazardous air pollutants from surface soils;
TT. health, safety, and emergency response activities;
UU. emergency generators and pumps used only during loss of primary equipment or utility service due to circumstances beyond the reasonable control of the owner or operator, or to address a power emergency as determined by LRAPA or the Department;
VV. non-contact steam vents and leaks and safety and relief valves for boiler steam distribution systems;
WW. non-contact steam condensate flash tanks;
XX. non-contact steam vents on condensate receivers, deaerators and similar equipment;
YY. boiler blowdown tanks;
ZZ. industrial cooling towers that do not use chromium-based water treatment chemicals;
AAA. ash piles maintained in a wetted condition and associated handling systems and activities;
BBB. oil/water separators in effluent treatment systems;
CCC. combustion source flame safety purging on startup;
DDD. broke beaters, pulp and repulping tanks, stock chests and pulp handling equipment, excluding thickening equipment and repulpers;
EEE. stock cleaning and pressurized pulp washing, excluding open stock washing systems; and
FFF. white water storage tanks.

- "Certifying Individual" means the responsible person or official authorized by the owner or operator of a source who certifies accuracy of the emission statement.

- "Chair" means the chairperson of the Board of Directors of the Lane Regional Air Protection Agency.

- "Class I Area" means any federal, state, or Indian reservation land which is classified or reclassified as a Class I area. For the State of Oregon, these are as follows:

  A. Mt. Hood Wilderness;
  B. Eagle Cap Wilderness;
  C. Hells Canyon Wilderness;
  D. Mt. Jefferson Wilderness;
  E. Mt. Washington Wilderness;
  F. Three Sisters Wilderness;
  G. Strawberry Mountain Wilderness;
  H. Diamond Peak Wilderness;
  I. Crater Lake National Park;
  J. Kalmiopsis Wilderness;

K. Mountain Lake Wilderness;
L. Gearhart Mountain Wilderness.

- "Commence" or "commencement" means, that the owner or operator has obtained all necessary preconstruction approvals required by the Act and either has: begun, or caused to begin a continuous program of actual on-site construction of the source to be completed in a reasonable time; or Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed in a reasonable time.

- "Commission" or "EQC" means the Oregon Environmental Quality Commission.

- "Compliance" means meeting the requirements of LRAPA's or Department's, Commission's or EPA's rules, permits or orders.

- "Constant Process Rate" means the average variation in process rate for the calendar year is not greater than plus or minus ten percent of the average process rate.

- "Construction" means any physical change including, but not limited to, fabrication, erection, installation, or modification of a facility, building or emission unit; or change in method of operation of a source which would result in a change in actual emissions.

- "Contingency Measures" means specific identified measures in an implementation plant to be undertaken if an area fails to make reasonable further progress, or attain a national air quality standard by the applicable attainment date.

- "Continual Monitoring" means sampling and analysis, in a continuous or timed sequence, using techniques which will adequately reflect actual emission rates or concentrations on a continuous basis.

- "Continuous Emissions Monitoring (CEMS)" means the total equipment used to sample, condition (if applicable), analyze, and provide a permanent record of emissions.

- "Continuous Monitoring Systems (CMS)" is a comprehensive term that may include, but is not limited to, continuous emission monitoring systems, continuous opacity monitoring systems, continuous parameter monitoring systems, or other manual or automatic monitoring that is used for demonstrating compliance on a continuous basis.

- "Continuous opacity monitoring system (COMS)" means a continuous monitoring system that measures the opacity of emissions.

- "Continuous parameter monitoring system" means the total equipment that may be required to meet the data acquisition and availability requirements of this part, used to sample, condition (if applicable), analyze, and provide a record of process or control system parameters.

- "Department" means the Oregon Department of Environmental Quality.

- "De minimis emission level" means:

Pollutant	**De minimis (tons/year, except as noted)**
CO	1
NO_x	1
SO_2	1
VOC	1
PM	1
PM_{10}	1
Lead	0.1
Fluorides	0.3
Sulfuric Acid Mist	0.7
Hydrogen Sulfide	1
Total Reduced Sulfur (including hydrogen sulfide)	1
Reduced Sulfur	1
Municipal waste combustor organics (Dioxin and furans)	0.0000005
Municipal waste combustor metals	1
Municipal waste combustor acid gases	1
Municipal solid waste landfill gases	1
Single HAP	1
Combined HAP (aggregate)	1

Note: De minimis is compared to all increases that are not included in the PSEL.

- "Director" means the Director of the Lane Regional Air Protection Agency or the Director of the Oregon Department of Environmental Quality and authorized deputies or officers.

- "Distillate Fuel Oil" means any oil meeting the specifications of ASTM Grade 1 or Grade 2 fuel oils.

- "Dry Standard Cubic Foot" means the amount of gas, free of uncombined water, that would occupy a volume of 1 cubic foot at standard conditions. When applied to combustion flue gases from waste or refuse burning, "Standard Cubic Foot (SCF)" means adjustment of gas volume to that which would result at a concentration of 7% oxygen (dry basis).

- "Emission" means a release into the ambient air of air contaminants.

- "Emission Estimate Adjustment Factor (EEAF)" means an adjustment applied to an emission factor to account for the relative inaccuracy of the emission factor.

- "Emission Factor" means an estimate of the rate at which a pollutant is released into the atmosphere, as the result of some activity, divided by the rate of that activity (e.g., production or

process rate). Where an emission factor is required sources must use an emission factor approved by EPA, Department or LRAPA.

- "Emission Limitation" or "Emission Standard" mean a requirement established by a State, local government, or the EPA which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

- "Emission Reduction Credit Banking" means to presently reserve, subject to requirements of LRAPA Title 41, Emission Reduction Credits, emission reductions for use by the reserver or assignee for future compliance with air pollution reduction requirements.

- "Emission Reporting Form" means a paper or electronic form developed by LRAPA that shall be completed by the permittee to report calculated emissions, actual emissions, or permitted emissions for interim emission fee assessment purposes.

- "Emission Unit" means any part or activity of a source (including specific process equipment) which emits or would have the potential to emit any regulated air pollutant.

  A. A part of a stationary source is any machine, equipment, raw material, product, or by-product that produces or emits air pollutants. An activity is any process, operation, action, or reaction (e.g., chemical) at a stationary source that emit air pollutants. Except as described in subsection D of this section, parts and activities may be grouped for purposes of defining an emissions unit provided the following conditions are met:
     (1) the group used to define the emissions unit may not include discrete parts or activities to which a distinct emissions standard applies or for which different compliance demonstration requirements apply; and
     (2) the emissions from the emissions unit are quantifiable.
  B. Emissions units may be defined on a pollutant-by-pollutant basis where applicable.
  C. The term emissions unit is not meant to alter or affect the definition of the term unit for purposes of Title IV of the FCAA.
  D. Parts and activities shall not be groups for purposes of determining emissions increases from an emissions unit under Section 44-070 (HAP Early Reductions) or OAR 340-218-0190 (Title V Construction/Modification), or for purposes of determining the applicability of a New Source Performance Standard (NSPS).

- "Enforcement" means any documented action taken to address a violation.

- "EPA" or "Administrator" means the Administrator of the United States Environmental Protection Agency or the Administrator's designee.

- EPA Conditional Method means any method of sampling and analyzing for air pollutants which has been validated by the EPA but which has not been published as an EPA reference method.

- EPA Reference Method means any method of sampling and analyzing for an air pollutant as described in **40 CFR Part 60, 61, or 63.**

- "EPA Method 9" means the method for Visual Determination of the Opacity of Emissions From Stationary Sources as promulgated by the U.S. Environmental Protection Agency in Title 40 of the Code of Federal Regulations, Part 60, Appendix A, Method 9.

- "Equipment leaks" means leaks from pumps, compressors, pressure relief devices, sampling connection systems, open ended valves or lines, valves, connectors, agitators, accumulator vessels, and instrumentation systems in hazardous air pollutant service.

- "Equivalent method" means any method of sampling and analyzing for an air pollutant that has been demonstrated to LRAPA's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions. An equivalent method used to meet an applicable federal requirement for which a reference method is specified must be approved by EPA unless EPA has delegated authority for the approval to LRAPA.

- "Eugene/Springfield Air Quality Maintenance Area" means that area described in Section 4.6.2.1 and Figure 4.6.2.1--1 of the State of Oregon State Implementation Plan Revision, Eugene/Springfield AQMA, as approved by the Board on November 6, 1980.

- "Eugene-Springfield Urban Growth Boundary (ESUGB)" means the area within and around the cities of Eugene and Springfield, as described in the currently acknowledged Eugene-Springfield Metropolitan Area General Plan, as amended.

- "Event" means excess emissions that arise from the same condition and occur during a single calendar day or continue into subsequent calendar days.

- "Exceedance" means a condition that is detected by monitoring that provides data in terms of an emission limitation or standard and that indicates that emissions (or opacity) are greater than the applicable emission limitation or standard (or less than the applicable standard in the case of a percent reduction requirement) consistent with any averaging period specified for averaging the results of the monitoring.

- "Excess emissions" means emissions in excess of a permit limit or any applicable air quality rule.

- "Excess emissions and continuous monitoring system performance report" is a report that must be submitted periodically by an affected source to provide data on its compliance with relevant emission limits, operating parameters, and the performance of its continuous parameter monitoring systems

- "Federal Land Manager" means, with respect to any lands in the United States, the Secretary of the federal department with authority over such lands.

- "Federal Major Source" means a source with potential to emit any individual regulated pollutant, excluding hazardous air pollutants listed in LRAPA Title 44, greater than or equal to 100 tons per year if in a source category listed below, or for non-listed sources 250

tons per year. Potential to emit calculations must include emission increases due to a new or modified source.

(a) Fossil fuel-fired steam electric plants of more than 250 million BTU/hour heat input;
(b) Coal cleaning plants with thermal dryers;
(c) Kraft pulp mills;
(d) Portland cement plants;
(e) Primary Zinc Smelters;
(f) Iron and Steel Mill Plants;
(g) Primary aluminum ore reduction plants;
(h) Primary copper smelters;
(i) Municipal Incinerators capable of charging more than 50 tons of refuse per day;
(j) Hydrofluoric acid plants;
(k) Sulfuric acid plants;
(l) Nitric acid plants;
(m) Petroleum Refineries;
(n) Lime plants;
(o) Phosphate rock processing plants;
(p) Coke oven batteries;
(q) Sulfur recovery plants;
(r) Carbon black plants, furnace process;
(s) Primary lead smelters;
(t) Fuel conversion plants;
(u) Sintering plants;
(v) Secondary metal production plants;
(w) Chemical process plants;
(x) Fossil fuel fired boilers, or combinations thereof, totaling more than 250 million BTU per hour heat input;
(y) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
(z) Taconite ore processing plants;
(aa) Glass fiber processing plants;
(bb) Charcoal production plants.

- "Federal Operating Permit Program" means a program approved by the EPA Administrator under 40 CFR Part 70. The rules and regulations which shall apply until superseded by LRAPA rules and regulations are OAR 340-218-0010 through 340-218-0240 (Title V Operating Permit Program) and 340-220-0010 through 340-220-0190 (Title V Operating Permit Fees), and 248 (Asbestos).

- "Filing" or "filed" means receipt in the office of the Director. Such receipt is adequate where filing is required for a document on a matter before LRAPA, except a claim of personal liability.

- "Fugitive Emissions," means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

- "Generally Available Control Technology (GACT)" means an alternative emission standard promulgated by EPA for non-major sources of Hazardous Air Pollutants which provides for the use of control technology or management practices which are generally available.

- "General permit":
  A. Except as provided in subsection B. of this section, means an Air Contaminant Discharge Permit established under Section 37-0060.
  B. As used in OAR 340 division 218 means an Oregon Title V Operating Permit established under OAR 340-218-0090.

- "Generic PSEL" means:

Pollutant	**Generic PSEL (tons/year, except as noted)**
CO	99
NO_x	39
SO_2	39
VOC	39
PM	24
PM_{10}	14
Lead	0.5
Fluorides	2
Sulfuric Acid Mist	6
Hydrogen Sulfide	9
Total Reduced Sulfur (including hydrogen sulfide)	9
Reduced Sulfur	9
Municipal waste combustor organics (Dioxin and furans)	0.0000030
Municipal waste combustor metals	14
Municipal waste combustor acid gases	39
Municipal solid waste landfill gases	49
Single HAP	9
Combined HAPs (aggregate)	24

Note: Sources are eligible for a generic PSEL if expected emissions are less than or equal to the levels listed in the table above. Baseline emission rate and netting basis do not apply to pollutants at sources using generic PSELs.

- "Growth Allowance" means an allocation of some part of an airshed's capacity to accommodate future proposed major sources and major modifications of sources.

- "Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure.

- "Hazardous Air Pollutant (HAP)" means an air pollutant listed by the EPA pursuant to **Section 112(b) of the FCAA** or determined by the Commission to cause, or reasonably be anticipated to cause, adverse effects to human health or the environment.

- "HEPA filter" means a high-efficiency particulate air filter capable of filtering 0.3 micrometer particles with 99.97 percent efficiency.

- "Highway Section" means a highway of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multi-year highway improvement program.

- "Hot Mix Asphalt Plant" means those facilities and equipment which convey or batch load proportioned quantities of cold aggregate to a drier, and heat, dry, screen, classify, measure, and mix the aggregate with asphalt for purposes of paving, construction, industrial, residential, or commercial use.

- "Immediately," as relates to notifying LRAPA of episodes of excess emissions, means one of the following:

  A. During LRAPA's normal work hours, 8:00 a.m. to 5:00 p.m. Monday through Friday, report is to be made as soon as possible but no more than one (1) hour after the beginning of the excess emissions; or
  B. During LRAPA's off-duty hours or on weekends or holidays, report is to be made as soon as possible but no more than one (1) hour after the beginning of the excess emissions, using LRAPA's electronic telephone answering equipment. If the person reporting the incident is unable to access the telephone answering equipment because of overloaded telephone circuits or telephone equipment malfunction, the report must be made to the LRAPA business office at the beginning of the next working day.

- "Industrial Area" means land which is zoned or used for industrial operations, including manufacturing.

- "Inherent process equipment" means equipment that is necessary for the proper or safe functioning of the process, or material recovery equipment that the owner or operator documents is installed and operated primarily for purposes other than compliance with air pollution regulations. Equipment that must be operated at an efficiency higher than that achieved during normal process operations in order to comply with the applicable emission limitation or standard is not inherent process equipment. For the purposes of source testing requirements, inherent process equipment is not considered a control device.

- "Insignificant Activity" means an activity or emission that LRAPA has designated as categorically insignificant, or that meets the criteria of aggregate insignificant emissions.

- "Insignificant Change" means an off-permit change defined under OAR 340-218-0140(2)(a) to either a significant or an insignificant activity which:

  A. Does not result in a redesignation from an insignificant to a significant activity;
  B. Does not invoke an applicable requirement not included in the permit; and
  C. Does not result in emission of regulated air pollutants not regulated by the source's permit.

- "Kraft Mill" or "Mill" means any industrial operation which uses for a cooking liquor an alkaline sulfide solution containing sodium hydroxide and sodium sulfide in its pulping process.

- "Late Payment" means a fee payment which is postmarked after the due date.

- "Lime Kiln" means any production device in which calcium carbonate is thermally converted to calcium oxide.

- "Lowest Achievable Emission Rate (LAER)" means that rate of emissions which reflects:

  A. The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or
  B. The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

  In no event shall the application of this term allow a proposed new or modified source to emit any air contaminant in excess of the amount allowable under applicable New Source Performance Standards (NSPS) or standards for hazardous air pollutants.

- "LRAPA" means the Lane Regional Air Protection Agency, a regional air quality control authority.

- "Maintenance Area" means a geographical area of Lane County that was designated as a nonattainment area, redesignated as an attainment area by EPA, and redesignated as a maintenance area by LRAPA.

- "Maintenance Pollutant" means a pollutant for which a maintenance area was formerly designated a nonattainment area.

- "Major Modification" means any physical change or change of operation of a source that results in the following for any regulated air pollutant:
  A. an increase in the PSEL by an amount equal to or more than the significant emission rate over the netting basis; and

B. the accumulation of physical changes and changes of operation since baseline that would result in a significant emission rate increase.

1. Calculations of emission increases in (B) must account for all accumulated increases in actual emissions due to physical changes and changes of operation occurring at the source since the baseline period, or since the time of the last construction approval issued for the source pursuant to the New Source Review Regulations in LRAPA Title 38 for that pollutant, whichever time is more recent. These include emissions from insignificant activities.
2. Emission increases due solely to increased use of equipment or facilities that existed during the baseline period are not included, if that increased use was possible during the baseline period under the baseline configuration of the source, and the increased use of baseline equipment capacity is not to support a physical change or change in operation.

C. For new or modified major sources that were permitted to construct and operate after the baseline period and were not subject to New Source Review, a major modification means:

1. Any change at a source, including production increases, that would result in a Plant Site Emission Limit increase of 1 ton or more for any regulated pollutant for which the source is a major source; or
2. The addition or modification of any stationary source or sources after the initial construction that have cumulative potential emissions greater than or equal to the significant emission rate, excluding any emission decreases.
3. Changes to the PSEL solely due to the availability of better emissions information are exempt from being considered an increase.

D. The following are not considered major modifications:

1. Except as provided in C., proposed increases in hours of operation or production rates that would not involve a physical change or change in method of operation in the source, nor cause a PSEL increase;
2. Routine maintenance, repair, and replacement of components;
3. Temporary equipment installed for maintenance of the permanent equipment if the temporary equipment is in place for less than six months and operated within the permanent equipment's existing PSEL;
4. Use of alternate fuel or raw materials, that were available and the source was capable of accommodating in the baseline period.

- "Major Source":

A. Except as provided in subsection B., means a source that emits, or has the potential to emit, any regulated air pollutant at a Significant Emission Rate. This includes emissions from insignificant activities.

B. As used in LRAPA Title 34, Stationary Source Notification Requirements, OAR 340 division 218, rules applicable to sources required to have LRAPA Title V Operating Permits OAR 340 division 220, Title V Operating Permit Fees, and LRAPA Section 37-0066 Standard ACDPs, means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties and are under common control of the same person (or persons under common control)) belonging to a single major industrial grouping or supporting the major industrial group and that is described in

paragraphs (1), (2), or (3) of this subsection. For the purposes of this subsection, a stationary source or group of stationary sources is considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual (U.S. Office of Management and Budget, 1987) or support the major industrial group.

(1) A major source of hazardous air pollutants, which means:

(i) Any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any single hazardous air pollutant; 25 tpy or more of any combination of hazardous air pollutants, unless the Administrator establishes a lesser quantity, or in the case of radionuclide, different criteria from those in this sentence. Emissions from any oil or gas exploration or production well, along with its associated equipment, and emissions from any pipeline compressor or pump station will not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

(ii) For radionuclides, "major source" will have the meaning specified by the Administrator by rule.

(2) A major stationary source of air pollutants, as defined in section 302 of the Act, that directly emits or has the potential to emit 100 tpy or more of any regulated air pollutant, including any major source of fugitive emissions of any such pollutant. The fugitive emissions of a stationary source are not considered in determining whether it is a major stationary source for the purposes of section 302(j) of the Act, unless the source belongs to one of the following categories of stationary source:

(i) Coal cleaning plants (with thermal dryers);
(ii) Kraft pulp mills;
(iii) Portland cement plants;
(iv) Primary zinc smelters;
(v) Iron and steel mills;
(vi) Primary aluminum ore reduction plants;
(vii) Primary copper smelters;
(viii) Municipal incinerators capable of charging more than 50 tons of refuse per day;
(ix) Hydrofluoric, sulfuric, or nitric acid plants;
(x) Petroleum refineries;
(xi) Lime plants;
(xii) Phosphate rock processing plants;
(xiii) Coke oven batteries;
(xiv) Sulfur recovery plants;
(xv) Carbon black plants (furnace process);
(xvi) Primary lead smelters;
(xvii) Fuel conversion plants;
(xviii) Sintering plants;
(xix) Secondary metal production plants;
(xx) Chemical process plants;
(xxi) Fossil-fuel boilers, or combination thereof, totaling more than 250 million British thermal units per hour heat input;

(xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
(xxiii) Taconite ore processing plants;
(xxiv) Glass fiber processing plants;
(xxv) Charcoal production plants;
(xxvi) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or
(xxvii) All other stationary source categories, that as of August 7, 1980, is being regulated by a standard promulgated under section 111 or 112 of the Act, but only with respect to those air pollutants that have been regulated for that category.

(3) A major stationary source as defined in part D of Title I of the Act, including:
(i) For ozone nonattainment areas, sources with the potential to emit 100 tpy or more of VOCs or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tpy or more in areas classified as "serious," 25 tpy or more in areas classified as "severe," and 10 tpy or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 tpy of nitrogen oxides do not apply with respect to any source for which the Administrator has made a finding, under section 182(f)(1) or (2) of the Act, that requirements under section 182(f) of the Act do not apply;
(ii) For ozone transport regions established pursuant to section 184 of the Act, sources with the potential to emit 50 tpy or more of VOCs;
(iii) For carbon monoxide nonattainment areas:
(I) That are classified as "serious;" and
(II) In which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tpy or more of carbon monoxide.
(iv) For particulate matter (PM10) nonattainment areas classified as "serious," sources with the potential to emit 70 tpy or more of PM10.

- "Material Balance" means a procedure for calculating emissions based on the difference between the amount of material added to a process and the amount consumed and recovered from a process.

- “Modification”, except as used in the term “major modification”, means any physical change to, or change in the method of operation of, a stationary source that results in an increase in the stationary source’s potential to emit any regulated air pollutant on an hourly basis. Modifications do not include the following:

A. Increases in hours of operation or production rates that do not involve a physical change or change in the method of operation;
B. Changes in the method of operation due to using an alternative fuel or raw material that the stationary source was physically capable of accommodating during the baseline period; and
C. Routine maintenance, repair and like-for-like replacement of components unless they increase the expected life of the stationary source by using component upgrades that would not otherwise be necessary for the stationary source to function.

- "Monitoring" means any form of collecting data on a routine basis to determine or otherwise assess compliance with emission limitations or standards. Monitoring may include record keeping if the records are used to determine or assess compliance (such as records of raw material content and usage, or records documenting compliance with work practice requirements). Monitoring may include conducting compliance tests, such as the procedures in appendix A to 40 CFR part 60, on a routine periodic basis. Requirements to conduct such tests on a one-time basis, or at such times as a regulatory authority may require on a non-regular basis, are not considered monitoring requirements for purposes of this definition. Monitoring may include one or more than one of the following data collection techniques as appropriate for a particular circumstance:
  A. Continuous emission or opacity monitoring systems.
  B. Continuous process, capture system, control device or other relevant parameter monitoring systems or procedures, including a predictive emission monitoring system.
  C. Emission estimation and calculation procedures (e.g., mass balance or stoichiometric calculations).
  D. Maintaining and analyzing records of fuel or raw materials usage.
  E. Recording results of a program or protocol to conduct specific operation and maintenance procedures.
  F. Verifying emissions, process parameters, capture system parameters, or control device parameters using portable or in situ measurement devices.
  G. Visible emission observations and recording.
  H. Any other form of measuring, recording, or verifying on a routine basis emissions, process parameters, capture system parameters, control device parameters or other factors relevant to assessing compliance with emission limitations or standards.

- "Netting Basis" means the baseline emission rate MINUS any emission reductions required by rule, orders, or permit conditions required by the SIP or used to avoid SIP requirements, MINUS any unassigned emissions that are reduced from allowable emissions under LRAPA Title 42, Section 42-0045, MINUS any emission reduction credits transferred off site, PLUS any emission increases approved through the New Source Review regulations of Title 38.
  A. With the first permitting action for a source after October 14, 2008, the baseline emissions rate will be frozen and shall be recalculated only if:
    1. A better emission factor is established for the baseline period and approved by LRAPA;
    2. A currently operating emissions unit that LRAPA formerly thought had negligible emissions, is determined to have non-de minimis emissions and needs to be added to the baseline emission rate; or
    3. A new pollutant is added to the regulated pollutant list (e.g., PM2.5). For a pollutant that is newly regulated after 11/15/90, the initial netting basis is the actual emissions during any 12 consecutive month period within the 24 months immediately preceding its designation as a regulated pollutant. LRAPA may allow a prior 12 consecutive month time period to be used if it is shown to be more representative of normal source operation.
  B. Netting basis is zero for:
    1. Any source constructed after the baseline period and has not undergone New Source Review;
    2. Any pollutant that has a generic PSEL in a permit;

3. Any source permitted as portable; and
4. Any source with a netting basis calculation resulting in a negative number.

C. If a source relocates to an adjacent site, and the time between operation at the old and new sites is less than six months, the source may retain the netting basis from the old site.

D. Emission reductions required by rule, order, or permit condition affect the netting basis if the source currently has devices or emissions units that are subject to the rules, order, or permit condition. The baseline emission rate is not affected.

E. Netting basis for a pollutant with a revised definition will be adjusted if the source is emitting the pollutant at the time of redefining and the pollutant is included in the permit's netting basis.

F. Where EPA requires an attainment demonstration based on dispersion modeling, the netting basis will be established at no more than the level used in the dispersion modeling to demonstrate attainment with the ambient air quality standard (i.e., the attainment demonstration is an emission reduction required by rule).

- "Nitrogen Oxides" or "NO_x" means all oxides of nitrogen except nitrous oxide.

- "Nonattainment Area" means a geographical area within the jurisdiction of the Agency, as designated by the Board, the Environmental Quality Commission, or the Environmental Protection Agency which exceeds any federal, state or local primary or secondary ambient air quality standard.

- "Nonattainment Pollutant" means a pollutant for which an area is designated a nonattainment area.

- "Normal Source Operation" means operations which do not include such conditions as forced fuel substitution, equipment malfunction, or highly abnormal market conditions.

- "Nuisance" means a substantial and unreasonable interference with another's use and enjoyment of real property, or the substantial and unreasonable invasion of a right common to members of the general public.

- "Odor" means the property of a substance which allows its detection by the sense of smell.

- "Offset" means an equivalent or greater emission reduction that is required before allowing an emission increase from a proposed major source or major modification of an existing source.

- "Opacity" means the degree to which an emission reduces transmission of light and obscures the view of an object in the background as measured in accordance with Section 35-0120 and35-0140. Unless otherwise specified by rule, opacity shall be measured in accordance with EPA Method 9 or a continuous opacity monitoring system (COMS) installed and operated in accordance with the Department's Continuous Monitoring Manual. For all standards, the minimum observation period shall be six minutes, though longer periods may be required by a specific rule or permit condition. Aggregate times (e.g. 3 minutes in any one hour) consist of the total duration of all readings during the observation period that equal or exceed the opacity percentage in the standard, whether or not the readings are consecutive.

- "Oregon Title V Operating Permit" or "LRAPA Title V Operating Permit" means any permit covering an Oregon or LRAPA Title V Operating Permit source that is issued, renewed, amended, or revised pursuant to OAR 340 division 218.

- "Oregon Title V Operating Permit program" means a program approved by the Administrator under 40 CFR Part 70.

- "Oregon Title V Operating Permit program source" means any source subject to the permitting requirements, OAR 340 division 218.

- "Ozone Season" means the contiguous 3 month period during which ozone exceedances typically occur (i.e., June, July, and August).

- "Particle Fallout Rate" means the weight of particulate matter which settles out of the air in a given length of time over a given area.

- "Particulate Matter" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by the method specified within the standard or by an applicable reference method in accordance with LRAPA 35-0120 and LRAPA 35-0140. Sources with exhaust gases at or near ambient conditions may be tested with DEQ Method 5 or DEQ Method 8, as approved by LRAPA. Direct heat transfer sources shall be tested with DEQ Method 7; indirect heat transfer combustion sources and all other non-fugitive emissions sources not listed above shall be tested with DEQ Method 5 or an equivalent method approved by LRAPA. Equivalent methods applied to federal standards included in the State Implementation Plan may only be used if they are also approved in advance by EPA.

- "Permit" or "Air Contaminant Discharge Permit" means a written permit issued by LRAPA, pursuant to LRAPA and DEQ rules and regulations.

- "Permittee" means the owner or operator of the facility, authorized by the Air Contaminant Discharge Permit or the Oregon or LRAPA Title V Operating Permit to operate the source.

- "Person" means any individual, public or private corporation, political subdivision, agency, board, department, or bureau of the state or federal government, municipality, partnership, association, firm, trust, estate, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

- "Plant Site Emission Limit (PSEL)" means the total mass emissions per unit time of an individual air pollutant specified in a permit for a source. The PSEL for a major source may consist of more than one assessable emission.

- "PM_{10}" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured in accordance with **40 CFR 53 Subpart, Appendix J**.

- "PM_{10} Emissions" means emissions of finely divided solid or liquid material, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 10 micrometers, emitted to the ambient air as measured by applicable reference methods in accordance with the Department's Source Sampling Manual.

- "PM2.5" means:

  A. When used in the context of emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, emitted to the ambient air as measured by conditional test method CTM-040 (EPA Emission Measurement Center) and a reference method based on 40 CFR Part 52, Appendix M.

  B. When used in the context of ambient concentration, means particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR Part 50, Appendix L, or an equivalent method designated in accordance with 40 CFR Part 53.

- "Potential to emit" or "PTE" means the lesser of:

  A. The capacity of a stationary source; or

  B. The maximum allowable emissions taking into consideration any physical or operational limitation, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, if the limitation is enforceable by the Administrator.

  C. This definition does not alter or affect the use of this term for any other purposes under the Act or the term "capacity factor" as used in Title IV of the Act and the regulations promulgated thereunder. Secondary emissions are not considered in determining the potential to emit.

- "Presiding Officer" means the Agency, the Chairperson of its Board of Directors, Hearings Officer, the Director, or any individual designated by the Agency or the Director to preside in any contested case, public, or other hearing. Any employee of LRAPA who actually presided in any such hearing is presumptively designated by LRAPA or Director, such presumptive designation to be overcome only by a written statement to the contrary bearing the signature of the Chairperson or the Director.

- "Process Upset" means a failure or malfunction of a production process or system to operate in a normal and usual manner.

- "Reference method" means any method of sampling and analyzing for an air pollutant as specified in **40 CFR Part 60**, **61** or **63**.

- "Regional Agency" means the Lane Regional Air Protection Agency

- "Regulated air pollutant" or "Regulated Pollutant":

  A. Except as provided in subsections B. and C. of this rule, means:

  1. Nitrogen oxides or any VOCs;

2. Any pollutant for which a national ambient air quality standard has been promulgated;

3. Any pollutant that is subject to any standard promulgated under section 111 of the Act;

4. Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act; or

5. Any pollutant listed under LRAPA Title 44, Section 44-020 or 44-160.

B. As used in OAR 340 division 220, means any air pollutant as included in subsection A. of this rule, except the following:

1. Carbon monoxide;

2. Any pollutant that is a regulated pollutant solely because it is a Class I or Class II substance subject to a standard promulgated under or established by Title VI of the Federal Clean Air Act; or

3. Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under section 112(r) of the Federal Clean Air Act.

C. As used in LRAPA Title 38 any pollutant listed under LRAPA Title 44, Section 44-020 or Section 44-160 is not a regulated pollutant.

- "Residual Fuel Oil" means any oil meeting the specifications of ASTM Grade 4, Grade 5 or Grade 6 fuel oils.

- "Reviewing Agency", where found in the federal rule, means LRAPA, the Department, or the EPA, as applicable.

- "Secondary Emissions" means emissions from new or existing sources which occur as a result of the construction and/or operation of a source or modification, but do not come from the source itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source associated with the secondary emissions. Secondary emissions may include, but are not limited to:

  A. Emissions from ships and trains coming to or from a facility;
  B. Emissions from off-site support facilities which would be constructed or would otherwise increase emissions as a result of the construction of a source or modification.

- "Section 111" means that section of the FCAA that includes Standards of Performance for New Stationary Sources (NSPS).

- "Section 112(b)" means that subsection of the FCAA that includes the list of hazardous air pollutants to be regulated.

- "Section 112(d)" means that subsection of the FCAA that directs the EPA to establish emissions standards for sources of Hazardous Air Pollutants. This section also defines the criteria to be used by EPA when establishing the emission standards.

- "Section 112(e)" means that subsection of the FCAA that directs the EPA to establish and promulgate emissions standards for categories and subcategories of sources that emit Hazardous Air Pollutants.

- "Section 112(n)" means that subsection of the FCAA that includes requirements for the EPA to conduct studies on the hazards to public health prior to developing emissions standards for specified categories of Hazardous Air Pollutant emission sources.

- "Section 112(r)" means that subsection of the FCAA that includes requirements for the EPA to promulgate regulations for the prevention, detection and correction of accidental releases.

- "Section 129" means that section of the FCAA that requires EPA to promulgate regulations for solid waste combustion.

- "Shutdown," as used in Titles 30 and 36, means that time during which normal operation of an air contaminant source or emission control equipment is terminated.

- "Significant Air Quality Impact" means an additional ambient air quality concentration equal to or greater than the concentrations listed in **Table 1 of LRAPA Title 12.** The threshold concentrations listed in Table 1 are used for comparison against the ambient air quality standard and do not apply for protecting PSD Class I increments or air quality related values (including visibility). For sources of VOC or NOx, a major source or major modification has a significant impact if it is located within the Ozone Precursor Distance defined in LRAPA Title 40, Section 40-0020.

- "Significant Emission Rate" or "SER," except as provided in subsections A. and B. of this section, means an emission rate equal to or greater than the rates specified in **Table 2.**

  A. For regulated air pollutants not listed in **Table 2** or **3,** the significant emission rate is zero unless LRAPA determines the rate that constitutes a significant emission rate.

  B. Any new source or modification with an emissions increase less than the rates specified in **Table 2** or **3** associated with a new source or modification which would construct within 10 kilometers of a Class I area, and would have an impact on such area equal to or greater than 1 ug/m3 (24 hour average) is emitting at a significant emission rate.

- "Significant Impairment" occurs when visibility impairment, in the judgement of LRAPA, interferes with the management, protection, preservation, or the enjoyment of the visual experience of visitors within a Class I area. The determination will be made on a case-by-case basis, considering the recommendation of the Federal Land Manager, the geographic extent, intensity, duration, frequency, and time of visibility impairment. These factors will be considered with respect to visitor use of the Class I Area, and the frequency and occurrence of natural conditions that reduce visibility.

- "Source" means any building, structure, facility, installation or combination thereof that emits or is capable of emitting air contaminants to the atmosphere, is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under

common control. The term includes all pollutant emitting activities that belong to a single major industrial group (i.e., that have the same two-digit code) as described in the Standard Industrial Classification Manual, (U.S. Office of Management and Budget, 1987) or that support the major industrial group.

- "Source category":

  A. Except as provided in subsection B. of this section, means all the pollutant emitting activities that belong to the same industrial grouping (i.e., that have the same two-digit code) as described in the Standard Industrial Classification Manual, (U.S. Office of Management and Budget, 1987).

  B. As used in OAR 340 division 220, Oregon Title V Operating Permit Fees, means a group of major sources that LRAPA and the Department determines are using similar raw materials and have equivalent process controls and pollution control equipment.

- "Source Test" means the average of at least three test runs conducted in accordance with the Department's Source Sampling Manual or other LRAPA-approved methods. Alternative methods applied to standards included in the State Implementation Plan may only be used if they are also approved in advance by EPA.

- "Standard Conditions" means a gas temperature of sixty-eight (68) degrees Fahrenheit and a gas pressure of 29.92 inches of mercury.

- "Standard Cubic Foot (SCF)" means that amount of gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor at standard conditions.

- "Standard Dry Cubic Meter" means the amount of gas that would occupy a volume of one cubic meter, if the gas were free of uncombined water, at a temperature of 20° C. (68° F.) and a pressure of 760 mm of Mercury (29.92 inches of Mercury). The corresponding English unit is standard dry cubic foot. When applied to recovery furnace gases, "standard dry cubic meter" requires adjustment of the gas volume to that which would result in a concentration of 8% oxygen if the oxygen concentration exceeds 8%. When applied to lime kiln gases, "standard dry cubic meter" requires adjustment of the gas volume to that which would result in a concentration of 10% oxygen if the oxygen concentration exceeds 10%. The mill shall demonstrate that oxygen concentrations are below noted values or furnish oxygen levels and corrected pollutant data.

- "Startup/Shutdown" means the time during which an air contaminant source or emission control equipment is brought into normal operation and normal operation is terminated, respectively.

- “Stationary Source” means:

  A. Any building, structure, facility, or installation which emits or may emit any regulated air pollutant.
  B. As used in Section 44-160, any buildings, structures, equipment, installations, or substance-emitting stationary activities:
     (1) That belong to the same industrial group;

(2) That are located on one or more contiguous properties;
(3) That are under the control of the same person (or persons under common control); and
(4) From which an accidental release may occur.

- "State or State or Local Control Agency", where found in **40 CFR 51.118**, means LRAPA or the Department.

- "Title I modification" means one of the following modifications pursuant to Title I of the FCAA:

A. A major modification subject to LRAPA 38-0050, Requirements for Sources in Nonattainment Areas;

B. A major modification subject to LRAPA 38-0060, Requirements for Sources in Maintenance Areas;

C. A major modification subject to LRAPA 38-0070, Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas;

D. A modification that is subject to a New Source Performance Standard under Section 111 of the FCAA; or

E. A modification under Section 112 of the FCAA.

- "Total Reduced Sulfur (TRS)" means the sum of the sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide, and any other organic sulfides present, expressed as hydrogen sulfide (H_2S).

- "Typically Achievable Control Technology" or "TACT" means the emission limit established on a case-by-case basis for a criteria pollutant from a particular emissions unit in accordance with Section 32-008. For existing sources, the emissions limit established shall be typical of the emission level achieved by emissions units similar in type and size. For new and modified sources, the emission limit established shall be typical of the emission level achieved by well-controlled new or modified emissions units similar in type and size that were recently installed. TACT determinations shall be based on information known to LRAPA considering pollution prevention, impacts on other environmental media, energy impacts, capital and operating costs, cost effectiveness, and the age and remaining economic life of existing emission control equipment. LRAPA may consider emission control technologies typically applied to other types of emissions units where such technologies could be readily applied to the emissions unit. If an emission limitation is not feasible, a design, equipment, work practice, or operational standard, or combination thereof, may be required.

- "Unavoidable" means events which are not caused entirely or in part by poor or inadequate design, operation, maintenance, or any other preventable condition in either process or control equipment.

- "Unassigned Emissions" means the amount of emissions that are in excess of the PSEL but less than the Netting Basis.

- "Uncombined Water" means water which is not chemically bound to a substance.

- "Upset" or "Breakdown" means any failure or malfunction of any pollution control equipment or process equipment which may cause excess emissions.

- "Volatile Organic Compound" or "VOC" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.

  A. This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity in the formation of tropospheric ozone: methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114; chloropentafluoroethane (CFC-115); 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123); 1.1.1.2-tetrafluoroethane (HFC-134a); 1,1-dichloro-1-fluoroethane (HCFC-141b); 1-chloro-1,1-difluoroethane (HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); HCFC 225ca and cb; HFC 43-10mee; pentafluoroethane [~~2~~] (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene (tertrachloroethylene); difluormethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1 chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$); methyl acetate; 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3, HFE-7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea); methyl formate (HCOOCH3); (1) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300); and perfluorocarbon compounds which fall into these classes:
     (1) Cyclic, branched, or linear, completely fluorinated alkanes;
     (2) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
     (3) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
     (4) Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
  B. For purposes of determining compliance with emissions limits, VOC will be measured by an applicable reference method in accordance with the Department's **Source Sampling Manual**, January, 1992. Where such a method also measures compounds with negligible

photochemical reactivity, the latter may be excluded as VOC if the amount of such compounds is accurately quantified, and LRAPA approves the exclusion.

C. LRAPA may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of LRAPA, the amount of negligibly reactive compounds in the source's emissions.

D. The following compound(s) are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and must be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate.

- "Year", unless otherwise defined, means any consecutive 12 month period of time.

Section 12-010 **Abbreviations and Acronyms**

(1) "ACDP" means Air Contaminant Discharge Permit.

(2) "ACT" means Federal Clean Air Act.

(3) "AE" means Actual Emissions.

(4) "AICPA" means Association of Independent Certified Public Accountants.

(5) "AQCR" means Air Quality Control Region.

(6) "AQMA" means Air Quality Maintenance Area.

(7) "ASME" means American Society of Mechanical Engineers.

(8) "ASTM" means American Society for Testing & Materials.

(9) "ATETP" means Automotive Technician Emission Training Program.

(10) "AWD" means all wheel drive.

(11) "BACT" means Best Available Control Technology.

(12) "BLS" means black liquor solids.

(13) "CAA" means Clean Air Act

(14) "CAR" means control area responsible party.

(15) "CBD" means central business district.

(16) "CCTMP" means Central City Transportation Management Plan.

(17) "CEM" means continuous emissions monitoring.

(18) "CEMS" means continuous emission monitoring system.

(19) "CERCLA" means Comprehensive Environmental Response Compensation and Liability Act.

(20) "CFRMS" means continuous flow rate monitoring system.

(21) "CFR" means Code of Federal Regulations.

(22) "CMS" means continuous monitoring system.

(23) "CO" means carbon monoxide.

(24) "COMS" means continuous opacity monitoring system.

(25) "CPMS" means continuous parameter monitoring system.

(26) "DEQ" means Oregon Department of Environmental Quality.

(27) "DOD" means Department of Defense.

(28) "EA" means environmental assessment.

(29) "ECO" means employee commute options.

(30) "EEAF" means emissions estimate adjustment factor.

(31) "EF" means emission factor.

(32) "EGR" means exhaust gas re-circulation.

(33) "EIS" means Environmental Impact Statement

(34) "EPA" means Environmental Protection Agency.

(35) "EQC" means Environmental Quality Commission.

(36) "ESP" means electrostatic precipitator.

(37) "FCAA" means Federal Clean Air Act.

(38) "FHWA" means Federal Highway Administration.

(39) "FONSI" means finding of no significant impact.

(40) "FTA" means Federal Transit Administration.

(41) "GFA" means gross floor area.

(42) "GLA" means gross leasable area.

(43) "GPM" means grams per mile.

(44) "gr/dscf" means grains per dry standard cubic foot.

(45) "GTBA" means grade tertiary butyl alcohol.

(46) "GVWR" means gross vehicle weight rating.

(47) "HAP" means hazardous air pollutant.

(48) "HEPA" means high efficiency particulate air.

(49) "HMIWI" means hospital medical infectious waste incinerator.

(50) "I/M" means inspection and maintenance program.

(51) "IG" means inspection grade.

(52) "IRS" means Internal Revenue Service.

(53) "ISECP" means indirect source emission control program.

(54) "ISTEA" means Intermodal Surface Transportation Efficiency Act.

(55) "LAER" means Lowest Achievable Emission Rate.

(56) "LDT2" means light duty truck 2.

(57) "LIDAR" means laser radar; light detection and ranging.

(58) "LPG" means liquefied petroleum gas.

(59) "LRAPA" means Lane Regional Air Protection Agency.

(60) "LUCS" means Land Use Compatibility Statement.

(61) "MACT" means Maximum Achievable Control Technology.

(62) "MPO" means Metropolitan Planning Organization.

(63) "MTBE" means methyl tertiary butyl ether.

(64) "MWC" means municipal waste combustor.

(65) "NAAQS" means National Ambient Air Quality Standards.

(66) "NEPA" means National Environmental Policy Act.

(67) "NESHAP" means National Emissions Standard for Hazardous Air Pollutants.

(68) "NIOSH" means National Institute of Occupational Safety & Health.

(69) "NO_x" means nitrogen oxides.

(70) "NSPS" means New Source Performance Standards.

(71) "NSR" means New Source Review.

(72) "NSSC" means neutral sulfite semi-chemical.

(73) "O_3" means ozone.

(74) "OAR" means Oregon Administrative Rules.

(75) "ODOT" means Oregon Department of Transportation.

(76) "ORS" means Oregon Revised Statutes.

(77) "OSAC" means orifice spark advance control.

(78) "OSHA" means Occupational Safety & Health Administration.

(79) "PCDE" means pollution control device collection efficiency.

(80) "PEMS" means predictive emission monitoring system.

(81) "PM" means particulate matter.

(82) "PM_{10}" means particulate matter less than 10 microns.

(83) "POTW" means Publicly Owned Treatment Works.

(84) "POV" means privately owned vehicle.

(85) "PSD" means Prevention of Significant Deterioration.

(86) "PSEL" means Plant Site Emission Limit.

(87) "QIP" means quality improvement plan.

(88) "RACT" means Reasonably Available Control Technology.

(89) "RVCOG" means Rogue Valley Council of Governments.

(90) "RWOC" means running weighted oxygen content.

(91) "SKATS" means Salem-Kaiser Area Transportation Study.

(92) "scf" means standard cubic feet.

(93) "SCS" means speed control switch.

(94) "SD" means standard deviation.

(95) "SIP" means State Implementation Plan.

(96) "SO_2" means sulfur dioxide.

(97) "SOCMI" means synthetic organic chemical manufacturing industry.

(98) "SOS" means Secretary of State.

(99) "TAC" means thermostatic air cleaner.

(100) "TACT" means Typically Achievable Control Technology.

(101) "TCM" means transportation control measures.

(102) "TCS" means throttle control solenoid.

(103) "TIP" means Transportation Improvement Program.

(104) "TRS" means total reduced sulfur.

(105) "TSP" means total suspended particulate matter.

(106) "UGA" means urban growth area.

(107) "UGB" means urban growth boundary.

(108) "US DOT" means United States Department of Transportation.

(109) "UST" means underground storage tanks.

(110) "UTM" means universal transverse mercator.

(111) "VIN" means vehicle identification number.

(112) "VMT" means vehicle miles traveled.

(113) "VOC" means volatile organic compounds.

TABLE 1
LRAPA Title 12
SIGNIFICANT AMBIENT AIR QUALITY IMPACT WHICH IS EQUAL TO OR GREATER THAN:

Pollutant	***Pollutant Averaging Time***				
	Annual	*24-Hour*	*8-Hour*	*3-Hour*	*1-Hour*
SO_2	1.0 $\mu g/m^3$	5 $\mu g/m^3$		25 $\mu g/m^3$	
PM_{10}	0.2 $\mu g/m^3$	1.0 $\mu g/m^3$			
NO_2	1.0 $\mu g/m^3$				
CO			0.5 mg/m^3		2 mg/m^3

TABLE 2
LRAPA Title 12
SIGNIFICANT EMISSION RATES FOR POLLUTANTS REGULATED UNDER THE CLEAN AIR ACT

	Significant Pollutant	***Emission Rate***
(A)	Carbon Monoxide	100 tons/year
(B)	Nitrogen Oxides (NO_X)	40 tons/year
(C)	Particulate Matter	25 tons/year
(D)	PM_{10}	15 tons/year
(E)	Sulfur Dioxide	40 tons/year
(F)	Volatile Organic Compounds (VOC)	40 tons/year

TABLE 2 LRAPA Title 12 SIGNIFICANT EMISSION RATES FOR POLLUTANTS REGULATED UNDER THE CLEAN AIR ACT		
	Significant Pollutant	***Emission Rate***
(G)	Lead	0.6 ton/year
(H)	Fluorides	3 tons/year
(I)	Sulfuric Acid Mist	7 tons/year
(J)	Hydrogen Sulfide	10 tons/year
(K)	Total Reduced Sulfur (including hydrogen sulfide)	10 tons/year
(L)	Reduced sulfur compounds (including hydrogen sulfide)	10 tons/year
(M)	Municipal waste combustor organics (measured as total tetra- through octa- chlorinated dibenzo-p-dioxins and dibenzofurans)	0.0000035 ton/year
(N)	Municipal waste combustor metals (measured as particulate matter)	15 tons/year
(O)	Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	40 tons/year
(P)	Municipal solid waste landfill emissions (measured as nonmethane organic compounds)	50 tons/year

Table 3 LRAPA Title 12 SIGNIFICANT EMISSION RATES FOR THE FUTURE AIR QUALITY MAINTENANCE AREA(s)*			
Air Contaminant	*Emission Rate*		
	Annual	*Day*	
Pollutant	NA	NA	

*There currently are no air quality maintenance areas for which SERs different from those contained in Table 2 of Title 12 are required.

Section 12-020 Exceptions

1. Except as provided in section 2. of this rule, LRAPA Rules and Regulations do not apply to:
   A. Agricultural operations, including but not limited to:
      1) Growing or harvesting crops;
      2) Raising fowl or animals;
      3) Clearing or grading agricultural land;
      4) Propagating and raising nursery stock;
      5) Propane flaming of mint stubble; and
      6) Stack or pile burning of residue from Christmas trees, as defined in ORS 571.505, during the period beginning October 1 and ending May 31 of the following year.

B. Equipment used in agricultural operations, except boilers used in connection with propagating and raising nursery stock.
C. Barbeque equipment used in connection with any residence.
D. Heating equipment in or used in connection with residences used exclusively as dwellings for not more than four families, except woodstoves which shall be subject to regulation under this section, ORS 468A.460 to 468A.480, 468A.490 and 468A.515.
E. Fires set or permitted by any public agency when such fire is set or permitted in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, or instruction of employees in the methods of fire fighting, which in the opinion of the agency is necessary.
F. Fires set pursuant to permit for the purpose of instruction of employees of private industrial concerns in methods of fire fighting, or for civil defense instruction.

2. Section 1. of this rule does not apply to the extent:
A. Otherwise provided in ORS 468A.555 to 468A.620, 468A.790, 468A.992, 476.380 and 478.960;
B. Necessary to implement the federal Clean Air Act (P.L. 88-206 as amended) under ORS 468A.025, 468A.030, 468A.035, 468A.040, 468A.045 and 468A.300 to 468A.330; or
C. Necessary for LRAPA, in the Board's discretion, to implement a recommendation to the Task Force on Dairy Air Quality created under section 3, chapter 799, Oregon Laws 2007, for the regulation of dairy air contaminant emissions.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 30
Incinerator Regulations

Section 30-005 Purpose and Applicability

The purpose of these rules is to establish state-of-the-art emission standards, design requirements, and performance standards for all solid, infectious waste and crematory incinerators, in order to minimize air contaminant emissions and provide adequate protection of public health. The rules apply to all existing solid and infectious waste and crematory incinerators and to all that will be built, modified, or installed within Lane County, Oregon. These rules shall not apply to municipal waste combustors.

Section 30-010 Definitions

Words and terms used in this title are defined as follows, unless the context requires otherwise:

- "Acid Gases" means any exhaust gas which includes hydrogen chloride and sulfur dioxide.

- "Best Available Control Technology (BACT)" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction of each air contaminant subject to regulation under the Clean Air Act which would be emitted from any proposed major source or major modification which, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air contaminant. In no event shall the application of BACT result in emissions of any air contaminant which would exceed the emissions allowed by any applicable new source performance standard or any standard for hazardous air pollutants. If an emission limitation is not feasible, a design, equipment, work practice, or operational standard, or combination thereof, may be required. Such standard shall, to the degree possible, set forth the emission reduction achievable and shall provide for compliance by prescribing appropriate permit conditions.

- "Biological Waste," includes blood and blood products, excretions, exudates, secretions, suctionings and other body fluids that cannot be directly discarded into a municipal sewer system, and waste materials saturated with blood or body fluids, but does not include diapers soiled with urine or feces (see also "infectious waste").

- "Continuous Emissions Monitoring" means a monitoring system for continuously measuring the emissions of a pollutant from an affected incinerator. Continuous monitoring equipment and operation shall be certified in accordance with EPA performance specifications and quality assurance procedures outlined in 40 CFR 60, Appendices B and F, and the Department's CEM Manual.

- "Crematory Incinerator" means an incinerator used solely for the cremation of non-pathological human, non-pathological animal remains, and appropriate containers.

- "Cultures and stocks" includes etiologic agents and associated biologicals, including specimen cultures and dishes and devices used to transfer, inoculate and mix cultures, wastes from production of biologicals, and serums and discarded live and attenuated vaccines. "Cultures" does not include throat and urine cultures (see also "infectious waste".

- "Department" means the Oregon Department of Environmental Quality.

- "Dioxins and Furans" means total tetra- through octachlorinated dibenzo-p-dioxins and dibenzofurans.

- "Director" means the Director of the Lane Regional Air Protection Agency and authorized deputies or officers.

- "Dry Standard Cubic Foot" means the amount of gas, free of uncombined water, that would occupy a volume of 1 cubic foot at standard conditions. When applied to combustion flue gases from waste or refuse burning, "Standard Cubic Foot (SCF)" means adjustment of gas volume to that which would result at a concentration of 7% oxygen (dry basis).

- "Emission" means a release into the ambient air of air contaminants.

- "Incineration Operation" means any operation in which combustion is carried on in an incinerator, for the principal purpose or with the principal result, of oxidizing wastes to reduce their bulk and/or facilitate disposal.

- "Incinerator" means a combustion device specifically for destruction, by high temperature burning, of solid, semi-solid, liquid, or gaseous combustible wastes. This does not include devices such as open or screened barrels, drums, or process boilers.

- "Infectious Waste" means waste which contains or may contain any disease-producing microorganism or material including, but not limited to, biological waste, cultures and stocks, pathological waste, and sharps (see individual definitions for these terms).

- "Infectious Waste Incinerator" means an incinerator which is operated or utilized for the disposal or treatment of infectious waste, including combustion for the recovery of heat.

- "Parts Per Million (ppm)" means parts of a contaminant per million parts of gas by volume on a dry-gas basis (1 ppm equals 0.0001% by volume).

- "Pathological waste" includes biopsy materials and all human tissues; anatomical parts that emanate from surgery, obstetrical procedures, autopsy and laboratory procedures; and animal carcasses exposed to pathogens in research and the bedding and other waste from such animals. "Pathological wastes" does not include teeth, or formaldehyde or other preservative agents (see also "infectious waste").

- "Permit" or "Air Contaminant Discharge Permit" means a written permit issued by LRAPA, pursuant to LRAPA and DEQ rules and regulations.

- "Person" means any individual, public or private corporation, political subdivision, agency, board, department, or bureau of the state, municipality, partnership, association, firm, trust, estate, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

- "Person in Charge of Property" means an agent, occupant, lessee, tenant, contract purchaser, or other person having possession or control of property.

- "Primary Combustion Chamber" means the discrete equipment, chamber or space in which drying of the waste, pyrolysis, and essentially the burning of the fixed carbon in the waste occurs.

- Pyrolisis means the endothermic gasification of waste material using external energy.

- "Refuse" means unwanted matter.

- "Refuse Burning Equipment" means a device designed to reduce the volume of refuse by combustion.

- "Secondary (or Final) Combustion Chamber" means the discrete equipment, chamber, or space, excluding the stack, in which the products of pyrolysis are combusted in the presence of excess air, such that essentially all carbon is burned to carbon dioxide.

- "Sharps" includes needles, IV tubing with needles attached, scalpel blades, lancets, glass tubes that could be broken during handling, and syringes that have been removed from their original sterile containers (see also "infectious waste").

- "Solid Waste" means refuse, more than 50% of which is waste consisting of a mixture of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustible materials, and noncombustible materials such as metal, glass, and rock.

- "Solid Waste Incinerator" means an incinerator which is operated or utilized for the disposal or treatment of solid waste, including combustion for the recovery of heat.

- "Source" means any building, structure, facility, installation or combination thereof which emits or is capable of emitting air contaminants to the atmosphere and is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control. This includes all of the pollutant emitting activities which belong to the same industrial grouping or major group (i.e. which have the same two-digit code) as described in EPA's Standard Industrial Classification (SIC) manual (U.S. Office of Management and Budget 1987). (Title 12 contains another definition of "source" for use with other rules.)

- "Standard Conditions" means a gas temperature of sixty-eight (68) degrees Fahrenheit and a gas pressure of 29.92 inches of mercury.

- "Startup/Shutdown" means the time during which an air contaminant source or emission control equipment is brought into normal operation and normal operation is terminated, respectively.

- "Startup," means that time during which an air contaminant source or emission control equipment is brought into normal operation. (Title 12 contains another definition of "startup" for use with other rules.)

- "Transmissometer" means a device that measures opacity and conforms to EPA specification Number 1 in Title 40 CFR, Part 60, Appendix B.

Section 30-015 Best Available Control Technology for Solid and Infectious Waste Incinerators

1. Notwithstanding the specific emission limits set forth in Section 30-020, in order to maintain overall air quality at the highest possible levels, each solid and infectious waste incinerator is required to use best available control technology (BACT). In no event shall the application of BACT result in emissions of any air contaminant which would exceed the emission limits set forth in these rules.

2. All installed equipment shall be operated and maintained in such a manner that emissions of air contaminants are kept at the lowest possible level.

Section 30-020 Emission Limitations for Solid and Infectious Waste Incinerators

No person shall cause, suffer, allow, or permit the operation of any solid or infectious waste incinerator in a manner which violates the following emission limits and requirements:

1. Particulate Matter Emissions (PM)

   A. For solid and infectious waste incinerators constructed or modified on or after March 13, 1990, emissions from each stack shall not exceed 0.015 grains per dry standard cubic foot of exhaust gases corrected to seven (7) percent O_2 at standard conditions.

   B. For solid and infectious waste incinerators constructed or modified before March 13, 1990, emissions from each stack shall not exceed 0.030 grains per day standard cubic foot of exhaust gases corrected to seven (7) percent O_2 at standard conditions.

2. Hydrogen Chloride (HCl)

   A. For existing and new solid and infectious waste incinerators, emissions of hydrogen chloride from each stack shall not exceed 50 ppm as an average during any sixty (60)-minute period, corrected to 7% 0_2 (dry basis); or

   B. Shall be reduced by at least ninety (90)% by weight from their potential HCI emissions rate on an hourly basis.

3. Sulfur Dioxide (SO_2)

A. For existing and new solid and infectious waste incinerators, emissions of sulfur dioxide from each stack shall not exceed 50 ppm as a running three (3)-hour average, corrected to 7% 0_2, (dry basis); or

B. Shall be reduced by at least 70% by weight from their potential SO_2 emission rate on a three (3)-hour basis.

4. Carbon Monoxide (CO). For existing and new solid and infectious waste incinerators, emissions of carbon monoxide from each stack shall not exceed 100 ppm as a running eight (8)-hour average, corrected to 7% 0_2 (dry basis).

5. Nitrogen Oxide (NO_x). For solid and infectious waste incinerators constructed or modified on or after March 13, 1990 with the potential to process 250 tons/day or more of wastes, emissions of nitrogen oxide from each stack shall not exceed 200 ppm as a running 24-hour average, corrected to 7% 0_2 (dry basis).

6. Opacity. Opacity, as measured visually by an applicable EPA Method or by a transmissometer, shall not exceed 10% for a period aggregating more than six (6) minutes in any sixty (60)-minute period.

7. Fugitive Emissions. All solid and infectious waste incinerators shall be operated in a manner which prevents or minimizes fugitive emissions, including but not limited to the paving of all normally traveled roadways within the plant boundary and enclosing of all material transfer points.

8. Dioxin/furans. For solid and infectious waste incinerators with a waste charging rate of 250 tons/day or greater, emissions from each stack shall not exceed 30 nanograms of dioxin/furans per dry standard cubic foot.

9. Other Wastes. No solid or infectous waste incinerator subject to these rules shall burn radioactive or hazardous waste, or any other waste not specifically authorized in LRAPA's Air Contaminant Discharge Permit.

10. Other contaminants. For any incinerator subject to these rules, in the absence of an air-contaminant-specific emission limit or ambient air quality standard, LRAPA may establish, by permit, emission limits for any other air contaminants to protect human health and the environment.

Section 30-025 Design and Operation for Solid and Infectious Waste Incinerators

1. Each solid or infectious waste incinerator shall have at least a primary and secondary combustion chamber.

2. Temperature and residence time. Each solid or infectious waste incinerator shall be designed and operated to maintain temperatures of at least 1400° F in the primary chamber. Combustion gases in the secondary chamber shall be maintained at a minimum temperature of 1800° F for at least one (1) second residence time.

3. Auxiliary Burners. Each solid or infectious waste incinerator shall be designed and operated with automatically controlled auxiliary burners capable of maintaining the combustion chamber temperatures specified in section 2 of this rule, and shall have sufficient auxiliary fuel capacity to maintain said temperatures.

4. Interlocks. Each solid or infectious waste incinerator shall be designed and operated with an interlock system which:

   A. Prevents charging until the final combustion chamber reaches 1800° F;

   B. For batch-fed solid or infectious waste incinerators, prevents recharging until each combustion cycle is complete;

   C. Ceases charging if the secondary chamber temperature falls below 1800° F for any continuous fifteen (15)-minute period; and

   D. Ceases charging if carbon monoxide levels exceed 150 ppm (dry basis), corrected to 7% 0_2 over a continuous fifteen (15)-minute period.

5. Air Locks. Each mechanically fed solid or infectious waste incinerator shall be designed and operated with an air lock control system to prevent opening the incinerator to the room environment. The volume of the loading system must be designed so as to prevent overcharging, to assure complete combustion of the waste.

6. Combustion Efficiency. Except during periods of startup and shutdown, each solid or infectious waste incinerator shall achieve a combustion efficiency of 99.9% based on a running eight (8)-hour average, computed as follows:

$$CE = \frac{CO_2}{CO_2 + CO} \times 100$$

   CO = Carbon monoxide in the exhaust gas, parts per million by volume (dry) at standard conditions

   CO_2 = Carbon dioxide in the exhaust gas, parts per million by volume (dry) at standard conditions

7. Stack Height. Each solid or infectious waste incinerator stack shall be designed in accordance with Good Engineering Practice (GEP) as defined in Title 40 CFR, Parts 51.100(ii) and 5118, in order to avoid the flow of stack pollutants into any building ventilation intake plenum.

8. Operator Training and Certification. Each solid or infectious waste incinerator shall be attended at all times during operation by one or more individuals who have received training necessary for proper operation. A description of the training program shall be submitted to the LRAPA for approval. A satisfactory training program shall consist of any of the following:

   A. Certification by the American Society of Mechanical Engineers (ASME) for solid waste incinerator operation; or

B. For infectious waste incineration, successful completion of EPA's Medical Waste Incinerator Operating training course; or

C. Other certification or training by a qualified organization as to proper operating practices and procedures, which has been pre-approved by LRAPA prior to enrollment. In addition, the owner or operator of a solid or infectious waste incinerator facility shall develop and submit a manual for proper operation and maintenance, to be reviewed with employees responsible for incinerator operation on an annual basis.

D. Copies of the written certificate of training of the operator shall be kept on site at all times, available LRAPA review.

9. Odors. In cases where solid or infectious waste incinerator operation causes odors which interfere with the use and enjoyment of property, LRAPA may require, by permit, additional practices and procedures to prevent or eliminate those odors, in accordance with Title 49.

Section 30-030 Continuous Emission Monitoring for Solid and Infectious Waste Incinerators

1. Each solid waste incinerator shall be equipped with continuous monitoring for the following:

A. Sulfur dioxide;
B. Carbon monoxide;
C. Opacity;
D. Primary combustion chamber temperature;
E. Final combustion chamber temperature;
F. Flue gas outlet temperature;
G. Oxygen;
H. Nitrogen oxide--new incinerators with a potential waste feed rate of 250 tons/day or more; and
I. HCl--for incinerators with a potential waste feed rate of 250 tons per day or more.

2. Each infectious waste incinerator shall be equipped with continuous monitoring for the following:

A. Carbon monoxide;
B. Opacity;
C. Primary combustion chamber temperature;
D. Final combustion chamber temperature; and
E. HCl.

3. LRAPA may, at any time following the effective date of these rules, require the installation and operation of any other continuous emission monitors which LRAPA determines are necessary in order to demonstrate compliance with emission limits set forth in these regulations.

4. The monitors specified above shall comply with EPA performance specifications in Title 40, CFR, Part 60, and the Department's CEM Manual. All monitoring equipment shall be located, operated and maintained so as to accurately monitor emission levels, in order to demonstrate compliance with LRAPA Title 30.

Section 30-035 Reporting and Testing for Solid and Infectious Waste Incinerators

1. Reporting

   A. Compliance test results shall be reported to LRAPA within thirty (30) days of completion of the test.

   B. All records associated with continuous monitoring data including, but not limited to, original data sheets, charts, calculations, calibration data, production records and final reports shall be maintained for a continuous period of at least two (2) years and shall be furnished to LRAPA upon request.

2. Source Testing

   A. Each solid or infectious waste incinerator must be tested to demonstrate compliance with the standards in these rules.

   B. Compliance testing shall be conducted at the maximum design rate using waste that is representative of normal operation. If requested by the owner/ operator, compliance testing may be performed at a lower rate; however, permit limits will be established based on the lower rate of operation.

   C. Unless otherwise specified by LRAPA, each solid or infectious waste incinerator shall be tested at start-up for particulate matter, hydrogen chloride, sulfur dioxide, and carbon monoxide emissions. Solid and infectious waste incinerators with potential waste feed rates of 250 tons/day or more shall be tested for dioxin/furans and NO_x at startup.

3. Other air contaminant compliance testing. LRAPA may, at any time after the effective date of this rule, conduct or require source testing and require access to information specific to the control, recovery, or release of other air contaminants.

Section 30-040 Compliance for Solid and Infectious Waste Incinerators

1. All solid and infectious waste incinerators constructed or modified before March 13, 1990 must demonstrate compliance with the applicable provisions of these rules one year after the effective date of this regulation. Subject to approval of LRAPA, existing data such as that collected in accordance with the requirements of an Air Contaminant Discharge Permit may be used to demonstrate compliance.

2. Until compliance is demonstrated, existing solid and infectious waste incinerators shall continue to be subject to all applicable permit conditions.

3. Solid and infectious waste incinerators constructed or modified on or after March 13, 1990 must demonstrate compliance with the applicable provisions of these rules in accordance with a schedule established by LRAPA before commencing regular operation.

4. Compliance with these rules does not relieve the owner or operator of the solid or infectious waste incinerator from the responsibility to comply with requirements of the Department's Solid

and Hazardous Waste rules (Oregon Administrative Rules, Chapter 340, Division 93) regarding the disposal of ash generated from solid and infectious waste incinerators.

Section 30-045 Emission Limitations of Crematory Incinerators

1. No person shall cause to be emitted particulate matter from any crematory incinerator in excess of 0.080 grains per dry standard cubic foot of exhaust gases corrected to seven (7) percent 0_2 at standard conditions.

2. Opacity. ~~No visible emissions shall be present except for a one 6 minute period per hour of not more than 20% opacity, as measured by EPA Method 9~~. No visible emissions shall be present except for a period aggregating no more than three (3) minutes in any sixty (60)-minute period, as measured by EPA Method 9. At no time shall visible emissions exceed an opacity of 10%.

3. Odors. In cases where crematory incinerator operation cause odors which interfere with the use and enjoyment of property, LRAPA may require by permit the use of good practices and procedures to prevent or eliminate those odors.

Section 30-050 Design and Operation of Crematory Incinerators

1. Temperature and residence time. During the course of cremation, the temperature in the final combustion chamber shall be 1800° F for incinerators installed on or after March 13, 1993, and 1600° F for crematory incinerators installed on or before March 12, 1993, with a residence time of at least 0.5 second. The temperature in the final chamber must be 1400°F prior to firing material in the primary combustion chamber. At no time while firing waste shall the temperature in the final chamber fall below 1400° F for incinerators installed on or after March 13, 1993, or 1200° F for incinerators installed on or after March 13, 1993.

2. Operator training and certification. Each crematory incinerator shall be operated at all times under the direction of individuals who have received training necessary for proper operation. A description of the training program shall be submitted to LRAPA approval. Copies of the training certificates of the operators shall be maintained on site at all times and available to LRAPA for review.

3. As defined in Title 12 of these rules, crematory incinerators may only be used for incineration of human and animal bodies and appropriate containers. No other material, including infectious waste as defined by 30-010.10 of these rules, may be incinerated unless specifically authorized in LRAPA's Air Contaminant Discharge Permit. On a case-by-case basis, LRAPA may allow the cremation of human anatomical parts or fetal remains, upon request.

Section 30-055 Monitoring and Reporting for Crematory Incinerators

1. All crematory incinerators shall operate and maintain continuous monitoring for final combustion chamber exit temperature. Additional monitoring and reporting may be required by permit.

2. All records associated with continuous monitoring data including, but not limited to, original data sheets, charts, calculations, calibration data, production records and final reports shall be

maintained for a continuous period of at least two (2) years and shall be furnished to LRAPA upon request.

3. All crematory incinerators must conduct source testing to demonstrate compliance with these rules in accordance with a schedule specified by LRAPA. The test results shall be submitted to LRAPA no later than thirty (30) days after completion of the test.

Section 30-060 Compliance of Crematory Incinerators

1. A crematory incinerator installed on or after March 13, 1993, must demonstrate within 180 days of startup compliance with Section 30-045(1) by:

   A. Conducting a source test for particulate matter emissions in accordance with Sections 35-0120 through 35-0140; or

   B. Submitting the results of testing performed on a crematory incinerator that LRAPA agrees is comparable to the incinerator in question.

Statutory Authority: ORS Chapters 183.341 and 468A.135

LANE REGIONAL AIR PROTECTION AGENCY

Title 31
PUBLIC PARTICIPATION

Section 31-0010 Purpose

The purpose of this Title is to specify the requirements for notifying the public of certain permit actions and providing an opportunity for the public to participate in those permit actions.

Section 31-0020 Applicability

This Title applies to permit actions requiring public notice as specified in OAR 340 division 218 and LRAPA Title 37.

Section 31-0030 Public Notice Categories and Timing

1. LRAPA categorizes permit actions according to potential environmental and public health significance and the degree to which LRAPA has discretion for implementing the applicable regulations. Category I is for permit actions with low environmental and public health significance so they have less public notice and opportunity for public participation. Category IV is for permit actions with potentially high environmental and public health significance so they have the greatest level of public notice and opportunity for participation.

2. Permit actions are assigned to specific categories in OAR 340, division 218 and LRAPA Title 37. If a permit action is uncategorized, the permit action will be processed under Category III.

3. The following describes the public notice or participation requirements for each category:

    A. Category I -- No prior public notice or opportunity for participation. However, LRAPA will maintain a list of all permit actions processed under Category I and make the list available for public review.

    B. Category II -- LRAPA will provide public notice of the proposed permit action and a minimum of 30 days to submit written comments.

    C. Category III -- LRAPA will provide notice of the proposed permit action and a minimum of 35 days to submit written comments. LRAPA will provide a minimum of 30 days notice for a hearing, if one is scheduled. LRAPA will schedule a hearing to allow interested persons to submit oral or written comments if:

1) LRAPA determines that a hearing is necessary; or
2) Within 35 days of the mailing of the public notice, LRAPA receives written requests from ten persons, or from an organization representing at least ten persons, for a hearing.

D. Category IV -- Once an application is considered complete under Section 37-0040, LRAPA will:

1) Provide notice of the completed application and requested permit action;
2) Schedule an informational meeting within the community where the facility will be or is located and provide public notice of the meeting;
3) Once a draft permit is completed, provide public notice of the proposed permit and a minimum of 40 days to submit written comments; and
4) Schedule a public hearing to allow interested persons to submit oral or written comments and provide a minimum of 30 days public notice for the hearing.

4. Except for title V permit actions, LRAPA may move a permit action to a higher category under section 3 of this rule based on, but not limited to the following factors:

A. Anticipated public interest in the facility;

B. Compliance and enforcement history of the facility or owner; or

C. Potential for significant environmental or public harm due to location or type of facility.

Section 31-0040 Public Notice Information

1. The following information is required in public notices for all proposed ACDP and draft LRAPA Title V Operating Permit actions, except for General Permit actions:

A. Name of applicant and location of the facility;

B. Type of facility, including a description of the facility's processes subject to the permit;

C. Description of the air contaminant emissions including, the type of pollutants, quantity of emissions, and any decreases or increases since the last permit action for the facility;

D. Location and description of documents relied upon in preparing the draft permit;

E. Other permits required by LRAPA;

F. Date of previous permit actions;

G. Opportunity for public comment and a brief description of the comment procedures, whether in writing or in person, including the procedures for requesting a hearing (unless a hearing has already been scheduled or is not an option for the Public Notice category);~~;~~

H. Compliance, enforcement, and complaint history along with resolution of the same;

I. A summary of the discretionary decisions made by LRAPA in drafting the permit;

J. Type and duration of the proposed or draft permit action;

K. Basis of need for the proposed or draft permit action;

L. Any special conditions imposed in the proposed or draft permit action;

M. Whether each proposed permitted emission is a criteria pollutant and whether the area in which the source is located is designated as attainment or nonattainment for that pollutant;

N. If the proposed permit action is for a federal major source, whether the proposed permitted emission would have a significant impact on a Class I airshed;

O. If the proposed permit action is for a major source for which dispersion modeling has been performed, an indication of what impact each proposed permitted emission would have on the ambient air quality standard and PSD increment consumption within an attainment area;

P. Other available information relevant to the permitting action;

Q. The name and address of LRAPA office processing the permit;

R. The name, address, and telephone number and e-mail address of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including any compliance plan, permit, and

monitoring and compliance certification report, except for information that is exempt from disclosure, and all other materials available to LRAPA that are relevant to the permit decision; and

S. If applicable, a statement that an enhanced New Source Review process, under LRAPA Title 38, including the external review procedures required under OAR 340-218-0210 and 340-218-0230, is being used to allow for subsequent incorporation of the operating approval into an LRAPA Title V Operating Permit as an administrative amendment.

2. General Permit Actions. The following information is required for General ACDP and General LRAPA Title V Operating Permit actions:

A. The name and address of potential or actual facilities assigned to the General Permit;

B. Type of facility, including a description of the facility's process subject to the permit;

C. Description of the air contaminant emissions including, the type of pollutants, quantity of emissions, and any decreases or increases since the last permit action for the potential or actual facilities assigned to the permit;

D. Location and description of documents relied upon in preparing the draft permit;

E. Other permits required by LRAPA;

F. Date of previous permit actions;

G. Opportunity for public comment and a brief description of the comment procedures, whether in writing or in person, including the procedures for requesting a hearing (unless a hearing has already been scheduled or is not an option for the Public Notice category);;;

H. Compliance, enforcement, and complaint history along with resolution of the same;

I. A summary of the discretionary decisions made by LRAPA in drafting the permit;

J. Type and duration of the proposed or draft permit action;

K. Basis of need for the proposed or draft permit action;

L. Any special conditions imposed in the proposed or draft permit action;

M. Whether each proposed permitted emission is a criteria pollutant and whether the area in which the sources are located are designated as attainment or nonattainment for that pollutant;

N. If the proposed permit action is for a federal major source, whether the proposed permitted emission would have a significant impact on a Class I airshed;

O. Other available information relevant to the permitting action; and

P. The name, address, and telephone number and e-mail address of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including any compliance plan, permit, and monitoring and compliance certification report, except for information that is exempt from disclosure, and all other materials available toLRAPA that are relevant to the permit decision.

Section 31-0050 Public Notice Procedures

1. All notices. LRAPA will mail a notice of proposed permit actions to the persons identified in Section 31-0060.

2. New Source Review, LRAPA Title V Operating Permit and General ACDP actions. In addition to section 1 of this rule, LRAPA will provide notice of New Source Review, LRAPA Title V Operating Permit and General ACDP actions as follows:

   A. Advertisement in a newspaper of general circulation in the area where the source or sources are or will be located or LRAPA publication designed to give general public notice; and

   B. Other means, if necessary, to assure adequate notice to the affected public.

Section 31-0060 Persons Required to Be Notified

1. All notices. For all types of public notice, LRAPA will provide notice to the following persons:

   A. The applicant;

B. Persons on a mailing list maintained by LRAPA, including those who request in writing to be notified of air quality permit actions;

C. Local news media; and

D. Interested state and federal agencies.

2. General ACDP or General LRAPA Title V Operating Permit actions. In addition to section 1 of this rule, LRAPA will notify the following:

A. Potential applicants; and

B. All existing permit holders in the source category in the case where a General Permit is being issued to a category of sources already permitted.

3. LRAPA Title V Operating Permit actions. LRAPA will provide notice to affected states and the EPA in addition to the persons identified in sections (1) and (2) of this rule.

4. New Source Review actions. For New Source Review actions (Title 38), LRAPA will provide notice to the following officials and agencies having jurisdiction over the location where the proposed construction would occur in addition to the persons identified in section 1 of this rule:

A. The chief executives of the city and county where the source or modification would be located;

B. Any comprehensive regional land use planning agency;

C. Any state, federal land manager, or Indian governing body whose land may be affected by emissions from the source or modification; and

D. The EPA.

Section 31-0070 Hearing and Meeting Procedures

1. Informational Meeting. For category IV permit actions, LRAPA will provide an informational meeting at a reasonable place and time.

A. The meeting will be held after a complete application is received and before LRAPA makes a preliminary decision on the application.

B. Notice of the meeting will be provided at least 14 days before the meeting;

C. During the meeting, LRAPA will:

1) Describe the requested permit action; and
2) Accept comments from the public.

D. LRAPA will consider any information gathered during the meeting, but will not maintain an official record of the meeting and will not provide a written response to the comments.

2. Public Hearing. When a public hearing is required or requested, LRAPA will provide the hearing at a reasonable place and time before taking the final permit action.

A. Notice of the hearing may be given either in the notice accompanying the proposed or draft permit action or in such other manner as is reasonably calculated to inform interested persons. LRAPA will provide notice of the hearing at least 30 days before the hearing.

B. Presiding Officer. A Presiding Officer will preside over the public hearing and ensure that proper procedures are followed to allow for the public to comment on the proposed permit action.

1) Before accepting oral or written comments by members of the public, the Presiding Officer or LRAPA representative will present a summary of the proposed permit action and the LRAPA's preliminary decision. During this period, there will be an opportunity to ask questions about the proposed or draft permit action.

2) The Presiding Office will then provide an opportunity for interested persons to submit oral or written comments regarding the proposed permit action. Interested persons are encouraged to submit written comments because time constraints may be imposed, depending on the level of participation. While public comment is being accepted, discussion of the proposed or draft permit action will not be allowed.

3) After the public hearing, the Presiding Officer will prepare a report of the hearing that includes the date and time of the hearing, the permit action, names of persons attending the hearing, written comments, and a summary of the oral comments. The Presiding Officer's report will be entered into the permit action record.

Section 31-0080 Issuance or Denial of a Permit

1. Following the public comment period and public hearing, if one is held, LRAPA will take action upon the matter as expeditiously as possible. Before taking such action, LRAPA will prepare a written response to separately address each substantial, distinct issue raised during the comment period and during the hearing record.

2. LRAPA will make a record of the public comments, including the names and affiliation of persons who commented, and the issues raised during the public participation process. The public comment records may be in summary form rather than a verbatim transcript. The public comment records are available to the public in the location(s) listed in Section 31-0040.

3. The applicant may submit a written response to any comments submitted by the public within 10 working days after the close of the public comment period. LRAPA will consider the applicant's response in making a final decision.

4. After considering the comments, LRAPA may adopt or modify the provisions requested in the permit application.

5. Issuance of permit: LRAPA will promptly notify the applicant in writing of the final action as provided in Section ~~31-0085~~14-170 and will include a copy of the permit. If the permit conditions are different from those contained in the proposed permit, the notification will identify the affected conditions and include the reasons for the changes.

6. Denial of a permit: LRAPA will promptly notify the applicant in writing of the final action as provided in Section ~~31-0085~~14-170. If LRAPA denies a permit application, the notification will include the reasons for the denial.

7. LRAPA's decision under 4 and 5 is effective 20 days from the date of service of the notice unless, within that time, LRAPA receives a request for a hearing from the applicant. The request for a hearing must be in writing and state the grounds for the request. The hearing will be conducted as a contested case hearing in accordance with ORS 183.413 through 183.470 and LRAPA Title 31.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 34

Stationary Source Notification Requirements

Section 34-005 Definitions

All relevant definitions for this title can be found with the general definitions listed in Title 12, with the following exceptions:

1. Plant Site Emission Limit (PSEL) definitions, which may be found in Title 42; and

2. Definitions pertaining to Title V Operating Permits, which may be found in OAR 340-200-0020.

RULES APPLICABLE TO ALL STATIONARY SOURCES

Section 34-010 Applicability

1. Except as provided in section (2) of this rule, Title 34 applies to:

   A. All stationary sources; and

   B. All air pollution control equipment used to comply with emissions limits or used to avoid LRAPA Title V Operating Permits (OAR 340 division 218) or New Source Review (LRAPA Title 38) requirements, or MACT standards (LRAPA Title 44).

2. Section 34-010 and 34-034 through 34-038 do not apply to the following stationary sources:

   A. Those sources conducting certain activities that are exempted by LRAPA Title 12

   B. Heating equipment in or used in connection with residences used exclusively as dwellings for not more than four families;

   C. Other activities associated with residences used exclusively as dwellings for not more than four families, including, but not limit to barbecues, house painting, maintenance, and groundskeeping; and

   D. Categorically insignificant activities as defined in LRAPA Title 12 that are not subject to NESHAP or NSPS requirements. This exemption applies to all categorically insignificant activities whether or not they are located at major or non-major sources.

Section 34-015 Request for Information

All sources subject to Title 34 shall provide in a reasonably timely manner any and all information that LRAPA may reasonably require for the purpose of regulating stationary sources. Such information may be required on a one-time, periodic, or continuous basis and may include, but is not limited to, information necessary to:

1. Issue a permit and ascertain compliance or noncompliance with the permit terms and conditions;

2. Ascertain applicability of any requirement;

3. Ascertain compliance or noncompliance with any applicable requirement; and

4. Incorporate monitoring, recordkeeping, reporting, and compliance certification requirements into a permit.

Compliance with this section may require the installation and maintenance of continuous monitors and electronic data handling systems.

Section 34-020 Information Exempt from Disclosure

1. Pursuant to the provisions of ORS 192.410 to 192.505, all information submitted to LRAPA under Title 34 shall be presumed to be subject to inspection upon request by any person unless such information is determined to be exempt from disclosure pursuant to subsections 2 or 3 of this section.

2. If an owner or operator claims that any writing, as that term is defined in ORS 192.410(5), is confidential or otherwise exempt from disclosure, in whole or in part, the owner or operator shall comply with the following procedures:

   A. The writing shall be clearly marked with a request for exemption from disclosure. For a multi-page writing, each page shall be so marked.

   B. The owner or operator shall state the specific statutory provision under which it claims exemption from disclosure and explain why the writing meets the requirements of that provision.

   C. For writings that contain both exempt and non-exempt material, the proposed exempt material shall be clearly distinguishable from the non-exempt material. If possible, the exempt material shall be arranged so that it is placed on separate pages from the non-exempt material.

3. For a writing to be considered exempt from disclosure as a "trade secret," it shall meet all of the following criteria:

   A. the information shall not be patented;

   B. it shall be known only to a limited number of individuals within a commercial concern who have made efforts to maintain the secrecy of the information;

C. it shall be information which derives actual or potential economic value from not being disclosed to other persons; and

D. it shall give its users the chance to obtain a business advantage over competitors not having the information.

Section 34-025 Highest and Best Practicable Treatment and Control Requirements

See Title 32, Section 32-005-1 through 9 (11/10/94).

Section 34-025 Amended 09/09/97

Section 34-030 Source Registration

Any air contaminant source which is not subject to the ACDP rules (34-090 through 34-160) or the Title V Operating Permit program rules (OAR Division 218) shall register with LRAPA upon request pursuant to 34-030-1 through 4.

1. Registration shall be completed within thirty (30) days following the mailing date of the request by LRAPA.

2. Registration shall be made on forms furnished by LRAPA and completed by the owner, lessee of the source, or agent.

3. The following information shall be reported by registrants:

   A. name, address, and nature of business;

   B. name of local person responsible for compliance with these rules;

   C. name of person authorized to receive requests for data and information;

   D. a description of the production processes and a related flow chart;

   E. a plot plan showing the location and height of all air contaminant sources (the plot plan shall also indicate the nearest residential or commercial property);

   F. type and quantity of fuels used;

   G. amount, nature, and duration of air contaminant emissions;

   H. estimated efficiency of air pollution control equipment under present or anticipated operating conditions; and

   I. any other information requested by LRAPA.

4. Once a year, upon the annual date of registration, a person responsible for an air contaminant source shall reaffirm in writing the correctness and current status of the information furnished to LRAPA. Any changes in any of the factual data reported under subsection 3 of this section

shall be reported to LRAPA, at which time re-registration may be required on forms furnished by LRAPA.

Section 34-030 Amended 06/13/00; Section 34-030 Amended 09/09/97

Section 34-034 Requirements for Construction

1. New Stationary Sources. No person is allowed to construct, install, or establish a new stationary source that will cause an increase in any regulated pollutant emissions without first notifying LRAPA in writing.

2. Modifications to Stationary Sources. No person is allowed to make a physical change or change in operation of an existing stationary source that will cause an increase, on an hourly basis at full production, in any regulated pollutant emissions without first notifying LRAPA in writing.

3. Air Pollution Control Equipment. No person is allowed to construct or modify any air pollution control equipment without first notifying LRAPA in writing.

Section 34-035 Types of Construction/Modification Changes

For the purpose of Section 34-010 and 34-034 through 34-038, changes that involve new construction or modifications of stationary sources or air pollution control equipment are divided into the following Types:

1. Type 1 changes include construction or modification of stationary sources or air pollution control equipment where such a change:

   A. Would not increase emissions above the Plant Site Emission Limit by more than the deminimis levels defined in LRAPA Title 12 for sources required to have a permit;

   B. Would not increase emissions above the netting basis by more than or equal to the significant emissions rate;

   C. Would not increase emissions from any stationary source or combination of stationary sources by more than the deminimis levels defined in LRAPA Title 12;

   D. Would not be used to establish a federally enforceable limit on the potential to emit; and

   E. Would not require a TACT determination under Section 32-008 or a MACT determination under Section 44-0200.

2. Type 2 changes include construction or modification of stationary sources or air pollution control equipment where such a change:

   A. Would meet the criteria of sub-sections 1.A, 1.B., 1.~~C~~D., and 1.E. of this Section; and

   B. Would not increase emissions from any stationary source or combination of stationary sources by more than or equal to the significant emission rate;

3. Type 3 changes include construction or modification of stationary sources or air pollution control equipment where such a change:

   A. Would increase emissions above the Plant Site Emission Limit by more than the deminimis levels defined in LRAPA Title 12 but less than the significant emission rate for sources required to have a permit;

   B. Would increase emissions from any stationary source or combination of stationary sources by more than the significant emission rate but are not subject to Section 42-00413.B. or LRAPA Title 38 (NSR rules);

   C. Would be used to establish a federally enforceable limit on the potential to emit; or

   D. Would require a TACT determination under Section 32-008 or a MACT determination under Section 44-130.

4. Type 4 changes include construction or modification of stationary sources or air pollution control equipment where such a change or changes would increase emissions above the PSEL or Netting Basis of the source by more than the significant emission rate.

Section 34-036 Notice to Construct

1. Any person proposing a Type 1 or 2 change must provide notice to LRAPA before constructing or modifying a stationary source or air pollution control equipment. The notice must be in writing on a form supplied by LRAPA and include the following information as applicable:

   A. Name, address, and nature of business;

   B. Name of local person responsible for compliance with these rules;

   C. Name of person authorized to receive requests for data and information;

   D. The type of construction or modification as defined in Section 34-035;

   E. A description of the constructed or modified source;

   F. A description of the production processes and a related flow chart;

   G. A plot plan showing the location and height of all air contaminant sources and indicating the nearest residential or commercial property;

   H. Type and quantity of fuels used;

   I. Change in amount, nature and duration of air contaminant emissions;

   J. Plans and specifications for air pollution control equipment and facilities and their relationship to the production process;

K. Estimated efficiency of air pollution control equipment under present or anticipated operating conditions;

L. Any information on pollution prevention measures and cross-media impacts desired to be considered in determining applicable control requirements and evaluating compliance methods;

M. A list of any requirements applicable to the new construction or modification;

N. Where the operation or maintenance of air pollution control equipment and emission reduction processes can be adjusted or varied from the highest reasonable efficiency and effectiveness, information necessary for LRAPA to establish operational and maintenance requirements under subsections 32-007-1 and 2;

O. Amount and method of refuse disposal; and

P. Land Use Compatibility Statement signed by a local (city or county) planner either approving or disapproving construction or modification to the source if required by the local planning agency.

2. Any person proposing a Type 3 or 4 change must submit an application for either a construction ACDP, new permit, or permit modification, whichever is appropriate.

3. LRAPA must be notified of any corrections and revisions to the plans and specifications upon becoming aware of the changes.

4. Where a permit issued in accordance with LRAPA Title 37 or OAR 340 Division 218 includes construction approval for future changes for operational flexibility, the notice requirements in this rule are waived for the approved changes.

Section 34-037 Construction Approval

1. Approval to Construct:

A. For Type 1 changes, the owner or operator may proceed with construction or modification 10 days after LRAPA receives the notice required in Section 34-0230, unless LRAPA notifies the owner or operator in writing that the proposed construction or modification is not a Type 1 change.

B. For Type 2 changes, the owner or operator may proceed with the construction or modification 60 days after LRAPA receives the notice required in Section 34-0230 or on the date that LRAPA approves the proposed construction in writing, whichever is sooner.

C. For Type 3 changes, the owner or operator must obtain either a Construction ACDP or a new or modified Standard ACDP in accordance with LRAPA Title 37 before proceeding with the construction or modification.

D. For Type 4 changes, the owner or operator must obtain a new or modified Standard

ACDP in accordance with LRAPA Title 37 before proceeding with the construction or modification.

[Note: In non-attainment areas and maintenance areas, Type 4 changes may be subject to LRAPA Title 38, New Source Review. In attainment areas, Type 4 changes may be subject to Section 38-0070, Prevention of Significant Deterioration, only if the source would be a federal major source after making the change.]

2. Approval to construct does not relieve the owner of the obligation of complying with applicable requirements.

3. Notice of Completion. Unless otherwise specified in the construction ACDP or approval, the owner or operator must notify LRAPA in writing that the construction or modification has been completed using a form furnished by LRAPA. Unless otherwise specified, the notice is due 30 days after completing the construction or modification. The notice of completion must include the following:

   A. The date of completion of construction or modification; and

   B. The date the stationary source or air pollution control equipment was or will be put in operation.

4. Order Prohibiting Construction or Modification. If at any time, LRAPA determines that the proposed construction is not in accordance with applicable statutes, rules, regulations, and orders, LRAPA will issue an order prohibiting the construction or modification. The order prohibiting construction or modification will be forwarded to the owner or operator by certified mail.

5. Hearing. A person against whom an order prohibiting construction or modification is directed may demand a hearing within 20 days from the date of mailing the order. The demand must be in writing, state the grounds for hearing, and be mailed to the Director of LRAPA. The hearing will be conducted pursuant to the applicable provisions in LRAPA Title ~~14~~31.

Section 34-038 Approval to Operate

1. The approval to construct does not provide approval to operate the constructed or modified stationary source or air pollution control equipment unless otherwise allowed by either the ACDP or LRAPA Title V Operating Permit programs (LRAPA Title 37 and OAR 340 division 218).

2. Type 1 and 2 changes:

   A. For sources that are not required to obtain a permit in accordance with Section 37-0020, Type 1 and 2 changes may be operated without further approval.

   B. For new sources that are required to obtain an ACDP in accordance with Section 37-0020, the ACDP, which allows operation, is required before operating Type 1 or 2 changes.

C. For sources currently operating under an ACDP, Type 1 and 2 changes may be operated without further approval unless the ACDP specifically prohibits the operation.

D. For sources currently operating under an LRAPA Title V Operating Permit, Type 1 and 2 changes may only be operated in accordance with OAR 340-218-0190(2).

3. Type 3 and 4 changes:

A. For new sources, Type 3 or 4 changes require a standard ACDP before operation of the changes.

B. For sources currently operating under an ACDP, approval to operate Type 3 or 4 changes will require a new or modified standard ACDP. All ACDP terms and conditions remain in effect until the ACDP is modified.

C. For sources currently operating under an LRAPA Title V Operating Permit, approval to operate Type 3 or 4 changes must be in accordance with OAR 340-218-0190(2).

Section 34-040 Compliance Schedules for Existing Sources Affected by New Rules

1. No existing source of air contaminant emissions will be allowed to operate out of compliance with the provisions of new rules, unless the owner or operator of that source first obtains a Board-approved compliance schedule which lists the steps being taken to achieve compliance and the final date when compliance will be achieved. Approval of a reasonable time to achieve compliance shall be at the discretion of the Board.

2. The owner or operator of any existing air contaminant source found by the Director to be in non-compliance with the provisions of new rules shall submit to the Board for approval a proposed schedule of compliance to meet those provisions. This schedule shall be in accordance with timetables contained in the new rules or in accordance with an administrative order by the Director. This schedule shall contain, as necessary, reasonable time milestones for engineering, procurement, fabrication, equipment installation and process refinement. This request shall also contain documentation of the need for the time extension to achieve compliance and the justification for each of the milestones indicated in the schedule.

3. Within one hundred and twenty (120) days of the submittal date of the request, the Board shall act to either approve or disapprove the request. A schedule for compliance becomes effective upon the date of the written order of the Board.

4. Compliance schedules of longer than eighteen (18) months' duration shall contain requirements for periodic reporting of progress toward compliance.

5. An owner or operator of an air contaminant source operating in non-compliance with these rules, but under an approved compliance schedule, who fails to meet that schedule or make reasonable progress toward completion of that schedule, shall be subject to enforcement procedures in accordance with these rules.

Section 34-080 Excess Emissions

See Title 36, Section 36-001 through 36-030.

Section 34-160 New Source Review

New Source Review requirements are contained in LRAPA Title 38, Sections 38-001 through 38-050.

RULES APPLICABLE TO SOURCES REQUIRED TO HAVE TITLE V OPERATING PERMITS

Section 34-170 Applicability

Sections 34-180 through 34-200 apply to any stationary source defined under OAR 340-218-0020.

Section 34-170 Amended 06/13/00.

Section 34-180 Authority to Implement

In accordance with OAR 340-218-0010, OAR 340-218-0010, and OAR 340-244-0020, LRAPA is authorized to implement all Oregon Administrative Rules, Divisions 218, 220, and 244, which apply to sources subject to the Title V Operating Permit program in Lane County. LRAPA shall implement Division 218, 220, and 244 rules as they pertain to Title V Operating Permit Program sources until such time as it adopts its own Title V Permit Program rules.

Section 34-180 Amended 06/13/00.

Section 34-190 Definitions

All definitions relevant to Title V Operating Permit Program rules are contained in OAR 340-200-0020 and are adopted here by reference in their entirety.

Section 34-190 Amended 06/13/00.

Section 34-200 Title V Operating Permitting Program Requirements and Procedures

All rules pertaining to permitting of sources subject to Title V Operating Permit program are contained in OAR 340-218-0020 through 220-0190 and OAR Division 244 and 248, and shall be implemented by LRAPA in accordance with Section 34-180.

Section 34-200 Amended 06/13/00.

TITLE 37 (Section 37-0020) Table 1

Part A: Activities and Sources

The following commercial and industrial sources must obtain a Basic ACDP under the procedures set forth in Section 37-0056 unless the source is required to obtain a different form of ACDP by Part B or C hereof: (Production and emission parameters are based on the latest consecutive 12 month period, or future projected operation, whichever is higher. Emission cutoffs are based on actual emissions.)

1. Autobody Repair or Painting Shops painting more than 25 automobiles in a year.
2. Natural Gas and Propane Fired Boilers (with or without #2 diesel oil back-up(a)) of ~~10~~ 2.5 or more MMBTU but less than ~~30~~ 10 MMBTU/hr heat input constructed after June 9, 1989.
3. Concrete Manufacturing including Redimix and CTB more than 5,000 but less than 25,000 cubic yards per year output.
4. Crematory and Pathological Waste Incinerators with less than 20 tons/yr. material input.
5. Prepared feeds for animals and fowl and associated grain elevators more than 1,000 tons/yr. but less than 10,000 tons per year throughput.
6. Rock, Concrete or Asphalt Crushing both portable and stationary more than 5,000 tons/yr. but less than 25,000 tons/yr. crushed.
7. Surface coating operations whose actual or expected usage of coating materials is ~~greater~~ less than 250 gallons per month, excluding sources that exclusively use non-VOC and non-HAP containing coatings ~~(e.g. powder coating operations~~).
8. Sources not elsewhere classified with actual emissions of more than 1 ton/year VOC and/or HAP.
9. Sawmills and/or Planing Mills and/or Millwork and/or wood furniture and fixtures manufacturing of less than 25,000 bd. ft./maximum 8 hr. finished product.
10. Coffee Roasting (roasting less than 30 tons per year)

Part B: Activities and Sources

The following commercial and industrial sources must obtain either:

- a General ACDP, if one is available for the source classification and the source qualifies for a General ACDP under the procedures set forth in Section 37-0060;
- a Simple ACDP under the procedures set forth in Section 37-0064; or
- a Standard ACDP under the procedures set forth in Section 37-0066 if the source fits one of the criteria of Part C hereof.

1. Aerospace or Aerospace Parts Manufacturing
2. Aluminum Production - Primary
3. Ammonia Manufacturing
4. Animal Rendering and Animal Reduction Facilities
5. Asphalt Blowing Plants
6. Asphalt Felts or Coating
7. Asphaltic Concrete Paving Plants both stationary and portable
8. Bakeries, Commercial over 10 tons of VOC emissions per year
9. Battery Separator Manufacturing
10. Battery Manufacturing and Re-manufacturing
11. Beet Sugar Manufacturing
12. Boilers and other Fuel Burning Equipment over 10 MMBTU/hr. heat input, except exclusively Natural Gas and Propane fired units (with or without #2 diesel backup) under 30 MMBTU/hr. heat input

13. Building paper and Buildingboard Mills
14. Calcium Carbide Manufacturing
15. Can or Drum Coating
16. Cement Manufacturing and/or Distribution
17. ~~*~~ Cereal Preparations and Associated Grain Elevators ~~10,000 or more tons/yr. throughput~~
18. Charcoal Manufacturing
19. Chlorine and Alkalies Manufacturing
20. Chrome Plating
21. Coffee Roasting (roasting 30 or more tons per year)
22. Concrete Manufacturing including Redimix and CTB 25,000 or more cubic yards per year output
23. Crematory and Pathological Waste Incinerators 20 or more tons/yr. material input
24. Degreasers (halogenated solvents subject to a NESHAP)
25. Electrical Power Generation from combustion (excluding units used exclusively as emergency generators)
26. Ethylene Oxide Sterilization
27. Flatwood Coating
28. Flexographic or Rotogravure Printing
29. ~~*~~ Flour, Blended and/or Prepared and Associated Grain Elevators ~~10,000 or more tons/yr. throughput~~
30. Galvanizing and Pipe Coating ~~(except galvanizing operations that use less than 100 tons of zinc/yr.)~~
31. Gasoline Plants and Bulk Terminals
32. Gasoline Terminals
33. Glass and Glass Container Manufacturing
34. ~~*~~ Grain Elevators used for intermediate storage 10,000 or more tons/yr. throughput
35. Grain terminal elevators
36. Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries 100 or more tons/yr. metal charged (not elsewhere identified)
37. Gypsum Products Manufacturing
38. Hardboard Manufacturing (including fiberboard)
39. Incinerators with two or more ton per day capacity
40. Lime Manufacturing
41. Liquid Storage Tanks
42. Magnetic Tape Manufacturing
43. Manufactured and Mobile Home Manufacturing
44. Marine Vessel Petroleum Loading and Unloading
45. Millwork (including kitchen cabinets and structural wood members) 25,000 or more bd. ft./maximum 8 hr. input
46. Molded Container
47. Motor Coach Manufacturing
48. Natural Gas and Oil Production and Processing and associated fuel burning equipment
49. Nitric Acid Manufacturing
50. Non-Ferrous Metal Foundries 100 or more tons/yr. of metal charged
51. Organic or Inorganic Chemical Manufacturing and Distribution with ½ or more tons per year emissions of any one criteria pollutant (sources in this category with less than ½ ton/yr. of each criteria pollutant are not required to have an ACDP)
52. Paper or other Substrate Coating
53. Particleboard Manufacturing (including strandboard, flakeboard, and waferboard)
54. Perchloroethylene dry cleaners that do not submit a complete Dry Cleaner Annual Hazardous Waste and Air Compliance Report by June 1 of any given year
55. Pesticide Manufacturing 5,000 or more tons/yr. annual production
56. Petroleum Refining and Re-refining of Lubricating Oils and Greases including Asphalt Production by Distillation and the reprocessing of oils and/or solvents for fuels
57. Plywood Manufacturing and/or Veneer Drying

58. Prepared feeds for animals and fowl and associated grain elevators 10,000 or more tons per year throughput
59. Primary Smelting and/or Refining of Ferrous and Non-Ferrous Metals
60. Pulp, Paper and Paperboard Mills
61. Rock, Concrete or Asphalt Crushing both portable and stationary 25,000 or more tons/yr. crushed
62. Sawmills and/or Planing Mills 25,000 or more bd. ft./maximum 8 hr. finished product
63. Secondary Smelting and/or Refining of Ferrous and Non-Ferrous Metals
64. * Seed Cleaning and Associated Grain Elevators 5,000 or more tons/yr. throughput
65. Sewage Treatment Facilities employing internal combustion for digester gasses
66. Soil Remediation Facilities stationary or portable
67. Steel Works, Rolling and Finishing Mills
68. Surface Coating ~~in~~ Manufacturing
69. Surface Coating Operations: coating operations whose actual or expected usage of coating materials is greater than 250 gallons per month, excluding sources that exclusively use non-VOC and non-HAP containing coatings ~~with actual emissions of VOCs before add on controls of 10 or more tons/yr~~.
70. Synthetic Resin Manufacturing
71. Tire Manufacturing
72. Wood Furniture and Fixtures 25,000 or more bd. ft./maximum 8 hr. input
73. Wood Preserving (excluding waterborne)
74. All Other Sources not listed herein that LRAPA determines an air quality concern exists including minor sources of HAPs not elsewhere classified or one which would emit significant malodorous emissions
75. All Other Sources not listed herein which would have actual emissions, if the source were to operate uncontrolled, of 5 or more tons a year of PM10 if located in a PM10 non-attainment or maintenance area, or 10 or more tons of any single criteria pollutant in any part of Lane County.

Part C: Activities and Sources

The following sources must obtain a Standard ACDP under the procedures set forth in Section 37-0066:

1. Incinerators for PCBs and / or other hazardous wastes
2. All Sources that LRAPA determines have emissions that constitute a nuisance
3. All Sources electing to maintain the source's baseline emission rate, or netting basis
4. All Sources subject to a BACT, LAER, NESHAP, NSPS, LRAPA MACT, or other significant Air Quality regulation(s), except:
    a. Source categories for which a General ACDP has been issued, and
    b. Sources with less than 10 tons/yr. actual emissions that are subject to, NSPS or a NESHAP which qualify for a Simple ACDP
5. All Sources having the Potential to Emit more than 100 tons of any regulated air contaminant in a year
6. All Sources having the Potential to Emit more than 10 tons of a single hazardous air pollutant in a year
7. All Sources having the Potential to Emit more than 25 tons of all hazardous air pollutants combined in a year

Notes:

* Applies only to Special Control Areas

(a) "back-up" means less than 10,000 gallons of fuel per year

For more information contact:

Lane Regional Air Protection Agency
1010 Main Street
Springfield, OR 97477
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LANE REGIONAL AIR PROTECTION AGENCY

TITLE 37

AIR CONTAMINANT DISCHARGE PERMITS

Section 37-0010
Purpose

This title prescribes the requirements and procedures for obtaining Air Contaminant Discharge Permits (ACDPs).

Section 37-0020
Applicability

This title applies to all sources referred to in Table 1 of this Title. This title also applies to LRAPA Title V Operating Permit program sources when an ACDP is required by OAR 340-218-0020 or Section 38-0010.

1. No person may construct, install, establish, develop or operate any air contaminant source which is referred to in **Table 1** without first obtaining an Air Contaminant Discharge Permit (ACDP) from LRAPA. No person may continue to operate an air contaminant source if the ACDP expires, or is terminated or revoked; except as provided in ~~OAR~~ Section 37-0082.

    A. For portable sources, a single permit may be issued for operating at any area of the state if the permit includes the requirements from both the ODEQ and LRAPA.
    B. The ODEQ or LRAPA where the portable source's Corporate offices are located will be responsible for issuing the permit. If the corporate office of a portable source is located outside of the state, the ODEQ will be responsible for issuing the permit.

2. No person may construct, install, establish, or develop any source that will be subject to the LRAPA Title V Operating Permit program without first obtaining an ACDP from ODEQ or LRAPA.

3. No person may modify any source that has been issued an ACDP without first complying with the requirements of Section 34-010 and Section 34-035 through Section 34-038.

4. No person may modify any source required to have an ACDP such that the source becomes subject to the LRAPA Title V Operating Permit program without complying with the requirements of Section 34-010 and Section 34-035 through Section 34-038.

5. No person may increase emissions above the PSEL by more than the deminimis levels specified in LRAPA Title 12 without first applying for and obtaining a modified ACDP.

Section 37-0025 Types of Permits

1. Construction ACDP

A. A Construction ACDP may be used for approval of Type 3 changes specified in Section 34-035 at a source subject to the ACDP permit requirements in this title.

B. A Construction ACDP is required for Type 3 changes specified in Section 34-035 at sources subject to the LRAPA Title V Operating Permit requirements.

2. General ACDP. A General ACDP is for a category of sources for which individual permits are unnecessary in order to protect the environment. An owner or operator of a source may be assigned to a General ACDP if LRAPA has issued a General ACDP for the source category:

A. The source meets the qualifications specified in the General ACDP;

B. LRAPA determines that the source has not had ongoing, reoccurring, or serious compliance problems; and

C. LRAPA determines that a General ACDP would appropriately regulate the source.

3. Short Term Activity ACDP. A Short Term Activity ACDP is a letter permit that authorizes the activity and includes any conditions placed upon the method or methods of operation of the activity. LRAPA may issue a Short Term Activity ACDP for unexpected or emergency activities, operations, or emissions.

4. Basic ACDP. A Basic ACDP is a letter permit that authorizes the regulated source to operate in conformance with the rules contained LRAPA's rules.

A. Owners and operators of sources and activities listed in Table 1, Part A of Section 37-0020 must at a minimum to obtain a Basic ACDP.

B. Any owner or operator of a source required to obtain a Basic ACDP may obtain either a Simple or Standard ACDP.

5. Simple ACDP A Simple ACDP is a permit that contains:

A. All relevant applicable requirements for source operation, including general ACDP conditions for incorporating generally applicable requirements;

B. Generic PSELs for all pollutants emitted at more than the deminimis level in accordance with LRAPA Title 42;

C. Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and

D. A permit duration not to exceed 5 years.

6. Standard ACDP A Standard ACDP is a permit that contains:

A. All applicable requirements, including general ACDP conditions for incorporating generally applicable requirements;

B. Source specific PSELs or Generic PSELs, whichever are applicable, as specified in LRAPA Title 42;

C. Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and

D. A permit duration not to exceed 5 years.

7. All owners and operators of sources and activities listed in Table 1, Part C of Section 37-0020 must obtain a Standard ACDP.

8. Owners or operators of sources and activities listed in Table 1, Part B of Section 37-0020 which do not qualify for a General ACDP or Simple ACDP must obtain a Standard ACDP.

9. Any owner or operator of a source not required to obtain a Standard ACDP may obtain a Standard ACDP.

Section 37-0030 Definitions

1. The definitions in LRAPA Title 12 and this rule apply to this title. If the same term is defined in this rule and LRAPA Title 12, the definition in this rule applies to this title.

2. "Permit modification" or "modified permit" means any change to the content of a permit, including but not limited to the following:

Section 37-0040 Application Requirements

1. New Permits. Except for Short Term Activity ACDPs, any person required to obtain a new ACDP must provide the following general information, as applicable, using forms provided by LRAPA in addition to any other information required for a specific permit type:

A. Identifying information, including the name of the company, the mailing address, the facility address, and the nature of business (Standard Industrial Classification (SIC) code);

B. The name and phone number of a local person responsible for compliance with the permit;

C. The name of a person authorized to receive requests for data and information;

D. A description of the production processes and related flow chart;

E. A plot plan showing the location and height of air contaminant sources. The plot plan must also indicate the nearest residential or commercial property;

F. The type and quantity of fuels used;

G. An estimate of the amount and type of each air contaminant emitted by the source in terms of hourly, daily, or monthly and yearly rates, showing calculation procedures;

H. Any information on pollution prevention measures and cross-media impacts the applicant wants LRAPA to consider in determining applicable control requirements and evaluating compliance methods;

I. Estimated efficiency of air pollution control equipment under present or anticipated operating conditions;

J. Where the operation or maintenance of air pollution control equipment and emission reduction processes can be adjusted or varied from the highest reasonable efficiency and effectiveness, information necessary for LRAPA to establish operational and maintenance requirements in accordance with Section 32-0120-1. and 2.;

K. A Land Use Compatibility Statement signed by a local (city or county) planner either approving or disapproving construction or modification of the source, if required by the local planning agency; and

L. Any other information requested by LRAPA**.**

2. Renewal Permits. Except for Short Term Activity ACDPs, any person required to renew an existing permit must submit the information identified in section 1. using forms provided by LRAPA, unless there are no significant changes to the permit. If there are significant changes, the applicant must provide~~d~~ the information identified in section 1. only for those changes. Where there are no significant changes to the permit, the applicant may use a streamlined permit renewal application process by providing the following information:

   A. Identifying information, including the name of the company, the mailing address, the facility address, and the nature of business (Standard Industrial Classification (SIC) code) using a form provided by LRAPA; and

   B. A marked up copy of the previous permit indicating minor changes along with an explanation for each requested change.

3. Permit Modifications. For Simple and Standard ACDP modifications, the applicant must provided the information in section (1) relevant to the requested changes to the permit and a list of any new requirements applicable to those changes.

4. LRAPA must receive the application at least 60 days before a permit or modified permit is needed.

5. The application must be completed in full and signed by the applicant or the applicant's legally authorized representative.

6. Two copies of the application are required, unless otherwise requested by LRAPA. At least one of the copies must be a paper copy, but the others may be in any other format, including electronic copies, upon approval by LRAPA.

7. A copy of NSR permit applications and supplemental information must also be submitted directly to the EPA.

8. The name of the applicant must be the legal name of the facility or the owner's agent or the lessee responsible for the operation and maintenance of the facility. The legal name must be registered with the Secretary of State Corporations Division.

9. All applications must include the appropriate fees as specified in Table 2 of Section 37-0020.

10. Applications that are obviously incomplete, unsigned, improperly signed, or lacking the required exhibits or fees will be rejected by LRAPA and returned to the applicant for completion.

11. Within 15 days after receiving the application, LRAPA will preliminarily review the application to determine the adequacy of the information submitted:

A. If LRAPA determines that additional information is needed, LRAPA will promptly ask the applicant for the needed information. The application will not be considered complete for processing until the requested information is received. The application will be considered withdrawn if the applicant fails to submit the requested information within 90 days of the request;

B. If, in the opinion of LRAPA, additional measures are necessary to gather facts regarding the application, LRAPA will notify the applicant that such measures will be instituted along with the timetable and procedures to be followed. The application will not be considered complete for processing until the necessary additional fact-finding measures are completed. When the information in the application is deemed adequate for processing, LRAPA will so notify the applicant.

12. If at any time while processing the application, LRAPA determines that additional information is needed, LRAPA will promptly ask the applicant for the needed information. The application will not be considered complete for processing until the requested information is received. The application will be considered withdrawn if the applicant fails to submit the requested information within 90 days of the request.

13. If, upon review of an application, LRAPA determines that a permit is not required, LRAPA will so notify the applicant in writing. Such notification is a final action by LRAPA on the application.

Section 37-0052 Construction ACDP

1. Purpose. A Construction ACDP is a permit for approval of Type 3 construction or modification changes as specified in Section 34-035. The Construction ACDP includes requirements for the construction or modification of stationary sources or air pollution control equipment and does not by itself provide authorization to operate the new construction or modification. A new or modified Standard ACDP or LRAPA Title V Operating Permit is required before operation of the new construction or modification. A Construction ACDP may be used for the following situations:

   A. For complex construction or modification projects that require an extended period of time to construct, the Construction ACDP may provide construction approval faster than issuance of a Standard ACDP or modified Standard ACDP because the operating requirements would not need to be included in the permit.

   B. For LRAPA Title V Operating Permit sources, the Construction ACDP may include the requirements of OAR 340-218-0050 and follow the external review procedures in OAR 340-218-0210 and 340-218-0230 so that the requirements may later be incorporated into the LRAPA Title V Operating Permit by an administrative amendment. If the applicant elects to incorporate the Construction ACDP by administrative amendment, all of the application submittal, permit content, and permit issuance requirements of OAR 340, division 218 must be met for the Construction ACDP.

2. Application requirements. Any person requesting a Construction ACDP must:

   A. Submit an application in accordance with Section 37-0040 and provide the information specified in Section 37-0040(1) as it relates to the proposed new construction or modification; and

B. Provide a list of any applicable requirements related to the new construction or modification.

3. Fees. Applicants for a Construction ACDP must pay the fees set forth in Table 2 of Section 37-0020.

4. Permit content. A Construction ACDP must include at least the following:

A. A requirement that construction must commence within 18 months after the permit is issued;

B. A requirement to construct in accordance with approved plans;

C. A requirement to comply with all applicable requirements;

D. Emission limits for affected stationary sources;

E. Performance standards for affected stationary sources and air pollution control equipment;

F. Performance test requirements;

G. Monitoring requirements, if specialized equipment is required (e.g., continuous monitoring systems);

H. Notification and reporting requirements (construction status reports, startup dates, source test plans, CEMS performance specification testing plans, etc.);

I. General ACDP conditions for incorporating generally applicable requirements;

J. A requirement to modify the operating permit before commencing operation of the new construction or modification;

K. A permit expiration date of no more than 5 years; and

L. LRAPA Title V Permit requirements as specified in OAR 340-218-0050, if the applicant requests the external review procedures in OAR 340-218-0210 and 340-218-0230.

5. Permit issuance procedures:

A. A Construction ACDP requires public notice in accordance with LRAPA Title ~~14~~ 31 for Category III permit actions.

B. For sources subject to the LRAPA Title V Operating Permit program, the applicant may ask for the external review procedures in OAR 340-218-0210 and 340-218-0230 in addition to the requirements of LRAPA Title ~~14~~ 31 to allow the Construction ACDP to be incorporated into the LRAPA Title V Operating Permit later by an administrative amendment provided the requirements of 1.B. are met.

C. Issuance of a modified Construction ACDP requires one of the following, as applicable:

1) Non-technical modifications and non-NSR Basic and Simple technical modifications require public notice in accordance with LRAPA Title ~~14~~ 31 for Category I permit actions.

2) Non-NSR/PSD Moderate and Complex technical modifications require public notice in accordance with LRAPA Title ~~14~~ 31 for Category II permit actions

Section 37-0054 Short Term Activity ACDPs

1. Application requirements. Any person requesting a Short Term Activity ACDP must apply in writing, fully describing the emergency and the proposed activities, operations, and emissions. The application must include the fees specified in section 2. of this rule.

2. Fees. Applicants for a Short Term Activity ACDP must pay the fees set forth in Table 2 of Section 37-0020.

3. Permit content.

   A. This permit includes conditions that ensure adequate protection of property and preservation of public health, welfare, and resources.

   B. A Short Term Activity ACDP does not include a PSEL for any air contaminants discharged as a result of the permitted activity.

   C. A Short Term Activity ACDP automatically terminates 60 days from the date of issuance and may not be renewed.

   D. A Short Term Activity ACDPs will be properly conditioned to ensure adequate protection of property and preservation of public health, welfare and resources.

4. Permit issuance procedures. A Short Term Activity ACDP requires public notice in accordance with LRAPA Title ~~14~~ 31 for Category I permit actions.

Section 37-0056 Basic ACDPs

1. Application requirements. Any person requesting a Basic ACDP must submit an application in accordance with Section 37-0040 and provide the information specified in Section 37-0040-1.

2. Fees. Applicants for a new Basic ACDP must pay the fees set forth in Table 2 of 37-0020.

3. Permit content:

   A. A Basic ACDP contains only the most significant and relevant rules applicable to the source.

   B. A Basic ACDP does not contain a PSEL;

   C. A Basic ACDP requires a simplified annual report be submitted to LRAPA; and

   D. A Basic ACDP may be issued for a period not to exceed ten years.

4. Permit issuance procedures. A Basic ACDP requires public notice in accordance with LRAPA Title ~~14~~ 31 for Category I permit actions.

Section 37-0060 General Air Contaminant Discharge Permits

1. Applicability.

A. LRAPA may issue a General ACDP under the following circumstances:

1) There are several sources that involve the same or substantially similar types of operations;

2) All requirements applicable to the sources can be contained in a General ACDP;

3) The emission limitations, monitoring, recordkeeping, reporting and other enforceable conditions are the same for all sources covered by the General ACDP; and

4) The pollutants emitted are of the same type for all covered sources.

B. Permit content. Each General ACDP must include the following:

1) All relevant requirements;

2) Generic PSELs for all pollutants emitted at more than the deminimis level in accordance with LRAPA Title 42;

3) Testing, monitoring, recordkeeping, and reporting requirements necessary to ensure compliance with the PSEL and other applicable emissions limits and standards, and;

4) A permit duration not to exceed 10 years.

C. Permit issuance procedures: A General ACDP requires public notice and opportunity for comment in accordance with ORS 183.325 to 183.410. All General ACDPs are on file and available for review at LRAPA. The Director signs a General ACDP.

2. Source assignment:

A. Application requirements. Any person requesting that a source be assigned to a General ACDP must submit a written application in accordance with Section 37-0040 that includes the information in Section 37-0040-1., specifies the General ACDP source category, and shows that the source qualifies for the General ACDP.

B. Fees. Applicants must pay the fees set forth in Table 2 of Section 37-0020.

C. Source assignment procedures:

1) Assignment of a source to a General ACDP is subject to public notice in accordance with LRAPA Title ~~14~~ 31 for Category I permit actions.

2) A person is not a permittee under the General ACDP until LRAPA assigns the General ACDP to the person.

3) Assignments to General ACDPs terminate when the General ACDP expires or is modified, terminated or revoked.

~~d.~~3. LRAPA Initiated Modification. If LRAPA determines that the conditions have changed such that a General ACDP for a category needs to be modified, LRAPA may issue a new General ACDP for that category and LRAPA may assign all existing General ACDP permit holders to the new General ACDP.

~~e.~~4. Rescission. In addition to Section 37-0082 (Termination or Revocation of an ACDP), LRAPA may rescind an individual source's assignment to a General ACDP if the source no longer meets the requirements of this rule or the conditions of the permit, including, but not limited to the source having an ongoing, reoccurring or serious compliance problem. Upon rescinding a source's assignment to a General ACDP LRAPA will place the source on a Simple or Standard ACDP. LRAPA may also revoke a General ACDP if conditions, standards or rules have changed so the permit no longer meets the requirements of this rule.

~~f.~~5. General ACDPs adopted by reference. The following General ACDPs are adopted by this reference and incorporated herein:

1) AQGP-001, Hard chrome platers (October 14, 2008)[3];

2) AQGP-002, Decorative chrome platers (October 14, 2008)[2];

3) AQGP-006, Dry cleaners (October 14, 2008)[1];

4) AQGP-007, Asphalt plants (October 14, 2008)[3];

5) AQGP-008, Rock crushers (October 14, 2008)[2];

6) AQGP-009, Ready-mix concrete (October 14, 2008)[1];

7) AQGP-010, Sawmills, planing mills, millwork, plywood manufacturing and veneer drying (October 14, 2008)[3];

8) AQGP-011, Boilers (October 14, 2008)[2];

9) AQGP-012, Crematories (October 14, 2008)[1];

10) AQGP-016, Coffee roasters roasting 30 or more tons per year (October 14, 2008)[1];

~~10)~~

11) AQGP-018, Electric power generators (October 14, 2008)[2].

NOTES: [1] The referenced General ACDPs specify that they are Fee Class One under Section 37-0020, Table 2. [2] The referenced General ACDPs specify that they are Fee Class Two under Section 37-0020, Table 2. [3] The referenced General ACDPs specify that they are Fee Class Three under Section 37-0020, Table 2.

[ED. NOTE: Tables referenced in this rule are available from LRAPA.]

Section 37-0064 Simple ACDP

1. Applicability.

   A. Sources and activities listed in Table 1, Part B of Section 37-0020 that do not qualify for a General ACDP and are not required to obtain a Standard ACDP must, at a minimum, obtain a Simple ACDP.

   B. Any source required to obtain a Simple ACDP may obtain a Standard ACDP.

   C. LRAPA may determine that a source is ineligible for a Simple ACDP and must obtain a Standard ACDP based upon, but not limited to, the following considerations:

      1) The nature, extent, and toxicity of the source's emissions;

      2) The complexity of the source and the rules applicable to that source;

      3) The complexity of the emission controls and potential threat to human health and the environment if the emission controls fail;

      4) The location of the source; and

      5) The compliance history of the source.

2. Application Requirements. Any person requesting a new, modified, or renewed Simple ACDP must submit an application in accordance with Section 37-0040.

3. Fees. Applicants for a new, modified, or renewed Simple ACDP must pay the fees set forth in Table 2 of Section 37-0020. Annual fees for Simple ACDPs will be assessed based on the following:

   A. Low Fee -- A Source may qualify for the Low Fee if:

      1) The source is, or will be, permitted under only one of the following categories from Section 37-0020 Table 1, Part B (category 25. Electric Power Generation, may be included with any category listed below):

         (a) Category 6. Asphalt felt and coatings;

         (b) Category 12. Boilers and other fuel burning equipment;

         ~~(b)~~(c) Category 16. Cement Manufacturing and/or Distribution

         ~~(c)~~(d) Category 30. Galvanizing & Pipe coating;

         ~~(d)~~(e) Category 36. Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries 100 or more tons/yr. metal charged (not elsewhere identified);

         ~~(e)~~(f) Category 37. Gypsum products;

~~(f)~~(g) Category 50. Non-Ferrous Metal Foundries 100 or more tons/yr. of metal charged;

~~(g)~~(h) Category 51. Organic or Inorganic Industrial Chemical Manufacturing;

(i) Category 63. Secondary Smelting and/or Refining of Ferrous and Non-Ferrous Metals; or

~~(h)~~(j) Category 74. All Other Sources not listed in Table 1 that LRAPA determines an air quality concern exists including minor sources of HAPs not elsewhere classified or one which would emit significant malodorous emissions

~~(i)~~(k) Category 75. All Other Sources not listed in Table 1 which would have actual emissions, if the source were to operate uncontrolled, of 5 or more tons a year of PM_{10} if located in a PM_{10} non-attainment or maintenance area, or 10 or more tons of any single criteria pollutant in any part of Lane County; ~~and~~or

2) The actual emissions from the 12 months immediately preceding the invoice date, and future projected emissions are less than 5 tons/yr. PM_{10} in a PM_{10} nonattainment or maintenance area, and less than 10 tons/yr. for each criteria pollutant; and

3) The source is not considered an air quality problem or nuisance source by LRAPA.

B. High Fee -- Any source required to have a Simple ACDP (Section 37-0020 Table 1 Part B) that does not qualify for the Low Fee will be assessed the High Fee.

C. If LRAPA determines that a source was invoiced for the Low Annual Fee but does not meet the Low Fee criteria outlined above, the source will be required to pay the difference between the Low and High Fees, plus applicable late fees in accordance with Section 37-0020 Table 2. Late fees start upon issuance of the initial invoice. In this case, LRAPA will issue a new invoice specifying applicable fees.

4. Permit Content.

A. All relevant applicable requirements for source operation, including general ACDP conditions for incorporating generally applicable requirements;

B. Generic PSELs for all pollutants emitted at more than the deminimis level in accordance with LRAPA Title 42;

C. Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and

D. A permit duration not to exceed 5 years

5. Permit issuance procedures:

A. Issuance of a new or renewed Simple ACDP requires public notice in accordance with LRAPA Title ~~14~~ 31 for Category II permit actions.

B. Issuance of a modification to a Simple ACDP requires one of the following procedures, as applicable:

1) Non-technical and non-NSR/PSD Basic and Simple technical modifications require public notice in accordance with LRAPA Title ~~14~~ 31 for Category I permit actions; or

2) Issuance of non-NSR/PSD Moderate and Complex technical modifications require public notice in accordance with LRAPA Title ~~14~~ 31 for Category II permit actions.

[ED. NOTE: Tables referenced in this rule are available from LRAPA.]

Section 37-0066 Standard ACDPs

1. Application requirements. Any person requesting a new, modified, or renewed Standard ACDP must submit an application in accordance with Section 37-0040 and include the following additional information as applicable:

A. For new or modified Standard ACDPs that are not subject to NSR (LRAPA Title 38) but have emissions increases above the significant emissions rate, the application must include an analysis of the air quality and visibility (visibility analysis for federal major sources only) impact of the source or modification according to the applicable requirements in LRAPA Title 40 (and as specified in Section 42-0041), including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts.

B. For new or modified Standard ACDPs that are subject to NSR (LRAPA Title 38), the application must include the following additional information as applicable:

1) A detailed description of the air pollution control equipment and emission reductions processes which are planned for the source or modification, and any other information necessary to determine that BACT or LAER technology, whichever is applicable, would be applied;

2) An analysis of the air quality and visibility (federal major sources only) impact of the source or modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts; and

3) An analysis of the air quality and visibility (federal major sources only) impacts, and the nature and extent of all commercial, residential, industrial, and other source emission growth, which has occurred since January 1, 1978, in the area the source or modification would affect.

2. Fees. Applicants for a Standard ACDP must pay the fees set forth in Table 2 of Section 37-0020.

3. Permit content. A Standard ACDP is a permit that contains:

A. All applicable requirements, including general ACDP conditions for incorporating generally applicable requirements;

B. Source specific PSELs or Generic PSELs, whichever are applicable, as specified in LRAPA Title 42;

C. Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and

D. A permit duration not to exceed 5 years.

4. Permit issuance procedures.

A. Issuance of a new or renewed Standard ACDP requires public notice as follows:

1) For non-NSR permit actions, issuance of a new Standard ACDP requires public notice in accordance with LRAPA Title ~~14~~ 31 for Category III permit actions.

2) For NSR permit actions, issuance of a new Standard ACDP requires public notice in accordance with LRAPA Title ~~14~~ 31 for Category IV permit actions.

B. Issuance of a modified Standard ACDP requires one of the following, as applicable:

1) Non-technical modifications and non-NSR Basic and Simple technical modifications require public notice in accordance with LRAPA Title ~~14~~ 31 for Category I permit actions.

2) Non-NSR/PSD Moderate and Complex technical modifications require public notice in accordance with LRAPA Title ~~14~~ 31 for Category II permit actions.

3) NSR/PSD modifications require public notice in accordance with LRAPA Title ~~14~~ 31 for Category IV permit actions.

Section 37-0070 Permitting Multiple Sources at a Single Adjacent or Contiguous Site

A single or contiguous site containing activities or processes that are covered by more than one General ACDP, or a source that contains processes or activities listed in more than one Part of Table 1, Part A to Part C Section 37-0020 may obtain a Standard ACDP.

Section 37-0082 Termination or Revocation of an ACDP

1. Expiration

A. A source may not be operated after the expiration date of a permit, unless any of the following occur prior to the expiration date of the permit:

1) A timely and complete application for renewal has been submitted; or

2) Another type of permit (ACDP or Title V) has been issued authorizing operation of the source.

B. For a source operating under an ACDP or Title V Permit, a requirement established in an earlier ACDP remains in effect notwithstanding expiration of the ACDP, unless the provision expires by its terms or unless the provision is modified or terminated according to the procedures used to establish the requirement initially.

2. Automatic Termination. A permit is automatically terminated upon:

A. Issuance of a renewal or new ACDP for the same activity or operation;

B. Written request of the permittee, if LRAPA determines that a permit is no longer required;

C. Failure to submit a timely application for permit renewal. Termination is effective on the permit expiration date; or

D. Failure to pay annual fees within 90 days of invoice by LRAPA, unless prior arrangements for payment have been approved in writing by LRAPA.

3. Reinstatement of Terminated Permit: A permit automatically terminated under 37-0082-2.B. through 2.D. may only be reinstated by the permittee by applying for a new permit, including the applicable new source permit application fees as set forth in this Title.

4. Revocation:

A. If LRAPA determines that a permittee is in noncompliance with the terms of the permit, submitted false information in the application or other required documentation, or is in violation of any applicable rule or statute, LRAPA may revoke the permit. Notice of the intent to revoke the permit will be provided to the permittee in accordance with LRAPA Title ~~14~~31. The notice will include the reasons why the permit will be revoked, and include an opportunity for hearing prior to the revocation. A written request for hearing must be received within 60 days from service of the notice, and must state the grounds of the request. The hearing will be conducted as a contested case hearing in accordance with LRAPA Title ~~14The~~ 31. The permit will continue in effect until the 60 days expires, or until a final order is issued if an appeal is filed, whichever is later.

B. If LRAPA finds there is a serious danger to the public health, safety or the environment caused by a permittee's activities, LRAPA may immediately revoke or refuse to renew the permit without prior notice or opportunity for a hearing. If no advance notice is provided, notification will be provided to the permittee as soon as possible as provided in LRAPA Title ~~14~~31. The notification will set forth the specific reasons for the revocation or refusal to renew. For the permittee to contest LRAPA's revocation or refusal to renew LRAPA must receive a written request for a hearing within 90 days of service of the notice and the request must state the grounds for the request. The hearing will be conducted as a contested case hearing in accordance with LRAPA Title ~~14~~31. The revocation or refusal to renew becomes final without further action by LRAPA if a request for a hearing is not received within the 90 days.

Section 37-0084 LRAPA Initiated Modification

If LRAPA determines it is appropriate to modify an ACDP, other than a General ACDP, LRAPA will notify the permittee by regular, registered or certified mail of the modification and will include the proposed modification and the reasons for the modification. The modification will become effective upon mailing unless the permittee requests a hearing within 20 days. Such a request for hearing must be made in writing and must include the grounds for the request. The hearing will be conducted as a contested case hearing in accordance with LRAPA Title ~~14~~31. If a hearing is requested, the existing permit will remain in effect until after a final order is issued in the hearing.

Section 37-0090 Sources Subject to ACDPs and Fees

All air contaminant discharge sources listed in Table 1 Section 37-0020 must obtain a permit from LRAPA and are subject to fees as set forth in **Table 2** Section 37-0020.

1. The fees in LRAPA Title 37, Table 2 will increase by the Consumer Price Index (CPI) on July 1 of each year.

Section 37-0094 Temporary Closure

1. Permittees who are temporarily suspending activities for which an ACDP is required may apply for a fee reduction due to temporary closure. However, the anticipated period of closure must exceed six months and must not be due to regular maintenance or seasonal limitations.

2. Annual fees for temporary closure are one half of the regular annual fee for the source.

3. Sources who have received LRAPA approval for payment of the temporary closure fee must obtain authorization from LRAPA prior to resuming permitted activities. Owners or operators must submit written notification, together with the prorated annual fee for the remaining months of the year, to LRAPA at least thirty (30) days before startup and specify in the notification the earliest anticipated startup date.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 38

MAJOR NEW SOURCE REVIEW

Section 38-0010 Applicability and General Prohibitions

1. Within designated Nonattainment and Maintenance areas, this title applies to owners and operators of proposed major sources and major modifications of air contaminant sources. Within attainment and unclassifiable areas, this title applies to owners and operators of proposed Federal Major sources. This title does not apply to owners or operators of proposed non-major sources or non-major modifications and does not apply in attainment areas to major sources or major modifications that are not Federal Major sources. Such owners or operators are subject to other LRAPA rules, including Highest and Best Practicable Treatment and Control Required (Section 32-0005 through 32-0009), Title 42- Plant Site Emission Limits, Notice of Construction and Approval of Plans (Section 34-010 and 34-034through 34-038), ACDPs (LRAPA Title 37, Sections 37-0025-1. and 37-0052), Emission Standards for Hazardous Air Contaminants (LRAPA Title 44), and Standards of Performance for New Stationary Sources (LRAPA Title 46) and Stationary Source Plant Site Emission Limits (LRAPA Title 42).

2. No owner or operator may begin construction of a major source or a major modification of an air contaminant source without having received an air contaminant discharge permit (ACDP) from LRAPA and having satisfied the requirements of this title.

Section 38-0020 Definitions

The definitions in LRAPA Title 12 and this rule apply to this title. If the same term is defined in this rule and LRAPA Title 12, the definition in this rule applies to this title.

Section 38-0030 Procedural Requirements

1. Information Required. The owner or operator of a proposed major source or major modification must submit all information LRAPA needs to perform any analysis or make any determination required under this title and LRAPA Title 40. The information must be in writing on forms supplied by LRAPA and include the information for a standard ACDP as detailed in LRAPA Title 37.

2. Other Obligations:

   A. Approval to construct becomes invalid if construction is not commenced within 18 months after LRAPA issues such approval, if construction is discontinued for a

period of 18 months or more, or if construction is not completed within 18 months of the scheduled time. LRAPA may extend the 18-month period for good cause. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date;

B. Approval to construct does not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the State Implementation Plan and any other requirements under local, state or federal law;

C. Approval to construct a source under an ACDP issued under paragraph 3.B. of this rule authorizes construction and operation of the source, except as prohibited in subsection D. of this rule, until the later of:

1) One year from the date of initial startup of operation of the major source or major modification; or

2) If a timely and complete application for an LRAPA Title V Operating Permit is submitted, the date of final action by LRAPA on the LRAPA Title V Operating Permit application.

D. Where an existing LRAPA Title V Operating Permit would prohibit construction or change in operation, the owner or operator must obtain a permit revision before commencing construction or operation.

3. Application Processing:

A. Within 30 days after receiving an application to construct, or any addition to such application, LRAPA will advise the applicant of any deficiency in the application or in the information submitted. For purposes of this section, the date LRAPA received a complete application is the date on which LRAPA received all required information;

B. Notwithstanding the requirements of Section 37-0040 or OAR 340-218-0040, concerning permit application requirements, LRAPA will make a final determination on the application within six months after receiving a complete application. This involves performing the following actions in a timely manner:

1) Making a preliminary determination whether construction and/or modification should be approved, approved with conditions, or disapproved;

2) Making the proposed permit available in accordance with the public participation procedures required by LRAPA Title ~~14~~ 31 for Category IV. Extension of Construction Permits beyond the 18-month time period in

paragraph 2.A. of this rule are available in accordance with the public participation procedures required by Category II in lieu of Category IV.

Section 38-0040 Review of New Sources and Modifications for Compliance With Regulations

The owner or operator of a proposed major source or major modification must demonstrate the ability of the proposed source or modification to comply with all applicable air quality requirements of LRAPA.

Section 38-0050 Requirements for Sources in Nonattainment Areas

Proposed major sources and major modifications that would emit a nonattainment pollutant within a designated nonattainment area, including VOC or NO_x in a designated Ozone Nonattainment Area must meet the requirements listed below:

1. Lowest Achievable Emission Rate (LAER). The owner or operator must demonstrate that the source or modification will comply with the LAER for each nonattainment pollutant emitted at or above the significant emission rate (SER).

   A. For a major modification, the requirement for LAER applies only to each emissions unit that emits the pollutant in question and was installed since the baseline period or the most recent New Source Review construction approval for that pollutant, and to each modified emission unit that increases actual emissions of the pollutant in question above the netting basis.

   B. For phased construction projects, the LAER determination must be reviewed at the latest reasonable time before commencing construction of each independent phase.

   C. When determining LAER for a change that was made at a source before the current NSR application, LRAPA will consider technical feasibility of retrofitting required controls provided:

      1) The change was made in compliance with NSR requirements in effect when the change was made, and

      2) No limit will be relaxed that was previously relied on to avoid NSR.

   D. Individual modifications with potential to emit less than 10 percent of the SER are exempt from this section unless:

      1) They are not constructed yet;

      2) They are part of a discrete, identifiable, larger project that was constructed within the previous 5 years and is equal to or greater than 10 percent of the SER; or

3) They were constructed without, or in violation of, the LRAPA's approval.

2. Offsets and Net Air Quality Benefit. The owner or operator must obtain offsets and demonstrate that a net air quality benefit will be achieved as specified in Section 40-0090.

3. Additional Requirements:

A. The owner or operator of a source that emits or has the potential to emit 100 tons per year of any regulated NSR pollutant must evaluate alternative sites, sizes, production processes, and environmental control techniques for the proposed source or modification and demonstrate that benefits of the proposed source or modification will significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification.

B. The owner or operator of a source that emits or has the potential to emit 100 tons per year of any regulated NSR pollutant must demonstrate that all major sources owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in the state are in compliance, or are on a schedule for compliance, with all applicable emission limitations and standards under the Act.

C. The owner or operator of a federal major source must meet the visibility impact requirements in Section 40-0070.

Section 38-0060 Requirements for Sources in Maintenance Areas

Proposed major sources and major modifications that would emit a maintenance pollutant within a designated ozone or carbon monoxide maintenance area, including VOC or NO_x in a designated ozone maintenance area, must meet the requirements listed below:

1. Best Available Control Technology (BACT). Except as provided in section 5. of this rule, the owner or operator must apply BACT for each maintenance pollutant emitted at a SER.

A. For a major modification, the requirement for BACT applies only to:

1) Each new emissions unit that emits the pollutant in question and was installed since the baseline period or the most recent New Source Review construction approval for that pollutant; and

2) Each modified emissions unit that increases the actual emissions of the pollutant in question above the netting basis.

B. For phased construction projects, the BACT determination must be reviewed at the latest reasonable time before commencement of construction of each independent phase.

C. When determining BACT for a change that was made at a source before the current NSR application, the technical and economic feasibility of retrofitting required controls may be considered provided:

1) The change was made in compliance with NSR requirements in effect at the time the change was made, and

2) No limit is being relaxed that was previously relied on to avoid NSR.

D. Individual modifications with potential to emit less than 10 percent of the significant emission rate are exempt from this section unless:

1) They are not constructed yet;

2) They are part of a discrete, identifiable larger project that was constructed within the previous 5 years and that is equal to or greater than 10 percent of the significant emission rate; or

3) They were constructed without, or in violation of, LRAPA's approval.

2. Air Quality Protection:

A. Offsets and Net Air Quality Benefit. Except as provided in subsectionsB. of this section, the owner or operator must obtain offsets and demonstrate that a net air quality benefit will be achieved in the area as specified in Section 40-0090.

B. In a carbon monoxide maintenance area, a proposed carbon monoxide major source or major modification is exempt from subsection A. of this section if the owner or operator can demonstrate that the source or modification will not cause or contribute to an air quality impact equal to or greater than 0.5 mg/m3 (8 hour average) and 2 mg/m3 (1-hour average). The demonstration must comply with the requirements of Section 40-0045.

3. The owner or operator of a source subject to this rule must provide an air quality analysis in accordance with Section 40-0050-1 and 2, and Section 40-0060.

4. Additional Requirements for Federal Major Sources: The owner or operator of a federal major source subject to this rule must provide an analysis of the air quality impacts for the proposed source or modification in accordance with Section 40-0050-3 and 40-0070. In addition to the provisions of this section, provisions of Section 38-0070 also apply to federal major sources.

5. Contingency Plan Requirements. If the contingency plan in an applicable maintenance plan is implemented due to a violation of an ambient air quality standard, this section applies in addition to other requirements of this rule until LRAPA adopts a revised maintenance plan and EPA approves it as a SIP revision.

   A. The requirement for BACT in section (1) of this rule is replaced by the requirement for LAER contained in Section 38-0050-1.

   B. The exemption provided in section 2.B. of this rule for major sources or major modifications within a carbon monoxide maintenance area no longer applies.

6. Pending Redesignation Requests. This rule does not apply to a proposed major source or major modification for which a complete application to construct was submitted to LRAPA before the maintenance area was redesignated from nonattainment to attainment by EPA. Such a source is subject to Section 38-0050.

Section 38-0070 Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas

Proposed new federal major sources or major modifications at federal major sources locating in areas designated attainment or unclassifiable must meet the following requirements:

1. Best Available Control Technology (BACT). The owner or operator of the proposed federal major source or major modification at a federal major source must apply BACT for each pollutant emitted at a SER over the netting basis.

   A. For a major modification, the requirement for BACT applies only to:

      1) Each new emissions unit that emits the pollutant in question and was installed since the baseline period or the most recent New Source Review construction approval for that pollutant; and

      2) Each modified emissions unit that increases the actual emissions of the pollutant in question above the netting basis.

   B. For phased construction projects, the BACT determination must be reviewed at the latest reasonable time before commencement of construction of each independent phase.

   C. When determining BACT for a change that was made at a source before the current NSR application, any additional cost of retrofitting required controls may be considered provided:

      1) The change was made in compliance with NSR requirements in effect at the time the change was made, and

2) No limit is being relaxed that was previously relied on to avoid NSR.

D. Individual modifications with potential to emit less than 10 percent of the significant emission rate are exempt from this section unless:

1) They are not constructed yet;

2) They are part of a discrete, identifiable larger project that was constructed within the previous 5 years and that is equal to or greater than 10 percent of the significant emission rate; or

3) They were constructed without, or in violation of, LRAPA's approval.

2. Air Quality Analysis: The owner of operator of a source subject to this rule must provide an analysis of the air quality impacts for the proposed source or modification in accordance with Section 40-0050 through 40-0070. The owner or operator or any source subject to this rule that significantly affects air quality in a designated nonattainment or maintenance area must meet the requirements of net air quality benefit in Section 40-0090.

3. Air Quality Monitoring: The owner or operator of a source subject to this rule must conduct ambient air quality monitoring in accordance with the requirements in Section 40-0050.

4. The owner or operator of a source subject to this rule and significantly impacting a PM10 maintenance area (significant air quality impact is defined in LRAPA Title 12), must comply with the requirements of Section 38-0060-2.

Section 38-0080 Exemptions

Temporary emission sources that would be in operation at a site for less than two years, such as pilot plants and portable facilities, and emissions resulting from the construction phase of a new source or modification must comply with Section 38-0050-1, 38-0060-1 or 38-0070-1, whichever is applicable, but are exempt from the remaining requirements of Section 38-0050, 38-0060 and 38-0070 provided that the source or modification would not impact a Class I area or an area with a known violation of a National Ambient Air Quality Standard (NAAQS) or an applicable increment as defined in LRAPA Title 50.

Section 38-0100 Fugitive and Secondary Emissions

Fugitive emissions are included in the calculation of emission rates of all air contaminants. Fugitive emissions are subject to the same control requirements and analyses required for emissions from identifiable stacks or vents. Secondary emissions are not included in calculations of potential emissions that are made to determine if a proposed source or modification is major. Once a source or modification is identified as being major, secondary emissions are added to the primary emissions and become subject to the air quality impact analysis requirements in this title and LRAPA Title 40.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 40

Air Quality Analysis Requirements

Section 40-0010 Purpose

This title contains the definitions and requirements for air quality analysis referred to in LRAPA Rules. It does not apply unless a rule in another title refers the reader here. For example, Title 42 (Stationary Source Plant Site Emissions Limits) and Title 38 (Major New Source Review) refer the reader to provisions in this title for specific air quality analysis requirements.

Section 40-0020 Definitions

The definitions in LRAPA Title 12 and this rule apply to this title. If the same term is defined in this rule and LRAPA Title 12, the definition in this rule applies to this title.

1. "Allowable Emissions" means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

   A. The applicable standards as set forth in 40 CFR parts 60 and 61;
   B. The applicable State Implementation Plan emissions limitation, including those with a future compliance date; or
   C. The emissions rate specified as a federally enforceable permit condition.

2. "Background Light Extinction" means the reference levels (Mm^{-1}) shown in the estimates of natural conditions as referenced in the FLAG to be representative of the PSD Class I or Class II area being evaluated.

3. "Baseline Concentration" means:

   A. The ambient concentration level for sulfur dioxide and PM10 that existed in an area during the calendar year 1978. If no ambient air quality data is available in an area, the baseline concentration may be estimated using modeling based on actual emissions for 1978. Actual emission increases or decreases occurring before January 1, 1978 must be included in the baseline calculation, except that actual emission increases from any source or modification on which construction commenced after January 6, 1975 must not be included in the baseline calculation;
   B. The ambient concentration level for nitrogen oxides that existed in an area during the calendar year 1988.

4. "Competing PSD Increment Consuming Source Impacts" means the total modeled concentration above the modeled Baseline Concentration resulting from increased emissions of all other sources since the baseline concentration year that are within the Range of Influence of the source in question. Allowable Emissions may be used as a conservative estimate, in lieu of Actual Emissions, in this analysis.

5. "Competing NAAQS Source Impacts" means total modeled concentration resulting from allowable emissions of all other sources that are within the Range of Influence of the source in question.

6. "FLAG " refers to the Federal Land Managers' Air Quality Related Values Work Group Phase I Report. See 66 Federal Register 2, January 3, 2001 at 382 to 383.

7. "General Background Concentration" means impacts from natural sources and unidentified sources that were not explicitly modeled. LRAPA may determine this as site-specific ambient monitoring or representative ambient monitoring from another location.

8. "Nitrogen Deposition" means the sum of anion and cation nitrogen deposition expressed in terms of the mass of total elemental nitrogen being deposited. As an example, Nitrogen Deposition for NH_4NO_3 is 0.3500 times the weight of NH_4NO_3 being deposited.

9. "Ozone Precursor Distance" means the distance in kilometers from the nearest boundary of a designated ozone nonattainment or maintenance area within which a major new or modified source of VOC or NOx is considered to significantly affect that designated area. The determination of significance is made by either the formula method or the demonstration method.

   A. The Formula Method.
      1) For sources with complete permit applications submitted before January 1, 2003: D = 30 km
      2) For sources with complete permit applications submitted on or after January 1, 2003: D = (Q/40) x 30 km
      3) D is the Ozone Precursor Distance in kilometers. The value for D is 100 kilometers when D is calculated to exceed 100 kilometers. Q is the larger of the NOx or VOC emissions increase from the source being evaluated in tons/year, and is quantified relative to the netting basis.
      4) If a source is located at a distance less than D from the designated area, the source is considered to have a significant effect on the designated area. If the source is located at a distance equal to or greater than D, it is not considered to have a significant effect.

B. The Demonstration Method. An applicant may demonstrate to LRAPA that the source or proposed source would not significantly impact a nonattainment area or maintenance area. This demonstration may be based on an analysis of major topographic features, dispersion modeling, meteorological conditions, or other factors. If LRAPA determines that the source or proposed source would not significantly impact the nonattainment area or maintenance area under high ozone conditions, the Ozone Precursor Distance is zero kilometers.

10. "Ozone Precursor Offsets" means the emission reductions required to offset emission increases from a major new or modified source located inside the designated nonattainment or maintenance area or within the Ozone Precursor Distance. Emission reductions must come from within the designated area or from within the Ozone Precursor Distance of the offsetting source as described in Section 38-0090. The offsets determination is made by either the formula method or the demonstration method.

A. The Formula Method.
1) Required offsets (RO) for new or modified sources are determined as follows:
(a) For sources with complete permit applications submitted before January 1, 2003: RO = SQ
(b) For sources with complete permit applications submitted on or after January 1, 2003: RO = (SQ minus (40/30 * SD))
2) Contributing sources may provide offsets (PO) calculated as follows: PO = CQ minus (40/30 * CD)
3) Multiple sources may contribute to the required offsets of a new source. For the formula method to be satisfied, total provided offsets (PO) must equal or exceed the required offset (RO).
4) Definitions of factors used in paragraphs 1), 2) and 3) of this subsection:
(a) RO is the required offset of NOx or VOC in tons per year as a result of the source emissions increase. If RO is calculated to be negative, RO is set to zero;
(b) SQ is the source emissions increase of NOx or VOC in tons per year above the netting basis;
(c) SD is the source distance in kilometers to the nonattainment or maintenance area. SD is zero for sources located within the nonattainment or maintenance area.
(d) PO is the provided offset from a contributing source and must be equal to or greater than zero;
(e) CQ is the contributing emissions reduction in tons per year quantified relative to contemporaneous pre-reduction actual emissions (Section 41-0030-1.B.).
(f) CD is the contributing source distance in kilometers to the nonattainment or maintenance area. For a contributing source located within the nonattainment or maintenance area, CD equals zero.

B. The Demonstration Method. An applicant may demonstrate to LRAPA using dispersion modeling or other analyses the level and location of offsets that would be sufficient to provide actual reductions in concentrations of VOC or NOx in the designated area during high ozone conditions. The modeled reductions of ambient VOC or NOx concentrations resulting from the emissions offset must be demonstrated over a greater area and over a greater period of time within the designated area as compared to the modeled ambient VOC or NOx concentrations resulting from the emissions increase from the source subject to this rule. If LRAPA determines that the demonstration is acceptable, then LRAPA will approve the offsets proposed by the applicant. The demonstration method does not apply to sources located inside an ozone nonattainment area.

11. "Range of Influence (ROI)" means:
    A. For PSD Class II and Class III areas, the Range of Influence of a competing source (in kilometers) is defined by:

        1) ROI (km) = Q (tons/year) / K (tons/year km).
        2) Definition of factors used in paragraph (1) of this subsection:
            (a) ROI is the distance a source has an effect on an area and is compared to the distance from a potential competing source to the Significant Impact Area of a proposed new source. Maximum ROI is 50 km, however LRAPA may request that sources at a distance greater than 50 km be included in a competing source analysis.
            (b) Q is the emission rate of the potential competing source in tons per year.
            (c) K (tons/year km) is a pollutant specific constant as defined in the table below:

Pollutant	PM10	SOx	NOx	CO	Lead
K	5	5	10	40	0.15

    B. For PSD Class I areas, the Range of Influence of a competing source includes emissions from all sources that occur within the modeling domain of the source being evaluated. LRAPA determines the modeling domain on a case-by-case basis.

12. "Source Impact Area" means a circular area with a radius extending from the source to the largest distance to where predicted impacts from the source or modification equal or exceed the Significant Air Quality Impact levels set out in Table 1 of LRAPA Title 12. This definition only applies to PSD Class II areas and is not intended to limit the distance for PSD Class I modeling.

13. "Sulfur Deposition" means the sum of anion and cation sulfur deposition expressed in terms of the total mass of elemental sulfur being deposited. As an example, sulfur deposition for $(NH4)_2SO_4$ is 0.2427 times the weight of $(NH4)_2SO_4$ being deposited.

Section 40-0030 Procedural Requirements

Information Required. In addition to the requirements defined in Section 37-0040, the owner or operator of a source (where required by Titles 42 or 38) must submit all information necessary to perform any analysis or make any determination required under these rules. Such information must include, but is not limited to:

1. Emissions data for all existing and proposed emission points from the source or modification. This data must represent maximum emissions for the following averaging times by pollutant:

PM10	24 hours, annual
Sulfur Oxides	3 hour, 24 hours, annual
Nitrogen Oxides	annual
Carbon Monoxide	1 hour, 8 hours, annual
Lead	annual quarterly, annual

2. Stack parameter data (height above ground, exit diameter, exit velocity, and exit temperature data) for all existing and proposed emission points from the source or modification,

3. An analysis of the air quality and visibility impact of the source or modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts; and

4. An analysis of the air quality and visibility impacts, and the nature and extent of all commercial, residential, industrial, and other source emission growth, that has occurred since January 1, 1978, in the area the source or modification would significantly affect.

Section 40-0040 Air Quality Models

All modeled estimates of ambient concentrations required under this rule must be based on the applicable air quality models, data bases, and other requirements specified in 40 CFR Part 51, Appendix W, "Guidelines on Air Quality Models (Revised) " (July 1, 2000). Where an air quality impact model specified in 40 CFR Part 51, Appendix W is inappropriate, the methods published in the FLAG are generally preferred for analyses in PSD Class I areas. Where an air quality impact model specified in 40 CFR Part 51, Appendix W is inappropriate in PSD Class II and III areas, the model may be modified or another model substituted. Any change or substitution from models specified in 40 CFR Part 51, Appendix W is subject to notice and opportunity for public comment and must receive prior written approval from LRAPA and the EPA. Where necessary, methods like those outlined in the "Interim Procedures for Evaluating Air Quality Models (Revised)" (U.S. Environmental Protection Agency, 1984) provide guidance in determining the comparability of models.

Section 40-0045 Requirements for Analysis in Maintenance Areas

Modeling: For determining compliance with the limits established in Section 38-0060-2.C., NAAQS, and PSD Increments, the following methods must be used:

1. A single source impact analysis is sufficient to show compliance with standards, PSD increments, and limits if modeled impacts from the source being evaluated are less than the Significant Air Quality Impact levels specified in LRAPA Title 12, Table 1 for all maintenance pollutants.

2. If the above requirement is not satisfied, the owner or operator of a proposed source or modification being evaluated must perform competing source modeling as follows:

   A. For demonstrating compliance with the NAAQS, the owner or operator of a proposed source or modification must show that the total modeled impacts plus total Competing NAAQS Source Impacts plus General Background Concentrations are less than the NAAQS for all averaging.

   B. For demonstrating compliance with the PSD Increments (as defined in Section 50-055, Table 1), the owner or operator of a proposed source or modification must show that modeled impacts from the proposed increased emissions (above the baseline concentration) plus competing PSD Increment Consuming Source Impacts (above the baseline concentration) are less than the PSD increments for all averaging times.

Section 40-0050 Requirements for Analysis in PSD Class II and Class III Areas

Modeling: For determining compliance with the NAAQS and PSD Increments in PSD Class II and Class III areas, the following methods must be used:

1. A single source impact analysis is sufficient to show compliance with standards and increments if modeled impacts from the source being evaluated are less than the Significant Air Quality Impact levels specified in LRAPA Title 12, Table 1 for all pollutants.

2. If the above requirement is not satisfied, the owner or operator of a proposed source or modification being evaluated must perform competing source modeling as follows:

   A. For demonstrating compliance with the PSD Increments (as defined in Section 50-055, Table 1), the owner or operator of a proposed source or modification must show that modeled impacts from the proposed increased emissions (above the modeled Baseline Concentration) plus Competing PSD Increment Consuming Source Impacts (above the modeled Baseline Concentration) are less than the PSD increments for all averaging times.

   B. For demonstrating compliance with the NAAQS, the owner or operator of a proposed source must show that the total modeled impacts plus total Competing

NAAQS Source Impacts plus General Background Concentrations are less than the NAAQS for all averaging times.

3. Additional Impact Modeling:

   A. When referred to this rule by Titles 42 or 38, the owner or operator of a source must provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the source or modification, and general commercial, residential, industrial and other growth associated with the source or modification. As a part of this analysis, deposition modeling analysis is required for sources emitting heavy metals above the significant emission rates as defined in LRAPA Title 12, Table 2. Concentration and deposition modeling may also be required for sources emitting other compounds on a case-by-case basis;

   B. The owner or operator must provide an analysis of the air quality concentration projected for the area as a result of general commercial, residential, industrial and other growth associated with the source or modification.

4. Air Quality Monitoring:

   A. Preconstruction:
      1) When referred to this rule by Titles 42 or 38, the owner or operator of a source must submit with the application an analysis of ambient air quality in the area impacted by the proposed project. This analysis, which is subject to LRAPA's approval, must be conducted for each pollutant potentially emitted at a significant emission rate by the proposed source or modification. The analysis must include continuous air quality monitoring data for any pollutant that may be emitted by the source or modification, except for volatile organic compounds. The data must relate to the year preceding receipt of the complete application and must have been gathered over the same time period. LRAPA may allow the owner or operator to demonstrate that data gathered over some other time period would be adequate to determine that the source or modification would not cause or contribute to a violation of an ambient air quality standard or any applicable pollutant increment. Pursuant to the requirements of these rules, the owner or operator must submit for LRAPA's approval, a preconstruction air quality monitoring plan. This plan must be submitted in writing at least 60 days prior to the planned beginning of monitoring and approved in writing by LRAPA before monitoring begins.
      2) Required air quality monitoring must be conducted in accordance with 40 CFR 58 Appendix B, "Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring" (July 1, 2000) and with other methods on file with LRAPA.
      3) LRAPA may exempt the owner or operator of a proposed source or modification from preconstruction monitoring for a specific pollutant if the owner or operator demonstrates that the air quality impact from the

emissions increase would be less than the amounts listed below **or** that modeled competing source concentration (plus General Background Concentration) of the pollutant within the Source Impact Area are less than the following significant monitoring concentrations:

1) Carbon monoxide - 575 ug/m^3, 8 hour average;
2) Nitrogen dioxide - 14 ug/m^3, annual average;
3) PM10 - 10 ug/m3, 24 hour average;
4) Sulfur dioxide - 13 ug/m3, 24 hour average;
5) Ozone - Any net increase of 100 tons/year or more of VOCs from a source or modification subject to PSD requires an ambient impact analysis, including the gathering of ambient air quality data. However, requirement for ambient air monitoring may be exempted if existing representative monitoring data shows maximum ozone concentrations are less than 50% of the ozone NAAQS based on a full season of monitoring;
6) Lead - 0.1 ug/m^3, 24 hour average;
7) Fluorides - 0.25 ug/m^3, 24 hour average;
8) Total reduced sulfur - 10 ug/m^3, 1 hour average;
9) Hydrogen sulfide - 0.04 ug/m^3, 1 hour average;
10) Reduced sulfur compounds - 10 ug/m^3, 1 hour average.

4) LRAPA may allow the owner or operator of a source (where required by Titles 42 or 38) to substitute post construction monitoring for the requirements of 4.A.(1) for a specific pollutant if the owner or operator demonstrates that the air quality impact from the emissions increase would not cause or contribute to an exceedance of any air quality standard. This analysis must meet the requirements of Section 40-0050-2.B. and must use representative or conservative General Background Concentration data.

5) When PM10 preconstruction monitoring is required by this section, at least four months of data must be collected, including the season(s) LRAPA judges to have the highest PM10 levels. PM10 must be measured in accordance with 40 CFR part 50, Appendix J (July 1, 1999). In some cases, a full year of data will be required.

B. Post-construction: After construction has been completed, LRAPA may require ambient air quality monitoring as a permit condition to establish the effect of emissions, other than volatile organic compounds, on the air quality of any area that such emissions could affect.

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Section 40-0060 Requirements for Demonstrating Compliance with Standards and Increments in PSD Class I Areas

For determining compliance with standards and increments in PSD Class I areas, the following methods must be used:

1. Before January 1, 2003, the owner or operator of a source (where required by Titles 42 or 38) must model impacts and demonstrate compliance with standards and increments on all PSD Class I areas that may be affected by the source or modification.

2. On or after January 1, 2003, the owner or operator of a source (where required by Titles 42 or 38) must meet the following requirements:

   A. A single source impact analysis will be sufficient to show compliance with increments if modeled impacts from the source being evaluated are demonstrated to be less than the impact levels specified in Table I below.

Table I
Significant Impact Levels for PSD Class I Areas

Pollutant	Averaging Time	PSD Class I Significant Impact Level
PM10	24 hour	0.30 μg/m3
PM10	Annual	0.20 μg/m3
SO2	3-hour	1.0 μg/m3
SO2	24-hour	0.20 μg/m3
SO2	Annual	0.10 μg/m3
NO2	Annual	0.10 μg/m3

   B. If the above requirement is not satisfied, the owner or operator must also show that the increased source impacts (above Baseline Concentration) plus Competing PSD Increment Consuming Source Impacts are less than the PSD increments for all averaging times.

   C. A single source impact analysis will be sufficient to show compliance with standards if modeled impacts from the source being evaluated are demonstrated to be less than the impact levels specified in LRAPA Title 12, Table 1 for all pollutants.

   D. If the requirement of (2.A) is not satisfied, and background monitoring data for each PSD Class I area shows that the NAAQS is more controlling than the PSD increment then the source must also demonstrate compliance with the NAAQS by showing that their total modeled impacts plus total modeled Competing NAAQS Source Impacts plus General Background Concentrations are less than the NAAQS for all averaging times.

Section 40-0070 Requirements for Demonstrating Compliance with AQRV Protection

1. Sources that are not Federal Major Sources are exempt from the requirements of the remainder of this rule.

2. Notice of permit application for actions subject to the requirements of Titles 42 or 38:

A. If a proposed major source or major modification could impact air quality related values (including visibility) within a Class I area, LRAPA will provide written notice to the EPA and to the appropriate Federal Land Manager within 30 days of receiving such permit application. The notice will include a copy of all information relevant to the permit application, including analysis of anticipated impacts on Class I area air quality related values (including visibility). LRAPA will also provide at least 30 days notice to EPA and the appropriate Federal Land Manager of any scheduled public hearings and preliminary and final actions taken on the application;

B. If LRAPA receives advance notice of a permit application for a source that may affect Class I area visibility, LRAPA will notify all affected Federal Land Managers within 30 days of receiving the advance notice;

C. During its review of source impacts on Class I area air quality related values (including visibility) pursuant to this rule, LRAPA will consider any analysis performed by the Federal Land Manager that is received by LRAPA within 30 days of the notice required by subsection A. If LRAPA disagrees with the Federal Land Manager's demonstration, LRAPA will include a discussion of the disagreement in the Notice of Public Hearing;

D. As a part of the notification required in Section ~~14~~31-0060, LRAPA will provide the Federal Land Manager an opportunity to demonstrate that the emissions from the proposed source or modification would have an adverse impact on air quality related values (including visibility) of any federal mandatory Class I area. This adverse impact determination may be made even if there is no demonstration that a Class I maximum allowable increment has been exceeded. If LRAPA agrees with the demonstration, it will not issue the permit.

3. Visibility impact analysis requirements:

A. If Titles 42 or 38 require a visibility impact analysis, the owner or operator must demonstrate that the potential to emit any pollutant at a significant emission rate in conjunction with all other applicable emission increases or decreases, including secondary emissions, permitted since January 1, 1984 and other increases or decreases in emissions, will not cause or contribute to significant impairment of visibility on any Class I area.

B. The owner or operator must submit all information necessary to perform any analysis or demonstration required by these rules pursuant to Section 38-0030-1.

C. Determination of significant impairment: The results of the modeling must be sent to the affected Federal Land Managers and LRAPA. The land managers may, within 30 days following receipt of the source's visibility impact analysis,

determine whether or not significant impairment of visibility in a Class I area would result. LRAPA will consider the comments of the Federal Land Manager in its consideration of whether significant impairment will result. If LRAPA determines that impairment would result, it will not issue a permit for the proposed source.

4. Types of visibility modeling required. For receptors in PSD Class I areas within the PSD Class I Range of Influence, a plume blight analysis or regional haze analysis is required.

5. Criteria for visibility impacts:

   A. The owner or operator of a source (where required by Titles 42 or 38) is encouraged to demonstrate that their impacts on visibility satisfy the guidance criteria as referenced in the FLAG.

   B. If visibility impacts are a concern, LRAPA will consider comments from the Federal Land Manager when deciding whether significant impairment will result. Emission offsets may also be considered. If LRAPA determines that impairment would result, it will not issue a permit for the proposed source.

6. Deposition modeling may be required for receptors in PSD Class I areas where visibility modeling is required. This may include, but is not limited to an analysis of Nitrogen Deposition and Sulfur Deposition.

7. Visibility monitoring:

   A. If Titles 42 or 38 require visibility monitoring data, the owner or operator must use existing data to establish existing visibility conditions within Class I areas as summarized in the FLAG Report.

   B. After construction has been completed the owner or operator must conduct such visibility monitoring as LRAPA requires as a permit condition to establish the effect of the pollutant on visibility conditions within the impacted Class I area.

8. Additional impact analysis: the owner or operator subject to Section 38-0060-3. or Section 38-0070-2. must provide an analysis of the impact to visibility that would occur as a result of the proposed source or modification and general commercial, residential, industrial, and other growth associated with the source or major modification.

9. If the Federal Land Manager recommends and LRAPA agrees, LRAPA may require the owner or operator to analyze the potential impacts on other Air Quality Related Values and how to protect them. Procedures from the FLAG report should be used in this recommendation. Emission offsets may also be used. If the Federal Land Manager finds that significant impairment would result from the proposed activities and LRAPA agrees, LRAPA will not issue a permit for the proposed source.

Section 40-0090 Requirements for Demonstrating a Net Air Quality Benefit

Demonstrations of net air quality benefit for offsets must include the following:

1. Ozone areas (VOC and NOx emissions). For sources capable of impacting a designated ozone nonattainment or maintenance area;

   A. Offsets for VOC and NOx are required if the source will be located within the designated area or within the Ozone Precursor Distance.

   B. The amount and location of offsets must be determined in accordance with this subsection:

      1) For new or modified sources locating within a designated nonattainment area, the offset ratio is 1.1:1. These offsets must come from within either the same designated nonattainment area as the new or modified source or another ozone nonattainment area (with equal or higher nonattainment classification) that contributes to a violation of the NAAQS in the same designated nonattainment area as the new or modified source.

      2) For new or modified sources locating within a designated maintenance area, the offset ratio is 1.1:1. These offsets may come from within either the designated area or the ozone precursor distance.

      3) For new or modified sources locating outside the designated area, but within the ozone precursor distance, the offset ratio is 1:1. These offsets may come from within either the designated area or the ozone precursor distance.

      4) Offsets from outside the designated area but within the Ozone Precursor Distance must be from sources affecting the designated area in a comparable manner to the proposed emissions increase. Methods for determining offsets are described in the Ozone Precursor Offsets definition (Section 40-0020-11.).

   C. In lieu of obtaining offsets, the owner or operator may obtain an allocation at the rate of 1:1 from a growth allowance, if available, in an applicable maintenance plan.

2. Non-Ozone areas (PM10, SO2, CO, NOx, and Lead emissions):

   A. For a source locating within a designated nonattainment area, the owner or operator must:

1) Obtain offsets from within the same designated nonattainment area;
2) Provide a minimum of 1:1 offsets for emission increases over the Netting Basis;
3) Provide a net air quality benefit within the designated nonattainment area. "Net Air Quality Benefit" means a reduction in concentration at a majority of the modeled receptors and less than a significant impact level increase at all modeled receptors;
4) Provide offsets sufficient to demonstrate reasonable further progress toward achieving the NAAQS.

B. For a source locating outside a designated nonattainment area but causing a significant air quality impact on the area, the owner or operator must provide offsets sufficient to reduce the modeled impacts below the significant air quality impact level (LRAPA Title 12) at all receptors within the designated nonattainment area. These offsets may come from within or outside the designated nonattainment area.

C. For a source locating inside or causing a significant air quality impact on a designated maintenance area, the owner or operator must either provide offsets sufficient to reduce modeled impacts below the significant air quality impact level (LRAPA Title 12) at all receptors within the designated maintenance area or obtain an allocation from an available growth allowance as allowed by an applicable maintenance plan. These offsets may come from within or outside the designated maintenance area.

3. The emission reductions used as offsets must be of the same type of pollutant as the emissions from the new source or modification. Sources of PM10 must be offset with particulate in the same size range.

4. The emission reductions used as offsets must be contemporaneous, that is, the reductions must take effect before the time of startup but not more than two years before the submittal of a complete permit application for the new source or modification. This time limitation may be extended through banking, as provided for in LRAPA Title 41, Emission Reduction Credit Banking. In the case of replacement facilities, LRAPA may allow simultaneous operation of the old and new facilities during the startup period of the new facility, if net emissions are not increased during that time period. Any emission reductions must be federally enforceable at the time of the issuance of the permit.

5. Offsets required under this rule must meet the requirements of Emissions Reduction Credits in LRAPA Title 41.

6. Emission reductions used as offsets must be equivalent in terms of short-term, seasonal, and yearly time periods to mitigate the effects of the proposed emissions.

TITLE 44 (Moved from Title 37)

HAZARDOUS AIR POLLUTANT PROGRAM

General Provisions for Stationary Sources

Definitions of words and terms used in Title 44 can be found in Title 12, Definitions.

Section 44-010 Policy and Purpose

The Lane Regional Air Protection Agency finds that certain air contaminants for which there are no ambient air quality standards may cause or contribute to an identifiable and significant increase in mortality or to an increase in serious irreversible or incapacitating reversible illness or to irreversible ecological damage, and are therefore considered to be hazardous air pollutants. It shall be the policy of LRAPA that no person may cause, allow, or permit emissions into the ambient air of any hazardous substance in such quantify, concentration, or duration determined by LRAPA to be injurious to public health or the environment. The purpose of this Title is to establish emissions limitations on sources of these air contaminants. In order to reduce the release of these hazardous air pollutants and protect public health and the environment, it is the intent of LRAPA to adopt by rule within this Title the source category-specific requirements that are promulgated by the EPA. Furthermore, it is hereby declared the policy of LRAPA that the standards contained in this Title are considered minimum standards, and as technology advances, protection of public health and the environment warrants, more stringent standards may be adopted and applied. *(Section 37-010 Original Adoption 06/11/02Bexpanded and amended language from 43-001)*

Section 44-015 Definitions

The definitions in Title 12, OAR 340-218-0030 and this rule apply to this Title. If the same term is defined in this rule and Title 12 or 340-218-0030, the definition in this rule applies to this title.

1. "Accidental Release" means an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.
2. "Act" and "FCAA" mean the Federal Clean Air Act, Public Law 88-206 as last amended by Public Law 101-549.
3. Actual Emissions" means the mass emissions of a pollutant from an emissions source during a specified time period.
   A. Actual emissions shall equal the average rate at which the source actually emitted the pollutant and which is representative of normal source operation. Actual emissions shall be directly measured with a continuous monitoring system or calculated using a material balance or verified emission factor in combination with the source's actual operating hours, production rates and types of materials processed, stored, or combusted during the specified time period;
   B. For any source which had not yet begun normal operation in the specified time period, actual emissions shall equal the potential to emit of the source;

C. For purposes of Section 44-040 through 44-120 actual emissions shall equal the actual rate of emissions of a pollutant, but does not include excess emissions from a malfunction, or startups and shutdowns associated with a malfunction.

4. "Area Source" means any stationary source which has the potential to emit hazardous air pollutants but is not a major source of hazardous air pollutants.
5. "Artificially or Substantially Greater Emissions" means abnormally high emissions such as could be caused by equipment malfunctions, accidents, unusually high production or operating rates compared to historical rates, or other unusual circumstances.
6. "Base Year Emissions" for purposes of Early Reductions only (Section 44-040), means actual emissions in the calendar year 1987 or later.
7. "CFR" means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 2008 edition.
8. "Commission" means the Oregon Environmental Quality Commission
9. "Construct a major Source" means to fabricate, erect, or install at any greenfield site a stationary source or group of stationary sources which is located within a contiguous area and under common control and which emits or has the potential to emit 10 tons per year of any HAPs or 25 tons per year of any combination of HAP, or to fabricate, erect, or install at any developed site a new process or production unit which in and of itself emits or has the potential to emit 10 tons per year of any HAP or 25 tons per year of any combination of HAP, unless the process or production unit satisfies criteria A through F of this paragraph:
   A. All HAP emitted by the process or production unit that would otherwise be controlled under the requirements of this subpart will be controlled by emission control equipment which was previously installed at the same site as the process or production unit;
   B.
      1) The permitting authority has determined within a period of 5 years prior to the fabrication, erection, or installation of the process or production unit that the existing emission control equipment represented the best available control technology (BACT), lowest achievable emission rate (LAER) under 40 CFR part 51 or 52, toxics-best available control technology (T-BACT) or MACT abased on State air toxic rules for the category of pollutants which includes those HAP to be emitted by the process or production unit; or
      2) The permitting authority determines that the control of HAP emissions provided by the existing equipment will be equivalent to that level of control currently achieved by other well-controlled similar sources (i.e., equivalent to the level of control that would be provided by a current BACT, LAER, T-BACT, or State air toxic rule MACT determination).
   C. The permitting authority determines that the percent control efficiency for emission of HAP from all sources to be controlled by the existing control equipment will be equivalent to the percent control efficiency provided by the control equipment prior to the inclusion of the new process or production unit;
   D. The permitting authority has provided notice and an opportunity for public comment concerning its determination hat criteria in paragraphs A, B, and C of this definition apply and concerning the continued adequacy of any prior LAER, BACT, T-BACT, or State air toxic rule MACT determination;
   E. If any commenter has asserted that a prior LAER, BACT, T-BACT, or State air toxic rule MACT determination is no longer adequate, the permitting authority has

determined that the level of control required by that prior determination remains adequate; and

F. Any emission limitations, work practice requirements, or other terms and conditions upon which the above determinations by the permitting authority are predicated will be construed by the permitting authority as applicable requirements under section 504(a) and either have been incorporated into any existing title V permit for the affected facility or will be incorporated into such permit upon issuance

10. "Department" means the Department of Environmental Quality.
11. "Director" means the Director of the Department or LRAPA, and authorized deputies or officers.
12. "Early Reductions Unit" means a single emission point or group of emissions points defined as a unit for purposes of an alternative emissions limit issued under Section 44-040 through 44-120.
13. "Emission" means a release into the atmosphere of any regulated pollutant or air contaminant.
14. "Emissions Limitation" and "Emissions Standard" mean a requirement adopted by the Department or Regional Agency, or proposed or promulgated by the Administrator of the EPA, which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.
15. "Emissions Unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant.
    A. A part of a stationary source is any machine, equipment, raw material, product, or by-product that produces or emits air pollutants. An activity is any process, operation, action, or reaction (e.g., chemical) at a stationary source that emits air pollutants. Except as described in subsection (d) of this section, parts and activities may be grouped for purposes of defining an emissions unit provided the following conditions are met:
        1) The group used to define the emissions unit may not include discrete parts or activities to which a distinct emissions standard applies or for which different compliance demonstration requirements apply; and
        2) The emissions from the emissions unit are quantifiable.
    B. Emissions units may be defined on a pollutant by pollutant basis where applicable;
    C. The term "emissions unit" is not meant to alter or affect the definition of the term "unit" for purposes of Title IV of the FCAA;
    D. Parts and activities shall not be grouped for purposes of determining emissions increases from an emissions unit under Section 38-0050 through 38-0070, or Title 34, or for purposes of determining the applicability of a New Source Performance Standard (NSPS).
16. "EPA" means the Administrator of the United States Environmental Protection Agency or the Administrator's designee.
17. "EPA Conditional Method" means any method of sampling and analyzing for air pollutants which has been validated by the EPA but which has not been published as an EPA reference method.
18. "EPA Reference Method" means any method of sampling and analyzing for an air pollutant as described in 40 CFR Part 60, 61, or 63.

19. "Equipment leaks" means leaks from pumps, compressors, pressure relief devices, sampling connection systems, open ended valves or lines, valves, connectors, agitators, accumulator vessels, and instrumentation systems in hazardous air pollutant service.
20. "Existing Source" means any source, the construction of which commenced prior to proposal of an applicable standard under sections 112 or 129 of the FCAA.
21. "Facility" means all or part of any public or private building, structure, installation, equipment, or vehicle or vessel, including but not limited to ships.
22. "Fugitive Emissions" means emissions of any air contaminant that escape to the atmosphere from any point or area that is not identifiable as a stack, vent, duct or equivalent opening.
23. "Generally Available Control Technology (GACT)" means an alternative emission standard promulgated by EPA for non-major sources of hazardous air pollutants which provides for the use of control technology or management practices which are generally available.
24. "Hazardous Air Pollutant" (HAP) means an air pollutant listed by the EPA pursuant to section 112(b) of the FCAA or determined by the Commission to cause, or reasonably be anticipated to cause, adverse effects to human health or the environment.
25. "High-Risk Pollutant" means any air pollutant listed in Table 2 of 44-080 for which exposure to small quantities may cause a high risk of adverse public health effects.
26. "Major Source" means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants. The EPA may establish a lesser quantity, or in the case of radionuclides different criteria, for a major source on the basis of the potency of the air pollutant, persistence, potential for bioaccumulation, other characteristics of the air pollutant, or other relevant factors.
27. "Maximum Achievable Control Technology (MACT)" means an emission standard applicable to major sources of hazardous air pollutants that requires the maximum degree of reduction in emissions deemed achievable for either new or existing sources.
28. "New Source" means a stationary source, the construction of which is commenced after proposal of a federal MACT or January 3, 1993 of this Title, whichever is earlier.
29. "Not Feasible to Prescribe or Enforce a Numerical Emission Limit" means a situation in which LRAPA determines that a pollutant or stream of pollutants listed in Section 44-020 cannot be emitted through a conveyance designed and constructed to emit or capture such pollutant, or that any requirement for, or use of, such a conveyance would be inconsistent with any state or federal law or regulation; or the application of measurement technology to a particular source is not practicable due to technological or economic limitations.
30. "Person" means the United States Government and agencies thereof, any state, individual, public or private corporation, political subdivision, governmental agency, municipality, industry, co-partnership, association, firm, trust, estate, or any other legal entity whatsoever.
31. "Potential to Emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the EPA. This section does not alter or affect the use of this section for any other purposes under the Act, or the term "capacity factor" as used in Title IV of the Act or the regulations promulgated thereunder. Secondary emissions shall not be considered in determining the potential to emit of a source.

32. "Reconstruct a Major Source" means the replacement of components at an existing process or production unit that in and of itself emits or has the potential to emit 10 tons per year of any HAP or 25 tons per year of any combination of HAP, whenever: the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable process or production unit; and; it is technically and economically feasible for the reconstructed major source to meet the applicable maximum achievable control technology emission limitation for new sources established under 40 CFR Part 63 Subpart B.
33. "Regional Agency" or "Agency" means Lane Regional Air Protection Agency.
34. "Regulated Air Pollutant" as used in this Title means:
    A. Any pollutant listed under OAR 340-200-0400 or Section 44-160; or
    B. Any pollutant that is subject to a standard promulgated pursuant to Section 129 of the Act.
35. "Secondary Emissions" means emissions from new or existing sources which occur as a result of the construction and/or operation of a source or modification, but do not come from the source itself. Secondary emissions shall be specific, well defined, and quantifiable, and impact the same general area as the source associated with the secondary emissions. Secondary emissions may include but are not limited to:
    A. Emissions from ships and trains coming to or from a facility;
    B. Emissions from offsite support facilities which would be constructed or would otherwise increase emissions as a result of the construction of a source or modification.
36. "Section 111" means that section of the FCAA that includes standards of performance for new stationary sources.
37. "Section 112(b)" means that subsection of the FCAA that includes the list of hazardous air pollutants to be regulated.
38. "Section 112(d)" means that subsection of the FCAA that directs the EPA to establish emission standards for sources of hazardous air pollutants. This section also defines the criteria to be used by EPA when establishing the emission standards.
39. "Section 112(e)" means that subsection of the FCAA that directs the EPA to establish and promulgate emissions standards for categories and subcategories of sources that emit hazardous air pollutants.
40. "Section 112(n)" means that subsection of the FCAA that includes requirements for the EPA to conduct studies on the hazards to public health prior to developing emissions standards for specified categories of hazardous air pollutant emission sources.
41. "Section 112(r)" means that subsection of the FCAA that includes requirements for the EPA promulgate regulations for the prevention, detection and correction of accidental releases.
42. "Section 129" means that section of the FCAA that requires EPA to promulgate regulations for solid waste combustion.
43. "Solid Waste Incineration Unit" as used in this Title shall have the same meaning as given in Section 129(g) of the FCAA.
44. "Stationary Source":
    A. As used in Title 44 means any building, structure, facility, or installation which emits or may emit any regulated air pollutant;
    B. As used in Section 44-160 means any buildings, structures, equipment, installations, or substance emitting stationary activities:
        1) That belong to the same industrial group;
        2) That are located on one or more contiguous properties;

3) That are under the control of the same person (or persons under common control); and
4) From which an accidental release may occur.

Section 44-020 List of Hazardous Air Pollutants

For purposes of this Title LRAPA adopts by reference the pollutants, including groups of substances and mixtures, listed in **Section 112(b) of FCAA**, as Hazardous Air Pollutants (Table 1). *(Section 37-020 Original Adoption 06/11/02Bexpanded and amended language from 43-002, Tables new to 06/11/02 rulemaking)*

Section 44-030 Amending the List of Hazardous Air Pollutants

1. Any person may file a petition with LRAPA to amend the HAP List. The petition must include at least the following information:

   A. Name and chemical abstract service number of the substance;

   B. Quantity of the substance used and released in Lane County;

   C. Sources or source categories emitting the substance;

   D. Potential adverse effects of the substance on public health and the environment;

   E. Potential exposure pathways; and

   F. Uncertainties in the data provided.

2. LRAPA shall present this information, or other information that LRAPA may develop, to the Department, consistent with OAR 240-244-0050(1), for presentation to the Commission which will consider it along with the best available scientific information developed by the EPA, the Oregon Health Division, other states, other scientific organizations, or by any person.

3. The Commission shall amend the HAP list if:

   A. It finds there is a scientifically defensible need to add a substance not on the EPA list to protect the public health or environment;

   B. A chemical is added to the list by the EPA;

   C. A substance is deleted from the list by the EPA and the Commission finds that the substance can be deleted without causing harm to public health or the environment; or

   D. A substance has previously been added to the list by the Commission but not by the EPA, and the Commission finds that the substance can be deleted without causing harm to public health or the environment.

(Section 37-030 Original Adoption 06/11/02)

COMPLIANCE EXTENSIONS FOR EARLY REDUCTIONS

Section 44-040 Applicability

The requirements of 44-040 through 44-120 apply to an owner or operator of an existing source who wishes to obtain a compliance extension and an alternative emission limit from a standard issued under **Section 112(d) of the FCAA**. Any owner or operator of a facility who elects to comply with a compliance extension and alternative emission limit issued under this section must complete a permit application as prescribed in 44-050. *(Section 37-040 Original Adoption 06/11/02)*

Section 44-050 Permit Application Procedures for Early Reductions

1. To apply for an alternative emission limitations under 44-040, an owner or operator of the source shall file a permit application with LRAPA.

2. Except as provided in subsection 3 of this rule, the permit application shall contain the information required in 44-080 and shall comply with additional permit application procedures as prescribed in **OAR 340 Division 218**.

3. Permit applications for Early Reductions shall be submitted no later than 120 days after proposal of an otherwise applicable standard issued under **Section 112(d) of the FCAA** provided that the reduction was achieved prior to the date of proposal of the standard.

4. The post-reduction emissions information required under 44-080-5.B, 5.C, and 5.E shall not be filed as part of the source=s initial permit application but shall be filed later as a supplement to the application. This supplementary information shall be filed no earlier than one (1) year after the date early reduction had to be achieved according to 44-060-1.B and no later than thirteen (13) months after such date.

5. If a source test is the supporting basis for establishing post-reduction emissions for one or more emission points in the Early Reductions Unit, the test results shall be submitted by the applicable deadline for submittal of a permit application as specified in subsection 3 of this rule.

6. LRAPA shall review and decide on permit applications for early reductions according to the provisions of **OAR 340 Division 218**.

(Section 37-050 Original Adoption 06/11/02)

Section 44-060 General Provisions for Compliance Extensions

1. LRAPA shall by permit, issued in accordance with **OAR 340 Division 218**, allow an existing source to meet an alternative emission limitation for an Early Reductions Unit in lieu of an emission limitation promulgated under **Section 112(d) of the FCAA** for a period of six (6) years from the compliance date of the otherwise applicable standard provided the owner or operator demonstrates:

A. According to the requirements of 44-080 that the Early Reductions Unit has achieved a reduction of at least 90 percent (95 percent or more in the case of HAP that are particulate) in emissions of:

(1) Total HAP from the Early Reductions Unit; or

(2) Total HAP from the Early Reductions Unit as adjusted for high-risk pollutant weighing factors (Table 2), if applicable.

B. That such reduction was achieved before the otherwise applicable standard issued under **Section 112(d) of the FCAA** was first proposed.

2. A source granted an alternative emission limitation shall comply with an applicable standard issued under **Section 112(d) of the FCAA** immediately upon expiration of the six-year compliance extension period specified in subsection 1 of this rule.

3. For each facility issued a permit under subsection 1 of this rule, there shall be established as part of the permit an enforceable alternative emission limitation for HAP for each Early Reductions Unit reflecting the reduction that qualified the Early Reductions Unit for the alternative emission limitation.

4. Any source that has received an alternative emissions limit from EPA, either pursuant to **40 CFR 63.75 Enforceable Commitments, dated December 29, 1992**, or as a Title V specialty permit, shall have the alternative emission limit(s) incorporated as an applicable requirement in its operating permit pursuant to **OAR 340-218-0150** upon permit issuance or renewal.

5. If a source fails to submit a timely and complete application according to **OAR 340-218-0040**, or does not adequately demonstrate the required reductions in emissions pursuant to 44-080, LRAPA shall not approve the source's application for a compliance extension and alternative emission limit, and the source is required to comply with any applicable emission standard established pursuant to **Section 112(d) of the FCAA** by the compliance date prescribed in the applicable standard.

(Section 37-060 Original Adoption 06/11/02)

Section 44-070 Determination of Early Reductions Unit

An alternative emission limitation may be granted under this section to an existing Early Reductions Unit as defined below provided that a 90 percent (or 95 percent in the case of particulate emissions) reduction in base year HAP emissions is achieved. For the purposes of compliance extensions for early reductions only, an Early Reductions Unit includes any of the following:

1. A building, structure, facility, or installation identified as a source under any proposed or promulgated standard issued under **Section 112(d) of the FCAA**;

2. All portions of an entire contiguous plant site under common ownership or control that emit hazardous air pollutants;

3. Any portion of an entire contiguous plant site under common ownership or control that emits HAP and can be identified as a facility, building, structure, or installation for the purposes of establishing standards under **Section 112(d) of the FCAA**; or

4. Any individual emission point or combination of emission points within a contiguous plant site under common control, provided that the base year emissions of HAP from such point or aggregation of points is at least ten (10) tons per year where the total base year emissions of HAP from the entire contiguous plant site is greater than 25 tons, or at least five (5) tons per year where the total base year emissions of HAP from the entire contiguous plant site is equal to or less than 25 tons.

(Section 37-070 Original Adoption 06/11/02)

Section 44-080 Demonstration of Early Reduction

1. For purposes of determining emissions for Early Reductions, Actual emissions: means the actual rate of emissions of a pollutant, but does not include excess emissions from a malfunction, or startups and shutdowns associated with a malfunction. Actual emissions shall be calculated using the source's actual operating rates, and types of materials processed, stored, or combusted during the selected time period.

2. An owner or operator applying for an alternative emission limitation shall demonstrate achieving early reductions as required by 44-060-1 by following the procedures in this rule.

3. An owner or operator shall establish the Early Reductions Unit for the purposes of a compliance extension and alternative emission limit by documenting the following information:

   A. A description of the Early Reductions Unit including a site plan of the entire contiguous plant site under common control that contains the Early Reductions Unit, markings on the site plan locating the parts of the site that constitute the Early Reductions Unit, and the activity at the Early Reductions Unit that causes HAP emissions;

   B. A complete list of all emission points of HAP in the Early Reductions Unit, including identification numbers and short descriptive titles; and

   C. A statement showing that the Early Reductions Unit conforms to one of the allowable definition options from 37-070. For an Early Reductions Unit conforming to the option in 37-070-4, the total base year emissions from the Early Reductions Unit, as determined pursuant to this section, shall be demonstrated to be at least:

      (1) Five (5) tons per year, for cases in which total HAP emissions from the entire contiguous plant site under common control are 25 tons per year or less as required under subsection 12 of this rule; or

      (2) Ten (10) tons per year in all other cases.

4. An owner or operator shall establish base year emissions for the Early Reductions Unit by providing the following information:

A. The base year chosen, where the base year shall be 1987 or later;

B. The best available data accounting for actual emissions, during the base year, of all HAP from each emission point listed in the Early Reductions Unit in subsection 3.B of this rule;

C. The supporting basis for each emission number provided in subsection 4.B of this rule, including:

(1) For test results submitted as the supporting basis, a description of the test protocol followed, any problems encountered during the testing, a discussion of the validity of the method for measuring the subject emissions, and evidence that the testing was conducted in accordance with the Department's ***Source Sampling Manual*** **or** ***Continuous Monitoring Manual***; and

(2) For calculations based on emission factors, material balance, or engineering principles and submitted as the supporting basis, a step-by-step description of the calculations, including assumptions used and their bases, and a brief rationale for the validity of the calculation method used; and

D. Evidence that the emissions provided under subsection 4.B of this rule are not artificially or substantially greater than emissions in other years prior to implementation of emission reduction measures.

5. An owner or operator shall establish post-reduction emissions by providing the following information:

A. For the emission points listed in the Early Reductions Unit in subsection 3.B of this rule a description of all control measures employed to achieve the emission reduction required by 44-060-1.A;

B. The best available data accounting for actual emissions, during the year following the applicable emission reduction deadlines as specified in 44-060-1.B, of all HAP from each emission point in the Early Reductions Unit listed in subsection 3.B of this rule;

C. The supporting basis for each emission number provided in subsection 5.B of this rule, including:

(1) For test results submitted as the supporting basis, a description of the test protocol followed, any problems encountered during the testing, a discussion of the validity of the method for measuring the subject emissions, and evidence that the testing was conducted in accordance with the Department's ***Source Sampling Manual*** **or** ***Continuous Monitoring Manual***; and

(2) For calculations based on emission factors, material balance, or engineering principles and submitted as the supporting basis, a step-by-step description of the calculations, including assumptions used and their bases, and a brief rationale for the validity of the calculation method used; and

D. Evidence that there was no increase in radionuclide emissions from the source.

6. A. An owner or operator shall demonstrate that both total base year emissions and total base year emission adjusted for high-risk pollutants (*Table 2*), as applicable, have been reduced by at least 90 (ninety) percent for gaseous HAP emitted and 95 (ninety-five) percent for particulate HAP emitted by determining the following for gaseous and particulate emissions separately:

(1) Total base year emissions, calculated by summing all base year emission data from subsection 4.B of this rule;

(2) Total post-reduction emissions, calculated by summing all post-reduction emission data from subsection 5.B of this rule;

(3) Total base year emissions adjusted for high-risk pollutants, calculated by multiplying each emission number for a pollutant from subsection 4.B of this rule by the appropriate weighing factor for the pollutant from *Table 2* and then summing all weighted emission data; and

(4) Fotal post-reduction emissions adjusted for high-risk pollutants, calculated by multiplying each emission number for a pollutant from subsection 5.B of this rule by the appropriate weighing factor the pollutant from *Table 2* and then summing all weighted emission data;

(5) Percent reductions, calculated by dividing the difference between base year and post-reduction emissions by the base year emissions. Separate demonstrations are required for total gaseous and particulate emissions, and total gaseous and particulate emissions adjusted for high-risk pollutants.

B. If any points in the Early Reductions Unit emit both particulate and gaseous pollutants, as an alternative to the demonstration required in subsection 6.A of this rule, an owner or operator may demonstrate:

(1) A weighted average percent reduction for all points emitting both particulate and gaseous pollutants where the weighted average percent reduction is determined by [Formula not included. See ED. NOTE.]

(2) The reductions required in subsection 6.A of this rule for all other points in each Early Reductions Unit.

7. If lower rates or hours are used to achieve all or part of the emission reduction, any HAP emissions that occur from a compensating increase in rates of hours from the same activity elsewhere within the plant site that contains the Early Reductions Unit shall be counted in the post-reduction emissions from the Early Reductions Unit. If emission reductions are

achieved by shutting down process equipment and the shutdown equipment is restarted or replaced anywhere within the plant site, any hazardous air pollutant emissions from the restarted or replacement equipment shall be counted in the post-reduction emissions for the Early Reductions Unit.

8. The best available data representing actual emissions for the purpose of establishing base year or post-reduction emissions under this rule shall consist of documented results from source tests using an EPA Reference Method, EPA Conditional Method, or the owner's or operator's source test method that has been validated pursuant to **Method 301** of **40 CFR Chapter 1 Part 63 Appendix A**, dated **June 1992**. However, if one of the following conditions exists, an owner or operator may submit, in lieu of results from source tests, calculations based on engineering principles, emission factors, or material balance data as actual emission data for establishing base year or post-reduction emissions:

   A. No applicable EPA Reference Method, EPA Conditional Method, or other source test method exists;

   B. It is not technologically or economically feasible to perform source tests;

   C. It can be demonstrated to the satisfaction of LRAPA that the calculations will provide emission estimates of accuracy comparable to that of any applicable source test method;

   D. For base year emission estimates, only, the base year conditions no longer exist at an emission point in the Early Reductions Unit, and emission data could not be produced for such an emission point by performing source tests under currently existing conditions, and converting the test results to reflect base year conditions, that is more accurate than an estimate produced by using engineering principles, emission factors, or a material balance; or

   E. The emissions from one or a set of emission points in the Early Reductions Unit are small compared to total Early Reductions Unit emissions, and potential errors in establishing emissions from such points will not have a significant effect on the accuracy of total emissions established for the Early Reductions Unit.

9. For base year or post-reduction emissions established under this rule that are not supported by source test data, the source owner or operator shall include the reason source testing was not performed.

10. The EPA average emission factors for equipment leaks cannot be used under this subpart to establish base year emissions for equipment leak Early Reductions Units, unless the base year emission number calculated using the EPA average emission factors for equipment leaks also is used as the post-reduction emission number for equipment leaks from the Early Reductions Unit.

11. A source owner or operator shall not establish base year or post-reduction emissions that include any emissions from the Early Reductions Unit exceeding allowable emission levels specified in any applicable law, regulation, or permit condition.

12. For Early Reductions Units subject to Section 44-080-3.C.(1), an owner or operator shall document total base year emissions from an entire contiguous plant site under common control by providing the following information for all HAP from all emission points in the contiguous plant site under common control:

    A. A complete list of all emission points of HAP;

    B. The best available data accounting for all HAP emissions during the base year from each HAP emission point;

    C. Total base year emissions calculated by summing all base year emissions data from Section 44-080-12.B.

13. If a new pollutant is added to the list of HAP or high-risk pollutants, any source emitting such pollutant will not be required to revise an early reduction demonstration pursuant to this rule if alternative emission limits have previously been specified by permit for the Early Reductions Unit as provided for in 44-060.

(Section 37-080 Original Adoption 06/11/02)

Section 44-090 Review of Base Year Emissions

1. Pursuant to the procedures of this rule, LRAPA shall review and approve or disapprove base year emissions data submitted in a permit application from an applicant that wishes to participate in the early reduction program. A copy of the permit application shall also be submitted to the EPA Region 10 Office.

2. Within 30 (thirty) days of receipt of base year emission data, LRAPA shall advise the applicant that:

    A. The base year emission data are complete as submitted; or

    B. The base year emission data are not complete and include a list of deficiencies that must be corrected before review can proceed.

3. Within 60 (sixty) days of a determination that a base year emission data submission is complete, LRAPA shall evaluate the adequacy of the submission with respect to the requirements of 44-080-2 through 4 and either:

    A. Propose to approve the submission and publish a notice in a newspaper of general circulation in the area where the source is located or in a state publication designed to give general public notice, providing the aggregate base year emission data for the source and the rationale for the proposed approval, noting the availability of the non-confidential information contained in the submission for public inspection in at least one location in the community in which the source is located, providing for a public hearing upon request by at least 10 (ten) interested persons, and establishing a 30

(thirty)-day public comment period that can be extended to 60 (sixty) days upon request by at least ten interested persons; or

B. Propose to disapprove the base year emission data and give notice to the applicant of the reasons for the disapproval. An applicant may correct disapproved base year data and submit revised data for review in accordance with this subsection, except that the review of a revision shall be accomplished within 30 (thirty) days.

4. If no adverse public comments are received by the reviewing agency on proposed base year data for a source, the data shall be considered approved at the close of the public comment period and a notice of the approval shall be sent to the applicant and published by the reviewing agency by advertisement in the area affected.

5. If adverse public comments are received and LRAPA agrees that corrections are needed, LRAPA shall give notice to the applicant of the disapproval and reasons for the disapproval. An applicant may correct disapproved base year emission data and submit revised emission data. If a revision is submitted by the applicant that, to the satisfaction of LRAPA, takes into account the adverse comments, LRAPA will publish by advertisement in the area affected a notice containing the approved base year emission data for the source and send notice of the approval to the applicant.

6. If adverse public comments are received and LRAPA determines that the comments do not warrant changes to the base year emission data, LRAPA will publish by advertisement in the area affected a notice containing the approved base year emission data for the source and the reasons for not accepting the adverse comments. A notice of the approval also shall be sent to the applicant.

(Section 37-090 Original Adoption 06/11/02)

Section 44-100 Early Reduction Demonstration Evaluation

1. LRAPA will evaluate an early reduction demonstration submitted by the source owner or operator in a permit application with respect to the requirements of 44-080.

2. An application for a compliance extension may be denied if, in the judgment of LRAPA, the owner or operator has failed to demonstrate that the requirements of 44-080 have been met. Specific reasons for denial include, but are not limited to:

A. The information supplied by the owner or operator is incomplete;

B. The required 90 (ninety) percent reduction (95[ninety-five] percent in cases where the HAP is particulate matter) has not been demonstrated;

C. The base year or post-reduction emissions are incorrect, based on methods or assumptions that are not valid, or not sufficiently reliable or well documented to determine with reasonable certainty that required reductions have been achieved; or

The emission of HAP or the performance of emission control measures is unreliable so as to preclude determination that the required reductions have been achieved or will continue to be achieved during the extension period.

(Section 37-100 Original Adoption 06/11/02)

Section 44-110 Approval of Applications

1. If an early reduction demonstration is approved and other requirements for a complete permit application are met, LRAPA shall establish by a permit issued pursuant to **OAR 340 Division 218**, enforceable alternative emissions limitations for each Early Reductions Unit reflecting the reduction which qualified the Early Reductions Unit for the extension. However, if it is not feasible to prescribe a numerical emissions limitation for one or more emission points in the Early Reductions Unit, LRAPA shall establish such other requirements, reflecting the reduction which qualified the Early Reductions Unit for an extension, in order to assure that the 90 (ninety) or 95 (ninety-five) percent reduction, as applicable, is achieved.

2. An alternative emissions limitation or other requirement prescribed pursuant to section 1 of this rule shall be effective and enforceable immediately upon issuance of the permit for the source and shall expire exactly 6 (six) years after the compliance date of an otherwise applicable standard issued pursuant to **Section 112(d) of the FCAA**.

(Section 37-110 Original Adoption 06/11/02)

Section 44-120 Rules for Special Situations

1. If more than one standard issued under **Section 112(d) of the FCAA** would be applicable to an Early Reductions Unit as defined under 44-070, then the date of proposal referred to in 44-050-3, 44-060-1.B, and 44-080-5.D is the date the first applicable standard is proposed.

2. Sources emitting radionuclides are not required to reduce radionuclides by 90 (95) percent. Radionuclides may not be increased from the source as a result of the early reductions demonstration.

(Section 37-120 Original Adoption 06/11/02)

EMISSION STANDARDS

Section 44-130 Emissions Limitation for New and Reconstructed Major Sources

1. Federal MACT. Any person who proposes to construct a major source of HAP after an applicable emissions standard has been proposed by the EPA pursuant to **Section 112(d)**, **Section 112(n)**, or **Section 129 of the FCAA** shall comply with the requirements and emission standard for new sources when promulgated by EPA.

2. State MACT. Any person who proposes to construct or reconstruct a major source of hazardous air pollutants before MACT requirements applicable to that source have been

proposed by the EPA and after the effective date of the program shall comply with new and reconstructed source MACT requirements of **40 CFR Part 63, Subpart B**.

(Section 37-130 Original Adoption 06/11/02)

Section 44-140 Emissions Limitation for Existing Sources

1. Federal MACT. Existing major and area sources shall comply with the applicable emissions standards for existing sources promulgated by the EPA pursuant to **Section 112(d)**, **section 112(n)**, or **Section 129 of the FCAA** and adopted by rule within this Title.

2. State MACT. After January 3, 1995 if the EPA fails to meet its schedule for promulgating a MACT standard for a source category, LRAPA shall approve HAP emissions limitations for existing major sources within that category on a case-by-case basis, in accordance with the requirements of **40 CFR, Part 63, Subpart B**.

   A. If, after a permit has been issued, the EPA promulgates a MACT standard applicable to a source, which is more stringent than the one established pursuant to this section, LRAPA shall revise the permit upon the next renewal to reflect the standard promulgated by the EPA. The source shall be given a reasonable time to comply, but no longer than 8 (eight) years after the standard is promulgated.

   B. LRAPA shall not establish a case-by-case MACT:

      (1) For existing solid waste incineration units where an emissions standard will be established for these units by the EPA pursuant to **Section 111 of the FCAA**. These sources are subject to applicable emissions standards under Title 46.

      (2) For existing major HAP sources where an emissions standard or alternative control strategy will be established by the EPA pursuant to **Section 112(n) of the FCAA**.

3. Compliance schedule

   A. The owner or operator of the source shall comply with the emission limitation:

      (1) Within the time frame established in the applicable Federal MACT standard, but in no case later than 3 (three) years from the date of federal promulgation of the applicable MACT requirements; or

      (2) Within the time frame established by LRAPA where a State- determined MACT has been established or a case-by-case determination has been made.

   B. The owner or operator of the source may apply for, and LRAPA may grant, a compliance extension of up to 1 (one) year if such additional period is necessary for the installation of controls.

   C. Notwithstanding the requirements of this section, no existing source that has installed Best Available Control Technology or been required to meet Lowest Achievable

Emission Rate prior to the promulgation of a federal MACT applicable to that emissions unit shall be required to comply with such MACT standard until 5 (five) years after the date on which such installation or reduction has been achieved, as determined by LRAPA.

(Section 37-140 Original Adoption 06/11/02)

Section 44-150 Federal Regulations Adopted by Reference

1. Except as provided in section 2 of this rule, **40 CFR Part 61, Subparts A, C through F, J, L, N through P, V, Y, BB, and FF (July 1, 2008)** and **40 CFR Part 63, Subparts A, F, G, H, I, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, LL, MM, OO, PP, QQ, RR, SS, TT, UU, VV, WW, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, VVV, XXX, AAAA, CCCC, DDDD, EEEE, FFFF, GGGG,HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, YYYY, ZZZZ, AAAAA, BBBBB, CCCCC, , EEEEE, FFFFF, GGGGG, HHHHH, IIIII< JJJJJ, KKKKK, LLLLL, MMMMM, NNNNN, PPPPP, QQQQQ, RRRRR, SSSSS, and TTTTT** are by reference adopted and incorporated herein.

2. Where "Administrator" or "EPA" appears in **40 CFR Part 61** or **63**, "LRAPA" shall be substituted, except in any section of **40 CFR Part 61** or **63** for which a federal rule or delegation specifically indicates that authority will not be delegated to the state.

3. 40 CFR Part 63 Subpart M -- Dry Cleaning Facilities using Perchloroethylene: The exemptions in 40 CFR 63.320(d) and (e) do not apply.

4. **40 CFR Part 61** Subparts adopted by this rule are titled as follows:

   A. Subpart A-General Provisions;

   B. Subpart C-Beryllium;

   C. Subpart D-Beryllium Rocket Motor Firing;

   D. Subpart E-Mercury;

   E. Subpart F-Vinyl Chloride;

   F. Subpart J - Equipment Leaks (Fugitive Emission Sources) of Benzene;

   G. Subpart L-Benzene Emissions from Coke By-Product Recovery Plants;

   H. Subpart N-Inorganic Arsenic Emissions from Glass Manufacturing Plants;

   I. Subpart O-Inorganic Arsenic Emissions from Primary Copper Smelters;

   J. Subpart P-Inorganic Arsenic Emissions from Arsenic Trioxide and Metal Arsenic Facilities;

K. Subpart V-Equipment Leaks (Fugitive Emission Sources);

L. Subpart Y-Benzene Emissions from Benzene Storage Vessels; and

M. Subpart BB – Benzene Emissions from Benzene Transfer Stations

N. Subpart FF-Benzene Waste Operations.

~~4.~~ **5.** **40 CFR Part 63** Subparts adopted by this rule are titled as follows:

A. Subpart A-General Provisions;

B. Subpart F-SOCMI;

C. Subpart G-SOCMI-Process Vents, Storage Vessels, Transfer Operations;

D. Subpart H-SOCMI-Equipment Leaks;

E. Subpart I-Certain Processes Subject to the Negotiated Regulation for Equipment Leaks;

F. Subpart J - Polyvinyl Chloride and Copolymers Production (federally vacated)

G. Subpart L-Coke Oven Batteries;

H. Subpart M-Dry Cleaning Facilities using Perchloroethylene;

I. Subpart N-Hard and Decorative Electroplating and Anodizing;

J. Subpart O-Ethylene Oxide Sterilization;

K. Subpart Q-Industrial Process Cooling Towers;

L. Subpart R-Gasoline Distribution (Bulk Gasoline Terminals and Pipeline Breakout Stations);

M. Subpart S-Pulp and Paper Industry;

N. Subpart T-Halogenated Solvent Cleaning;

O. Subpart U-Group I Polymers and Resins;

P. Subpart W-Epoxy Resins and Non-Nylon Polyamides Production;

Q. Subpart X-Secondary Lead Smelting;

R. Subpart Y-Marine Tank Vessel Loading Operations;

S. Subpart AA-Phosphoric Acid Manufacturing Plants;

T. Subpart BB-Phosphate Fertilizer Production Plants;

U. Subpart CC-Petroleum Refineries;

V. Subpart DD-Off-Site Waste and Recovery Operations;

W. Subpart EE-Magnetic Tape Manufacturing Operations;

X. Subpart GG-Aerospace Manufacturing Operations;

Y. Subpart HH-Oil and Natural Gas Production Facilities;

Z. Subpart II-Shipbuilding and Ship Repair (Surface Coating);

AA. Subpart JJ-Wood Furniture Manufacturing Operations;

BB. Subpart KK-Printing and Publishing Industry;

CC. Subpart LL-Primary Aluminum Reduction Plants;

DD. Subpart MM-Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semi-Chemical Pulp Mills

EE. Subpart OO-TanksBLevel 1;

FF. Subpart PP-Containers;

GG. Subpart QQ-Surface Impoundments;

HH. Subpart RR-Individual Drain Systems;

II. Subpart SS-Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process;

JJ. Subpart TT-Equipment LeaksBControl Level 1;

KK. Subpart UU-Equipment LeaksBControl Level 2 Standards;

LL. Subpart VV-Oil-Water Separators and Organic-Water Separators;

MM. Subpart WW-Storage Vessels (Tanks)- Control Level 2;

NN. Subpart XX - Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations;

OO. Subpart YY-Generic Maximum Achievable Control Technology Standards;

PP. Subpart CCC-Steel Pickling-HCI Process Facilities and Hydrochloric Acid Regeneration Plants;

QQ. Subpart DDD-Mineral Wool Production;

RR. Subpart EEE-Hazardous Waste Combustors;

SS. Subpart GGG-Pharmaceuticals Production;

TT. Subpart HHH-Natural Gas Transmission and Storage Facilities;

UU. Subpart III-Flexible Polyurethane Foam Production;

VV. Subpart JJJ-Group IV Polymers and Resins;

WW. Subpart LLL-Portland Cement Manufacturing Facilities;

XX. Subpart MMM-Pesticide Active Ingredient Production;

YY. Subpart NNN-Wool Fiberglass Manufacturing;

ZZ. Subpart OOO-Manufacture of Amino/Phenolic Resins;

AAA. Subpart PPP-Polyether Polyols Production;

BBB. Subpart QQQ - Primary Copper Smelting;

CCC. Subpart RRR-Secondary Aluminum Production

DDD. Subpart TTT-Primary Lead Smelting;

EEE. Subpart UUU - Petroleum Refineries -- Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units;

FFF. Subpart VVV-Publicly Owned Treatment Works;

GGG. Subpart XXX-Ferro Alloys, Ferromanganese, and Silico Manganese Production

HHH. Subpart AAAA -- Municipal Solid Waste Landfills;

III. Subpart CCCC-Manufacturing of Nutritional Yeast

JJJ. Subpart DDDD -- Plywood and Composite Wood Products;

KKK. Subpart EEEE -- Organic Liquids Distribution (non-gasoline);

LLL. Subpart FFFF -- Miscellaneous Organic Chemical Manufacturing;

MMM. Subpart GGGG-Solvent Extraction for Vegetable Oil Production

NNN. Subpart HHHH -- Wet Formed Fiberglass Mat Production;

OOO. Subpart IIII -- Surface Coating of Automobiles and Light-Duty Trucks;

PPP. Subpart JJJJ -- Paper and Other Web Coating;

QQQ. Subpart KKKK -- Surface Coating of Metal Cans;

RRR. Subpart MMMM -- Surface Coating of Miscellaneous Metal Parts and Products;

SSS. Subpart NNNN -- Surface Coating of Large Appliances;

TTT. Subpart OOOO - Printing, Coating, and Dyeing of Fabrics and Other Textiles;

UUU. Subpart PPPP - Surface Coating of Plastic Parts and Products;

VVV. Subpart QQQQ - Surface Coating of Wood Building Products;

WWW. Subpart RRRR - Surface Coating of Metal Furniture;

XXX. Subpart SSSS - Surface Coating of Metal Coil;

YYY. Subpart TTTT - Leather Finishing Operations;

ZZZ. Subpart UUUU - Cellulose Production Manufacturing;

AAAA. Subpart VVVV - Boat Manufacturing;

BBBB. Subpart WWWW - Reinforced Plastics Composites Production;

CCCC. Subpart XXXX - Rubber Tire Manufacturing;

DDDD. Subpart YYYY - Stationary Combustion Turbines;

EEEE. Subpart ZZZZ - Reciprocating Internal Combustion Engines;

FFFF. Subpart AAAAA - Lime Manufacturing;

GGGG. Subpart BBBBB - Semiconductor Manufacturing;

HHHH. Subpart CCCCC - Coke Ovens: Pushing, Quenching & Battery Stacks;

IIII. Subpart EEEEE - Iron and Steel Foundries;

JJJJ. Subpart FFFFF - Integrated Iron and Steel Manufacturing Facilities;

KKKK. Subpart GGGGG - Site Remediation;

HHHHH. Subpart HHHHH - Misc. Coating Manufacturing;

MMMM. Subpart IIIII - Mercury Cell Chlor-Alkali Plants;

NNNN. Subpart JJJJJ - Brick and Structural Clay Products Manufacturing (federally vacated);

OOOO. Subpart KKKKK - Clay Ceramics Manufacturing (federally vacated);

PPPP. Subpart LLLLL - Asphalt Processing & Asphalt Roofing Manufacturing;

QQQQ. Subpart MMMMM - Flexible Polyurethane Foam Fabrication Operations;

RRRR. Subpart NNNNN - Hydrochloric Acid Production;

SSSS. Subpart PPPPP - Engine Tests Cells/Stands;

TTTT. Subpart QQQQQ - Friction Materials Manufacturing Facilities;

UUUU. Subpart RRRRR - Taconite Iron Ore Processing;

VVVV. Subpart SSSSS - Refractory Products Manufacturing;

WWWW. Subpart TTTTT - Primary Magnesium Refining.

(Section 37-150 Original Adoption 06/11/02, includes updated provisions of 43-020 through 43-035 which were deleted from Title 43 by 06/11/02 rulamking)

Section 44-160 Accidental Release Prevention

1. List. For purposes of this rule LRAPA adopts by reference the List of Regulated Substances and Thresholds for Accidental Release Prevention **40 CFR Part 68 Subpart F (July 1, 2001)** which includes the **Department of Transportation Division 1.1 Explosive Standards List (49 CFR 172.101)**. (Table 3)

2. Risk Management Plan. The owner or operator of a stationary source at which a substance listed in Table 3 is present, as stored on site (not necessarily emitted to the air), in greater than the threshold quantity shall prepare and implement a written risk management plan to detect and prevent or minimize accidental releases, and to provide a prompt emergency response to any such releases in order to protect human health and the environment.

3. Compliance. The owner or operator of a stationary source required to prepare and implement a risk management plan under section 2 of this rule shall:

   A. Register the risk management plan with the EPA;

B. Submit copies of the risk management plan to the U.S. Chemical Safety and Hazard Identification Board, LRAPA, and the Oregon Office of Emergency Management; and

C. Submit; as part of the compliance certification required under **OAR 340-218-0080**, annual certification to LRAPA that the risk management plan is being properly implemented.

4. Compliance Schedule:

A. The owner or operator of a stationary source shall prepare and implement a risk management plan under section 2 of this rule according to the schedule promulgated by the EPA.

B. The owner or operator of a stationary source that adds a listed substance or exceeds the threshold shall prepare and implement a risk management plan according to the schedule promulgated by the EPA.

CAS NUMBER	TABLE 1 LIST OF HAZARDOUS AIR POLLUTANTS (44-020) **CHEMICAL NAME**
75070	Acetaldehyde
60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorene
107028	Acrolein
79061	Acrylamide
79107	Acrylic acid
107131	Acrylonitrile
8107051	Allyl chloride
92671	4-Aminobiphenyl
62533	Aniline
90040	o-Anisidine
1332214	Asbestos
71432	Benzene (including benzene from gasoline)
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl chloride
92524	Biphenyl

CAS NUMBER	TABLE 1 LIST OF HAZARDOUS AIR POLLUTANTS (44-020) CHEMICAL NAME
117817	Bis(2-ethylhexyl) phthalate (DEHP)
542881	Bis(chloromethyl)ether
75252	Bromoform
106900	1,3-Butadiene
156627	Calcium cyanamide
133062	Captan
63252	Carbaryl
75150	Carbon disulfide
56235	Carbon tetrachloride
463581	Carbon sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
97118	Chloroacetic acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl methyl ether
126998	Chloroprene
19773	Cresols/Cresylic acid (isomers and mixture)
95487	o-Cresol
108394	m-Cresol
106445	p-Cresol
98828	Cumene
94757	2,4-D, salts and esters
3547044	DDE
334883	Diazomethane
132649	Dibenzofurans
96128	1,2-Dibromo-3-chloropropane
84742	Dibutylphthalate
106467	1,4-Dicholorobenzene(p)
91941	3,3-Dichlorobenzidene
111444	Dichloroethyl ether [Bis(2-chloroethyl)ether]

TABLE 1 LIST OF HAZARDOUS AIR POLLUTANTS (44-020) **CAS NUMBER**	**CHEMICAL NAME**
542756	1,3-Dichloropropene
62737	Dichlorvos
111422	Diethanolamine
121697	N,N-Diethyl aniline (N,N-Dimethylaniline)
64675	Diethyl sulfate
119904	3,3-Dimethyloxybenzidine
60117	Dimethyl aminoazobenzene
119937	3,3-Dimethyl benzidine
79447	Dimethyl carbamoyl chloride
68122	Dimethyl formamide
57147	1,1-Dimethyl hydrazine
131113	Dimethyl phthalate
77781	Dimethyl sulfate
534521	4,6-Dinitro-o-cresol, and salts
51285	2,4-Dinitrotoluene
121142	2,4-Dinitrotoluene
123911	1,4-Dioxane (1,4-Diethyleneoxide)
122667	1,2-Diphenylhydrazine
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106887	1,2-Epoxybutane
140885	Ethyl acrylate
100414	Ethyl benzene
51796	Ethyl carbamate (Urethane)
75003	Ethyl chloride (Chlorethane)
106934	Ethylene dibromide (Dibromoethane)
107062	Ethylene dichloride (1,2-Dichloroethane)
107211	Ethylene glycol
151564	Ethylene imine (Aziridine)
75218	Ethylene oxide
96457	Ethylene thiourea
75343	Ethylidene dichloride (1,1,-Dichloroethane)
50000	Formaldehyde
76448	Heptachlor
118741	Hexachlorobenzene
87683	Hexachlorobutadiene

CAS NUMBER	TABLE 1 LIST OF HAZARDOUS AIR POLLUTANTS (44-020) CHEMICAL NAME
77474	Hexachlorocyclopentadiene
67721	Hexachloroethane
822060	Hexamethylene-1,6-diisocyanate
680319	Hexamethylphosphoramide
110543	Hexane
302012	Hydrazine
7647010	Hydrochloric acid
7664393	Hydrogen fluoride (Hydrofluoric acid)
123319	Hydroquinone
78591	Isophorone
58899	Lindane (all isomers)
108316	Maleic anhydride
67561	Methanol
72435	Methoxychlor
74839	Methyl bromide (Bromomethane)
74873	Methyl chloride (Chloromethane)
71556	Methyl chloroform (1,1,1-Trichloroethane)
	EPA Delisted June 20, 2005
60344	Methyl hydrazine
74884	Methyl iodide (Iodomethane)
108101	Methyl isobutyl ketone (Hexone)
624839	Methyl isocyanate
80626	Methyl methacrylate
1634044	Methyl tert butyl ether
101144	4.4-Methylene bis(2-Chloroaniline)
75092	Methylene chloride (Dichloromethane)
101688	Methylene diphenyl diiocyanate (MDI)
101779	4,4-Methylenedianiline
91203	Naphthalene
98953	Nitrobenzene
92933	4-Nitrobiphenyl
100027	4-Nitrophenol
79469	2-Nitropropane
684935	N-Nitroso-N-methylurea
62759	N-Nitrosodimethylamine

TABLE 1
LIST OF HAZARDOUS AIR POLLUTANTS
(44-020)

CAS NUMBER	CHEMICAL NAME
59892	N-Nitrosomorpholine
56382	Parathion
82688	Pentachloronitrobenzene (Quintobenzene)
87865	Pentachlorophenol
108952	Phenol
106503	p-Phenylenediamine
75445	Phosgene
7803512	Phosphine
7723140	Phosphorus
85449	Phthalic anhydride
1336363	Polychlorinated biphenyls (Aroclors)
1120714	1,3-Propane sultone
57578	beta-Propriolactone
123386	Propionaldehyde
114261	Propoxur (Baygon)
78875	Propylene dichloride (1,2-Dichloropropane)
75569	Propylene oxide
75558	1,2-Propylenimine (2-Methyl aziridine)
91225	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene oxide
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79345	1,1,2,2-Tetrachloroethane
127184	Tetrachloroethylene (Perchloroethylene)
7550450	Titanium tetrachloride
108883	Toluene
95807	2,4-Toluene diamine
584849	2,4-Toluene diisocyanate
95534	o-Toluidine
8001352	Toxaphene (chlorinated camphene)
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloroethane
79016	Trichloroethylene
95954	2,4,5-Trichlorophenol

CAS NUMBER	TABLE 1 LIST OF HAZARDOUS AIR POLLUTANTS (44-020) CHEMICAL NAME
88062	2,4,6-Trichlorophenol
121448	Triethylamine
1582098	Trifluralin
540841	2,2,4-Trimethylpentane
108054	Vinyl acetate
593602	Vinyl bromide
75014	Vinyl chloride
75354	Vinylidene chloride (1,1-Dichloroethylene)
1330207	Xylenes (isomers and mixture)
95476	o-Xylenes
108383	m-Xylenes
106423	p-Xylenes
0	Antimony Compounds
0	Arsenic Compounds (inorganic including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds[1]
0	Glycol ethers[2]
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Fine mineral fibers[3]
0	Nickel Compounds
0	Polycyclic Organic Matter[4]
0	Radionuclides (including radon)[5]
0	Selenium Compounds

NOTE: For all listings above which contain the word "compounds" and for glycol ethers, the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure.

*1 X=CN where X = H= or any other group where a formal dissociation may occur. For example KCN or $Ca(CN)_2$
*2 Includes mono- and di-ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH_2CH_2)n-OR= where: n = 1,2, or 3; R - alkyl or aryl groups; R= - R,H, or groups which, when removed, yield glycol ethers with the structure: R-$(OCH_2CH)_n$-OH. Polymers are excluded from the glycol category.

*3 Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.

*4 Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100°C.

*5 A type of atom which spontaneously undergoes radioactive decay.

(Table 1 original adoption 06/11/02)

TABLE 2
LIST OF EARLY REDUCTIONS HIGH-RISK POLLUTANTS
(44-060)

CAS Number	Chemical Name	Weighing Factor
53-96-3	2-Acetylaminofluorene	100
107-02-8	Acrolein	100
79-06-1	Acrylamide	10
107-13-1	Acrylonitrile	10
1332-21-4	Asbestos	100
71-43-2	Benzene	10
92-87-5	Benzidine	1000
542-88-1	Bis(chloromethyl)ether	1000
106-99-0	1,3-Butadiene	10
57-74-9	Chlordane	100
532-27-4	2-Chloroacetophenone	100
107-30-2	Chloromethyl methyl ether	10
334-88-3	Diazomethane	10
132-64-9	Dibenzofurans	10
96-12-8	1,2-Dibromo-3-chloropropane	10
111-44-4	Dichloroethyl ether [Bis(2-chloroethyl)ether]	10
79-44-7	Dimethylcarbamoyl chloride	100
122-66-7	1,2-Diphenylhydrazine	10
106-93-4	Ethylene dibromide	10
151-56-4	Ethyleneimine (Aziridine)	100
75-21-8	Ethylene oxide	10
76-44-8	Heptachlor	100
118-74-1	Hexachlorobenzene	100
77-47-4	Hexachlorocyclopentadiene	10
302-01-2	Hydrazine	100
60-34-4	Methyl hydrazine	10
624-83-9	Methyl isocyanate	10
62-75-9	N-Nitrosodimethylamine	100
684-93-5	N-Nitroso-N-methylurea	1000

TABLE 2
LIST OF EARLY REDUCTIONS HIGH-RISK POLLUTANTS
(44-060)

CAS Number	Chemical Name	Weighing Factor
56-38-2	Parathion	10
75-44-5	Phosgene	10
7803-51-2	Phosphine	10
7723-14-0	Phosphorus	10
75-55-8	1,2-Propylenimine	100
1746-01-6	2,3,7,8-Tetrachlorodibenzo-p-dioxin	100,000
8001-35-2	Toxaphene (chlorinated camphene)	100
75-01-4	Vinyl chloride	10
0	Arsenic Compounds	100
0	Beryllium Compounds	10
0	Cadmium Compounds	10
0	Chromium Compounds	100
0	Coke Oven Emissions	10
0	Manganese Compounds	10
0	Mercury Compounds	100
0	Nickel Compounds	10

(Table 2 original adoption 06/11/02)

TABLE 3
LIST OF REGULATED TOXIC AND FLAMMABLE SUBSTANCES
FOR PURPOSES OF ACCIDENTAL RELEASE PREVENTION
(44-160)

PART ABREGULATED TOXIC SUBSTANCES

CAS Number	Chemical Name	Threshold Quantity Stored or Present Onsite (lbs.)
107-02-8	Acrolein (2-Propenal)	5,000
107-13-1	Acrylonitrile (2-Propenenitrile)	20,000
814-68-6	Acrylyl chloride (2-Propenoyl chloride)	5,000
107-18-6	Allyl alcohol (2-Propen-l-ol)	15,000
107-11-9	Allylamine (2-Propen-l-amine)	10,000
7664-41-7	Ammonia (anhydrous)	10,000
7664-41-7	Ammonia (concentration 20% or greater)	20,000
7784-34-1	Arsenous trichloride	15,000

TABLE 3
LIST OF REGULATED TOXIC AND FLAMMABLE SUBSTANCES FOR PURPOSES OF ACCIDENTAL RELEASE PREVENTION
(44-160)

PART ABREGULATED TOXIC SUBSTANCES

CAS Number	Chemical Name	Threshold Quantity Stored or Present Onsite (lbs.)
7784-42-1	Arsine	1,000
10294-34-5	Boron trichloride (Borane, trichloro-)	5,000
7637-07-2	Boron trifluoride (Borane, trifluoro-)	5,000
353-42-4	Boron trifluoride compound with methyl ether (1:1) (Boron, trifluoro[oxybis(methane)])	15,000
7726-95-6	Bromine	10,000
75-15-0	Carbon disulfide	20,000
7782-50-5	Chlorine	2,500
10049-04-4	Chlorine [Chlorine oxide (ClO_2)]	1,000
67-66-3	Chloroform (Methane trichloro-)	20,000
542-88-1	Chloromethyl ether [Methane, oxybis(chloro-)]	1,000
107-30-2	Chloromethyl methyl ether (Methane, Chloromethoxy-)	5,000
4170-30-3	Crotonaldehyde (2-Butenal)	20,000
123-73-9	Crotonaldehyde (2-Butenal)	20,000
506-77-4	Cyanogen chloride	10,000
108-91-8	Cyclohexylamine (Cyclohexanamine)	15,000
19287-45-7	Diborane	2,500
75-78-5	Dimetyldichlorosilane (Silane, dichlorodemethyl-)	5,000
57-14-7	1,1-Demethylhydrazine (Hydrazine, 1,1-dimethyl-)	15,000
106-89-8	Epichlorohydrin [Oxirane, (chloromethyl)-]	20,000
107-15-3	Ethylenediamine (1,2-Ethanediamine)	20,000
151-56-4	Ethyleneimine (Aziridine)	10,000
75-21-8	Ethylene oxide (Oxirane)	10,000
7782-41-4	Fluorine	1,000
50-00-0	Formaldehyde (solution)	15,000
110-00-9	Furan	5,000

TABLE 3
LIST OF REGULATED TOXIC AND FLAMMABLE SUBSTANCES FOR PURPOSES OF ACCIDENTAL RELEASE PREVENTION
(44-160)

PART ABREGULATED TOXIC SUBSTANCES

CAS Number	Chemical Name	Threshold Quantity Stored or Present Onsite (lbs.)
302-01-2	Hydrazine	15,000
7647-01-0	Hydrochloric acid (concentration 30% or greater)	15,000
74-90-8	Hydrocyanic acid	2,500
7647-01-0	Hydrogen chloride (anhydrous) [Hydrochloric acid]	5,000
7664-39-3	Hydrogen fluoride/Hydrofluoric acid (concentration 50% or greater) [Hydrofluoric acid]	1,000
7783-39-3	Hydrogen selenide	500
7783-06-4	Hydrogen sulfide	10,000
13463-40-6	Iron, pentacarbonyl-[Iron carbonyl-$Fe(CO)_5$	2,500
78-82-0	Isobutyronitrile [Propanenitrile, 2-methyl-]	20,000
108-23-6	Isopropyl chloroformate [Carbonochloric acid, 1-methylethyl ester]	15,000
126-98-7	Methacrylonitrile [2-Propenenitrile, 2-methyl-]	10,000
74-87-3	Methyl chloride [Methane,chloro-]	10,000
79-22-1	Methyl chloroformate [Carbonochloric acid, methylester]	5,000
60-34-4	Methyl hydrazine [Hydrazine, methyl-]	15,000
624-83-9	Methyl isocyanate [Methane, isocyanato-]	10,000
74-93-1	Methyl mercaptan [Methanethiol]	10,000
556-64-9	Methyl thiocyanate [Thiocyanic acid, methyl ester]	20,000
75-79-6	Methyltrichlorosilane [Silane, trichloromethyl-]	5,000
13463-39-3	Nickel carbonyl	1,000
7697-37-2	Nitric acid (concentration 80% or greater)	15,000
10102-43-9	Nitric oxide [Nitrogen oxide (NO)]	10,000
8014-95-7	Oleum (Fuming Sulfuric acid) [Sulfuric acid, mixture with sulfur trioxide][1]	10,000
79-21-0	Peracetic acid [Ethaneperoxoic acid]	10,000
594-42-3	Perchloromethylmercaptan [Methanesulfenyl chloride, trichloro-]	10,000
75-44-5	Phosgene [Carbonic dichloride]	500

TABLE 3
LIST OF REGULATED TOXIC AND FLAMMABLE SUBSTANCES FOR PURPOSES OF ACCIDENTAL RELEASE PREVENTION
(44-160)

PART ABREGULATED TOXIC SUBSTANCES

CAS Number	Chemical Name	Threshold Quantity Stored or Present Onsite (lbs.)
7803-51-2	Phosphine	5,000
10025-87-3	Phosphorus oxychloride [Phosphoryl chloride]	5,000
7719-12-2	Phosphorus trichloride [Phosphoryl chloride]	15,000
110-89-4	Piperidine	15,000
107-12-0	Propionitrile [Propanenitrile]	10,000
109-61-5	Propyl chloroformate [Carbonochloric acid, propylester]	15,000
75-55-8	1,2-Propylenimine [Aziridine, 2-methyl-]	10,000
75-56-9	Propylene oxide [Oxirane, methyl-]	10,000
7446-09-5	Sulfur dioxide (anhydrous)	5,000
7783-60-0	Sulfur tetrafluoride [Sulfur fluoride (SF4)]	2,500
7446-11-9	Sulfur trioxide	10,000
75-74-1	Tetramethyllead [Plumbane, tetramethyl-]	10,000
509-14-8	Tetranitromethane]Methane, tetranitro-]	10,000
7550-45-0	Titanium tetrachloride [Titanium chloride ($TiCl_4$)]	2,500
584-84-9	Toluene 2,4-diisocyanate [Benzene, 2,4-diisocyanato-1-methyl-][1]	10,000
91-08-7	Toluene 2,6-diisocyanate [Benzene, 1,3-diiosocyanato-2-methyl-][1]	10,000
26471-62-5	Toluene diisocyanate (unspecified isomer) [Benzene, 1,3-isomer) [Benzene, 1,3-diiocyanatomethyl-][1]	10,000
75-77-4	Trimethylchlorosilane [Silane, chlorotrimethyl-]	10,000
108-05-4	Vinyl acetate monomer [Acetic acid ethenyl ester]	15,000

[1] The mixture exemption in **40 CFR Part 68.115(b)(1)** does not apply to the substance.

TABLE 3
LIST OF REGULATED TOXIC AND FLAMMABLE SUBSTANCES
FOR PURPOSES OF ACCIDENTAL RELEASE PREVENTION (44-160)

Part BBRegulated Flammable Substances

CAS Number	Chemical Name	Threshold Quantity Stored or Present Onsite (Lbs.)
75-07-0	Acetaldehyde	10,000
74-86-2	Acetylene [Ethyne]	10,000
598-73-2	Bromotrifluorethylene [Ethene, bromotrifluoro-]	10,000
106-99-0	1,3-Butadiene	10,000
106-97-8	Butane	10,000
106-98-9	1-Butene	10,000
107-01-7	2-Butene	10,000
25167-67-3	Butene	10,000
590-18-1	2-Butene-cis	10,000
624-64-6	2-Butene-trans [2-Butene]	10,000
463-58-1	Carbon oxysulfide [Carbon oxide sulfide (COS)]	10,000
7791-21-1	Chlorine monoxide [Chlorine oxide]	10,000
557-98-2	2-Chloropropylene [1-Propene, 2-Chloro-]	10,000
590-21-6	1-Chloropropylene [1-Propene, 1-chloro-]	10,000
460-19-5	Cyanogen [Ethanedinitrile]	10,000
75-19-4	Cyclopropane	10,000
4109-96-0	Dichlorosilane [Silane, dichloro-]	10,000
75-37-6	Difluoroethane [Ethane, 1,1-difluoro-]	10,000
124-40-3	Dimethylamine [Methanamine, N-methyl-]	10,000
463-82-1	2,2-Dimethylpropane [Propane, 2,2-dimethyl-]	10,000
84-84-0	Ethane	10,000
107-00-6	Ethyl acetylene [1-Butyne]	10,000
75-04-7	Ethylamine [Ethanamine]	10,000
75-00-3	Ethyl chloride [Ethane, chloro-]	10,000

CAS Number	**TABLE 3** **LIST OF REGULATED TOXIC AND FLAMMABLE SUBSTANCES** **FOR PURPOSES OF ACCIDENTAL RELEASE PREVENTION (44-160)** --- **Part BBRegulated Flammable Substances** **Chemical Name**	**Threshold Quantity Stored or Present Onsite (Lbs.)**
74-85-1	Ethylene [Ethene]	10,000
60-29-7	Ethyl ether [Ethane, 1,1'-oxybis-]	10,000
75-08-1	Ethyl mercaptan [Ethanethiol]	10,000
109-95-5	Ethyl nitrite [Nitrous acid, ethyl ester]	10,000
1333-74-0	Hydrogen	10,000
75-28-5	Isobutane [Propane, 2-methyl]	10,000
78-78-4	Isopentane [Butane, 2-methyl-]	10,000
78-79-5	Isoprene [1,3-Butadiene, 2-methyl-]	10,000
75-31-0	Isopropylamine [2-Propanamine]	10,000
75-29-6	Isopropy.l Chloride [Propane, 2-chloro-]	10,000
74-82-8	Methane	10,000
74-89-5	Methylamine [Methanamine]	10,000
563-45-1	3-Methyl-1-butene	10,000
563-46-2	2-Methyl-1-butene	10,000
115-10-6	Methyl ether [Methane, oxybis-]	10,000
107-31-3	Methyl formate [Formic acid, methyl ester]	10,000
115-11-7	Methylpropene [1-Propene, 2-methyl-]	10,000
504-60-9	1,3-Pentadiene	10,000
109-66-0	Pentane	10,000
109-67-1	1-Pentene	10,000
646-04-8	2-Pentene	10,000
627-20-3	2-Pentene	10,000
463-49-0	Propadiene [1,2-Propadiene]	10,000
74-98-6	Propane	10,000
115-07-1	Propylene [1-Propene]	10,000

CAS Number	**TABLE 3** **LIST OF REGULATED TOXIC AND FLAMMABLE SUBSTANCES** **FOR PURPOSES OF ACCIDENTAL RELEASE PREVENTION (44-160)** ---------- **Part BBRegulated Flammable Substances** **Chemical Name**	**Threshold Quantity Stored or Present Onsite (Lbs.)**
74-99-7	Propyne [1-Propyne]	10,000
7803-62-5	Silane	10,000
116-14-3	Tetrafluoroethylene [Ethene, tetrafluoro-]	10,000
75-76-3	Tetramethylsilane [Silane, tetramethyl-]	10,000
10025-78-2	Trichlorosilane [Silane, trichloro-]	10,000
79-38-9	Trifluororochloroethylene [Ethene, chlorotrifluoro-]	10,000
75-50-3	Trimethylamine [Methanamine, N,N-dimethyl-]	10,000
689-97-4	Vinyl acetate [1-Buten-3-yne]	10,000
75-01-4	Vinyl chloride [Ethene chloro-1]	10,000
109-92-2	Vinyl ethyl ether [Ethene, ethoxy-]	10,000
75-02-5	Vinyl fluoride [Ethene, fluoro-]	10,000
75-35-4	Vinylidene chloride [Ethene, 1, 1-dichloro-]	10,000
75-38-7	Vinylidene fluoride [Ethene, 1,1,-difluoro-]	10,000
107-25-5	Vinyl methyl ether [Ethene, methoxy-]	10,000

(Table 3 Original Adoption 06/11/02)

ATTACHMENT A PROPOSED RULE CHANGES

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LANE REGIONAL AIR ~~POLLUTION AUTHORITY~~PROTECTION AGENCY

TITLE 12

General Provisions and Definitions

(Revised 9/ 13- /0~~6~~7)

Section 12-001 General ~~Definitions of Words and Terms Used in LRAPA Rules and Regulations~~

(1) Description: The general provisions and definitions included in this Title shall apply to all other LRAPA rules and regulations. Definitions that are included in any other LRAPA title are specific to that Title and shall not apply to any other titles, rules or regulations.

(2) More than One Emission Standard: In cases of apparent conflict between rules and regulations within these titles, the most stringent regulation applies unless otherwise expressly stated.

(3) Violations Not Authorized: Nothing in LRAPA rules or regulations is intended to permit any practice intended or designed to evade or circumvent LRAPA rules or regulations.

(4) Severability: If a court of competent jurisdiction adjudges any LRAPA rule or regulation to be invalid such judgment shall be limited to that rule, regulation or portion thereof, and not otherwise effect, or invalidate the remainder of LRAPA rules and regulations.

(5) The Lane Regional Air Protection Agency administers the air pollution control regulations listed in Titles 12 through 51 in all areas of Lane County.

Section 12-005 Definitions

~~To aid in the understanding of LRAPA rules and regulations these rules, the following definitions are provided.~~

~~"Abate" means to eliminate the nuisance or suspected nuisance by reducing or managing the emissions using reasonably available practices. The degree of abatement will depend on an evaluation of all of the circumstances of each case and does not necessarily mean completely eliminating the emissions.~~

- "Accidental Release" means an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.

~~$ AAccredited Inspector@ means a person that has completed training and received accreditation under **40 CFR part 763 subpart E, appendix C (Model Accreditation Plan), Section B (Initial Training), Subsection 3 (Inspector), 1994).**~~

~~$ AAccredited Trainer@ means a provider of asbestos abatement training courses authorized by the Department to offer training courses that satisfy requirements for worker training.~~

~~□"Acid Gases" means any exhaust gas which includes hydrogen chloride and sulfur dioxide.~~

- "Act and FCAA" mean the Federal Clean Air Act, (42 U.S.C. 7401 et seq.,~~Public Law 88-206~~ as ~~last~~ amended by Public Law 101.549 Stat 2399).

- "Activity" means any process, operation, action or reaction (e.g., chemical) at a source that emits a regulated pollutant.

- "Actual Emissions~~,~~" ~~except as used in Title 37,~~ means the mass rate of emissions of a pollutant from an emissions source during a specified time period. Where the term "actual emissions" is used:

A. For determining actual emissions as of the baseline period:
   (1) Except as provided in paragraph (2), actual emissions equal the average rate at which the source actually emitted the pollutant during a baseline period and that represents normal source operation~~;~~.
   (2) ~~The Agency~~LRAPA ~~Authority~~ presumes that the source-specific mass emissions limit included in a source's permit that was effective on September 8, 1981 is equivalent to the source's actual emissions during the baseline period if it is within 10 percent of the actual emissions calculated under paragraph (1).
   (3) For any source that had not begun normal operation, actual emissions equal the potential to emit of the source.

B. For determining actual emissions for ~~Emission Statements under OAR 340-214-0200 through 340-214-0220, and~~ Oregon Title V Operating Permit Fees under OAR 340 Division 220~~,~~:
   (1) A~~a~~ctual emissions include, but are not limited to, routine process emissions, fugitive emissions, excess emissions from maintenance, startups and shutdowns, equipment malfunction, and other activities, except categorically insignificant activities and secondary emissions.

C. For determining Oregon Title V Operating Permit Fees under OAR 340 Division 220~~,~~:
   (1) ~~actual~~ Actual emissions must be directly measured with a continuous monitoring system or~~;~~;
   (2) ~~calculated~~ Calculated using a material balance or verified emission factor in combination with the source's actual operating hours, production rates, or types of materials~~,~~ processed, stored, or combusted during the specified time period.

~~$ AActual Emissions,@ as used in Title 37, means the mass emissions of a pollutant from an emissions source during a specified time period.~~

~~A. Actual emissions shall equal the average rate at which the source actually emitted the pollutant and which is representative of normal source operation. Actual emissions shall be directly measured with a continuous monitoring system or calculated using a material balance or verified emission factor in combination with the source=s actual operating hours, production rates and types of materials processed, stored, or combusted during the specified time period;~~

~~B. For any source which had not yet begun normal operation in the specified time period, actual emissions shall equal the potential to emit of the source;~~

~~C. For purposes of 37-040 through 37-120, actual emissions shall equal the actual rate of emissions of a pollutant, but does not include excess emissions from a malfunction, or startups and shutdowns associated with a malfunction.~~

~~$ "Adequately wet," as used in Title 43, means to sufficiently mix or penetrate asbestos-containing material with liquid to prevent the release of particulate asbestos materials. The absence of visible emissions is not sufficient evidence of being adequately wet. An asbestos-containing material is not adequately wetted if visible emissions originate from that material. Precipitation is not an appropriate method for wetting asbestos-containing material.~~

- "Adjacent" means interdependent facilities that are nearby ~~to~~ each other.

- "Affected Source," for the purposes of Title IV of the FCAA (Acid Rain) means a source that includes one or more affected units that are subject to emission reduction requirements or limitation ~~under Title IV of the FCAA, Acid Rain~~.

- "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.

~~(10) "Adoption" means the carrying of a motion by the Board with regard to the subject matter or issues of an intended Agency Authority action.~~

~~$ AAgent,@ as used in Title 43, means an individual who works on as asbestos abatement project for a contractor but is not an employee of the contractor.~~

- "Agency" means Lane Regional Air Protection Agency

- "Agency Administering SIP" where found in the federal rule, means ~~the Agency~~LRAPA, the Department, or the EPA.

- "Agency-Approved Method" means any method of sampling and analyzing for an air contaminant approved by the Agency. These methods are listed in the state Department of Environmental Quality's Source Sampling Manual.

- "Aggregate Insignificant Emissions" means the annual actual emissions of any regulated air pollutant from one or more designated activities at a source that are less than or equal to the lowest applicable level specified in this section. The total emissions from each designated activity and the aggregate emissions from all designated activities must be less than or equal to the lowest applicable level specified. ~~as defined in OAR 340-200-0020, for any Title V Operating Permit program source, including the usage of exempt mixtures, up to the lowest of the following applicable level:~~

  A. one (1) ton for each criteria pollutant (except lead),~~;~~ total reduced sulfur, hydrogen sulfide, sulfuric acid mist, any Class I or Class II substance subject to a standard promulgated under or established by Title VI of the act, Stratospheric Ozone Protection;
  B. 500 pounds for PM10 in a PM10 nonattainment area;
  C. 120 pounds for lead;
  D. 600 pounds for fluoride;
  ~~D~~E. the lesser of the amount established in ~~OAR 340-244-0040~~LRAPA Title 44, Table 1 List of Hazardous Air Pollutants or ~~340-244-0230~~Title 44, Table 3 List of Regulated Toxic and Flammable Substances for Purposes of Accidental Release Prevention, or 1,000 pounds ~~for each Hazardous Air Pollutant~~;
  ~~E~~F. an aggregate of 5,000 pounds for all Hazardous Air Pollutants.

~~$ "Agricultural open burning" means the open burning of "agricultural wastes," which are materials actually generated by an agricultural operation but excluding those materials described in Section 47-015-1.E.~~

- "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.

~~$ AAgricultural waste@ means any material actually generated or used by an agricultural operation but excluding those materials described in Section 47-015-1.E.~~

- "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, ~~solid, liquid~~ aerosol, ~~or~~ gas~~eous~~, smoke, soot, carbon, acids or any combination thereof. Such term includes any precursors to the formation of any air pollutant; to the extent~~,~~ the EPA has identified such precursor or precursors for the particular purpose for which the term air pollutant is used. ~~materials suspended in the ambient air. This does not include water vapor.~~

- "Air Contaminant Discharge Permit" means a written permit issued by ~~the Authority~~LRAPA in accordance with ~~duly adopted procedures, which by its conditions authorizes the permittee to construct, install, modify or operate specified facilities, conduct specified activities, or emit, discharge or dispose of air contaminants in accordance with specified practices, limitations, or prohibitions.~~Title 37, Air Contaminant Discharge Permits.

$ AAir Contaminant Source@ means any building, structure, or facility, or combination thereof, which emits or is capable of emitting air contaminants to the atmosphere, and is located on one or more contiguous or adjacent properties, and is owned or operated by the same person or by persons under common control. This includes all of the pollutant emitting activities which belong to the same industrial grouping, or major group (i.e., which have the same two-digit code) as described in EPA=s Standard Industrial Classification (SIC) manual (U.S. Office of Management and Budget, 1987). This definition does not include fuel-burning equipment used to heat one- or two-family dwellings or internal combustion engines used in motor vehicles, aircraft, and marine vessels enroute to or from a source.

- "Air Conveying System" means an air moving device such as a fan or blower, and associated ductwork, and a cyclone or other collection device, the purpose of which is to move material from one point to another by entrainment in a moving airstreamair stream. It does not include particle dryers.

"Air Pollution" means the presence in the outdoor atmosphere of one or more air contaminants, or any combination thereof, in sufficient quantities and of such characteristics and of a duration as are, or are likely to be, injurious to the public welfare, to the health of human, plant or animal life or to property ,property, or which unreasonably interfere with enjoyment of life and property.

- "Air Pollution Control Equipment" means any equipment whichequipment that has as its essential purpose a reduction in the emissions of air contaminants, or a reduction in the effect of such emissions.

- "Air Quality Maintenance Area (AQMA)" means any area that has been identified by the Agency Authority or the Department, and approved by the Board or the Commission, as having the potential for exceeding any federal, state or local ambient air quality standard.

- "Air Quality Maintenance Area (AQMA) Analysis" means an analysis of the impact on air quality in an AQMA of emissions from existing air contaminant sources and emissions associated with projected growth and development.

"Aircraft Operation" means any aircraft landing or takeoff.

"Airport" means any area of land or water which is used or intended for use for the landing and takeoff of aircraft, or any appurtenant areas, facilities, or rights-of-way, such as terminal facilities, parking lots, roadways, and aircraft maintenance and repair facilities.

- "Alternative Method" means any method of sampling and analyzing for an air pollutant that is not a reference or equivalent method but has been demonstrated to the Agency'sLRAPA's satisfaction to, in specific cases, produce results adequate for determination of compliance. Notwithstanding, tThe EPA must approve an alternative method used to meet an applicable federal requirement for which a reference method is specified unless the EPA has delegated authority for the approval to the AgencyLRAPA.

- "Ambient Air" means the air that surrounds the earth to which the general public has access, excluding the volume of gases contained within any building or structure.

~~□"Ambient Air Monitoring Site Criteria" means the general probe siting specifications in Appendix E of 40 CFR 58.~~

- "Applicable requirement" means all of the following as they apply to emissions units in an Oregon Title V Operating Permit program source or ACDP program source, including requirements that have been promulgated or approved by the EPA through rule making at the time of issuance but have future-effective compliance dates:

  A. Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by the EPA through rulemaking under Title I of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in **40 CFR Part 52** (Air Programs);

  B. Any standard or other requirement adopted under LRAPA's State Implementation Plan, that is more stringent than the federal standard or requirement which has not yet been approved by the EPA, and other state-only enforceable air pollution control requirements;

  C. Any term or condition in an ACDP, LRAPA Title 37, Air Contaminant Discharge Permits, including any term or condition of any preconstruction permits issued pursuant to LRAPA Title 38, New Source Review, until or unless LRAPA revokes or modifies the term or condition by a permit modification;

  D. Any term or condition in a Notice of Construction and Approval of Plans, Titles 34 and 38, Stationary Source Notification Requirements and Major New Source Review, until or unless LRAPA revokes or modifies the term or condition by a Notice of Construction and Approval of Plans or a permit modification;

  E. Any term or condition in a Notice of Approval, OAR 340-218-0190, issued before July 1, 2001, until or unless LRAPA revokes or modifies the term or condition by a Notice of Approval or a permit modification;

  F. Any term or condition of a PSD permit issued by the EPA until or unless the EPA revokes or modifies the term or condition by a permit modification;

  G. Any standard or other requirement under section 111 of the Act (NSPS), including section 111(d);

  H. Any standard or other requirement under section 112 of the Act (HAPs), including any requirement concerning accident prevention under section 112(r)(7) of the Act (Accidental Release Prevention);

  I. Any standard or other requirement of the acid rain program under Title IV of the Act or the regulations promulgated thereunder;

  J. Any requirements established pursuant to section 504(b) (Title V permit monitoring and analysis requirements) or section 114(a)(3) of the Act (Federal Enforcement; compliance certification);

K. Any standard or other requirement under section 126(a)(1) and (c) (PSD) of the Act;

L. Any standard or other requirement governing solid waste incineration, under section 129 of the Act (Solid Waste Combustion);

M. Any standard or other requirement for consumer and commercial products, under section 183(e) of the Act (Federal ozone measures);

N. Any standard or other requirement for tank vessels, under section 183(f) of the Act;

O. Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the Act;

P. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act, unless the Administrator has determined that such requirements need not be contained in an Oregon Title V Operating Permit; and

Q. Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the Act, but only as it would apply to temporary sources permitted pursuant to section 504(e) of the Act.

~~"Applicable Requirements" means air quality requirements with which a facility must comply pursuant to the Agency's rules and regulations, Oregon Administrative Rules, and the federal Clean Air Act, including all applicable requirements as defined in 40 CFR 70.2.~~

- ~~A~~applicable~~""~~"Applicable State Implementation Plan" and "Plan" refer to the programs and rules of the Department or ~~the Authority~~LRAPA, as approved by the EPA, or any EPA-promulgated regulations (see **40 CFR Part 52, Subpart MM**).

~~$ AArea Source,@ as used in Title 37, means any stationary source which has the potential to emit hazardous air pollutants but is not a major source of hazardous air pollutants.~~

~~□Artificially or Substantially Greater Emissions means abnormally high emissions such as could be caused by equipment malfunctions, accidents, unusually high production or operating rates compared to historical rates, or other unusual circumstances.~~

~~$ "Asbestos" means the asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cumingtonite-grunerite (amosite), anthophyllite, actinolite and trimolite.~~

~~$ "Asbestos Abatement Project" means any demolition, renovation, repair, construction or maintenance activity of any public or private facility that involves the repair, enclosure, encapsulation, removal, salvage, handling, disturbance or disposal of any material with the potential of releasing asbestos fibers from asbestos-containing material into the air. Note: An asbestos abatement project is not considered to be a source under 43-010-2 through 43-010-6. Emergency fire fighting is not an asbestos abatement project.~~

$ "Asbestos-Containing Material" means asbestos or any material, including particulate material, that contains more than 1% asbestos as determined using the method specified in **40 CFR Part 763 Appendix E, Subpart E, Section 1, Polarized Light Microscopy**.

$ "Asbestos-containing waste material" means any waste that contains asbestos tailings or any commercial asbestos and is generated by a source subject to 43-010 and 43-015-1 through 43-015-19, including but not limited to asbestos mill tailings, control device asbestos waste, friable asbestos waste material, asbestos abatement project waste and bags or containers that previously contained commercial asbestos.

$ "Asbestos manufacturing operation" means the combining of commercial asbestos, or in the case of woven friction products, the combining of textiles containing commercial asbestos with any other material(s) including commercial asbestos, and the processing of this combination into a product as specified in Section 43-015-3.

$ "Asbestos mill" means any facility engaged in the conversion or any intermediate step in the conversion of asbestos ore into commercial asbestos.

$ "Asbestos tailings" means any solid waste product of asbestos mining or milling operations that contains asbestos.

$ "Asbestos Waste generator" means any person performing an asbestos abatement project or any owner or operator of a source subject to 43-010 and 43-015-1 through 43-015-19 whose act or process generates asbestos-containing waste material.

$ "Asbestos waste shipment record" means the shipment document, required to be originated and signed by the asbestos waste generator, used to track and substantiate the disposition of asbestos-containing waste material.

□"Approved Method" means an analytical method for measuring air contaminant concentrations which are described or referenced in Appendices to 40 CFR 50 and 40 CFR 53. These methods are approved by the Agencyuthority.

- "Assessable Emission" means a unit of emissions for which the owner or operator of the major source will be assessed a fee. It includes an emission of a pollutant defined in OAR 340-220-0060, Oregon Title V Operating Permit Fees LRAPA 35-010 from one emission point devices or from an area activities and processes within a major source. For routine process emissions, emissions of each pollutant in LRAPA 35-010 from each emission point, included in an air contaminant discharge permit, shall be an assessable emission.

$ "Associated Parking" means a discrete parking facility or facilities owned, operated and/or used in conjunction with an indirect source.

- "ASTM" means the American Society for Testing Materials.

$ "Authority" means the Lane Regional Air Pollution Authority.

$ AAuthority Administering SIP,@ where found in the federal rule, means the Authority, the Department, or the EPA.

~~$ "Authority-Approved Method" means any method of sampling and analyzing for an air contaminant approved by the Authority. These methods are listed in the state Department of Environmental Quality's Source Sampling Manual.~~

~~$ AAutomobile@ means any self-propelled motor vehicle used for transporting persons or commodities on public roads.~~

~~$ "Auxiliary Combustion Equipment" includes, but is not limited to, fans or air curtain incinerators.~~

~~$ "Average Daily Traffic" means the total traffic volume during a given time period in whole days greater than one day and less than one year, divided by the number of days in that time period, commonly abbreviated as ADT.~~

~~$ "Average Operating Opacity" means the opacity of emissions determined using EPA method 9 on three days within a 12-month period which are separated from each other by at least 30 days. A violation of the average operating opacity limitation is judged to have occurred if the opacity of emissions on each of the three days is greater than the specified average operating opacity limitation.~~

~~$ ABase Year Emissions,@ for purposes of Early Reductions only (37-040), means actual emissions in the calendar year 1987 or later.~~

- "Baseline concentration" means that ambient concentration level for a particular regulated pollutant which existed in an area during the calendar year 1978. If no ambient air quality data is available in an area, the baseline concentration for any pollutant may be estimated using modeling based on actual emissions for the calendar year 1978. Actual emissions increases or decreases occurring before January 1, 1978 will be included in the baseline concentration.

- "Baseline Emission Rate" means the average actual emission rate during the baseline period. Baseline emission rate shall not include increases due to voluntary fuel switches or increased hours of operation that have occurred after the baseline period.

- "Baseline Period" means either calendar years 1977 or 1978. ~~The Authority~~LRAPA shall allow the use of a prior time period upon a determination that it is more representative of normal source operation.

~~$ "Begin Actual Construction" means to begin to engage in a continuous program of on-site construction or on-site modification, including site clearing, grading, dredging, or landfilling in preparation for the fabrication, erection, installation or modification of a source~~.

- ~~"Beryllium" means the element beryllium. Where weight or concentrations are specified in these Rules, such weights or concentrations apply to beryllium only, excluding any associated elements.~~

- ~~"Beryllium Alloy" means any metal to which beryllium has been added in order to increase its beryllium content, and which contains more than one-tenth of one percent (0.1 %) beryllium by weight.~~

- ~~"Beryllium-Containing Waste" means any material contaminated with beryllium and/or beryllium compounds used or generated during any process or operation performed by a source subject to these rules.~~

- ~~"Beryllium ore" means any naturally occurring material mined or gathered for its beryllium content.~~

- "Best Available Control Technology (BACT)" means an emissions limitation ~~(including a visible emission standard)~~ based on the maximum degree of reduction (considering energy, environmental, and economic impacts) achievable for each pollutant, on a case by case basis, through the application of production processes and available methods, systems, and techniques, including fuel cleaning, treatment or innovative fuel combustion techniques. The federal definition of BACT requires that BACT limits be no less stringent than any emission standard promulgated under NSPS and NESHAPS. If an emission limitation is not feasible, a design, equipment, work practice, or operational standard, or combination thereof, may be required. Such standard shall, to the degree possible, set forth the emission reduction achievable and shall provide for compliance by prescribing appropriate permit conditions.

  ~~of each air contaminant subject to regulation under the Clean Air Act which would be emitted from any proposed major source or major modification which, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air contaminant. In no event shall the application of BACT result in emissions of any air contaminant which would exceed the emissions allowed by any applicable new source performance standard or any standard for hazardous air pollutants. If an emission limitation is not feasible, a design, equipment, work practice, or operational standard, or combination thereof, may be required. Such standard shall, to the degree possible, set forth the emission reduction achievable and shall provide for compliance by prescribing appropriate permit conditions.~~

- ~~"Biological Waste," includes blood and blood products, excretions, exudates, secretions, suctionings and other body fluids that cannot be directly discarded into a municipal sewer system, and waste materials saturated with blood or body fluids, but does not include diapers soiled with urine or feces (see also "infectious waste").~~

- ~~"BLS" means Black Liquor Solids, dry weight.~~

- "Board" means the Board of Directors of the Lane Regional Air Protection Agency ~~Pollution Authority.~~

- ~~ABoard Products@ means hardwood, particleboard, plywood, and veneer.~~

- "CFR" means Code of Federal Regulations

- "Calculated Emission" means actual emissions estimated using ~~Authority~~Agency-approved procedures.

- "Capacity" means the maximum regulated pollutant emissions from a stationary source under its physical and operational design.

- Capture System means the equipment (including but not limited to hoods, ducts, fans, and booths) used to contain, capture and transport a pollutant to a control device.

- "Categorically Insignificant Activity" means any of the following listed pollutant emitting activities principally supporting the source or the major industrial group. Categorically insignificant activities must comply with all applicable requirements.

  A. constituents of a chemical mixture present at less than 1% by weight of any chemical or compound regulated under OAR Chapter 340, Divisions ~~200 through 268~~218 and 220,and LRAPA Titles 12 through 51 or less than 0.1% by weight of any carcinogen listed in the U. S. Department of Health and Human Service's Annual Report on Carcinogens when usage of the chemical mixture is less than 100,000 pounds/year.
  B. evaporative and tail pipe emissions from on-site motor vehicle operation;
  C. distillate oil, kerosene, and gasoline fuel burning equipment rated at less than or equal to 0.4 million Btu/hr;
  D. natural gas and propane burning equipment rated at less than or equal to 2.0 million Btu/hr;
  E. office activities;
  F. food service activities;
  G. janitorial activities;
  H. personal care activities;
  I. groundskeeping activities including, but not limited to building painting and road and parking lot maintenance;
  J. on-site laundry activities;
  K. on-site recreation facilities;
  L. instrument calibration;
  M. maintenance and repair shop;
  N. automotive repair shops or storage garages;
  O. air cooling or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;
  P. refrigeration systems with less than 50 pounds of charge of ozone depleting substances regulated under Title VI (Stratospheric Ozone Protection), including pressure tanks used in refrigeration systems but excluding any combustion equipment associated with such systems;
  Q. bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated vacuum producing devices but excluding research and development facilities;
  R. temporary construction activities;
  S. warehouse activities;
  T. accidental fires;
  U. air vents from air compressors;

V. air purification systems;
W. continuous emissions monitoring vent lines;
X. demineralized water tanks;
Y. pre-treatment of municipal water, including use of deionzed water purification systems;
Z. electrical charging stations;
AA. fire brigade training;
BB. instrument air dryers and distribution;
CC. process raw water filtration systems;
DD. pharmaceutical packaging;
EE. fire suppression;
FF. blueprint making;
GG. routine maintenance, repair, and replacement such as anticipated activities most often associated with and performed during regularly scheduled equipment outages to maintain a plant and its equipment in good operating condition, including but not limited to steam cleaning, abrasive use, and woodworking;
HH. electric motors;
II. storage tanks, reservoirs, transfer and lubricating equipment used exclusively for ASTM grade distillate or residual fuels, lubricants, and hydraulic fluids;
JJ. on-site storage tanks not subject to any New Source Performance Standards (NSPS), including underground storage tanks (UST), storing gasoline or diesel used exclusively for fueling of the facility's fleet of vehicles;
KK. natural gas, propane, and liquefied petroleum gas (LPG) storage tanks and transfer equipment;
LL. pressurized tanks containing gaseous compounds;
MM. vacuum sheet stacker vents;
NN. emissions from wastewater discharges to publicly owned treatment works (POTW) provided the source is authorized to discharge to the POTW, not including on-site wastewater treatment and/or holding facilities;
OO. log ponds;
PP. storm water settling basins;
QQ. fire suppression and training;
RR. paved roads and paved parking lots within an urban growth boundary;
SS. hazardous air pollutant emissions of fugitive dust from paved and unpaved roads except for those sources that have processes or activities that contribute to the deposition and entrainment of hazardous air pollutants from surface soils;
TT. health, safety, and emergency response activities;
UU. emergency generators and pumps used only during loss of primary equipment or utility service due to circumstances beyond the reasonable control of the owner or operator, or to address a power emergency as determined by LRAPA or the Department;
VV. non-contact steam vents and leaks and safety and relief valves for boiler steam distribution systems;
WW. non-contact steam condensate flash tanks;
XX. non-contact steam vents on condensate receivers, deaerators and similar equipment;
YY. boiler blowdown tanks;
ZZ. industrial cooling towers that do not use chromium-based water treatment chemicals;
AAA. ash piles maintained in a wetted condition and associated handling systems and activities;
BBB. oil/water separators in effluent treatment systems;

CCC. combustion source flame safety purging on startup;
DDD. broke beaters, pulp and repulping tanks, stock chests and pulp handling equipment, excluding thickening equipment and repulpers;
EEE. stock cleaning and pressurized pulp washing, excluding open stock washing systems; and
FFF. white water storage tanks.

~~$ ACertified supervisor,@ as used in Title 43, means a person who has a current Oregon supervisor certification card.~~

~~$ ACertified worker,@ as used in Title 43, means a person who has a current Oregon worker certification card.~~

- "Certifying Individual" means the responsible person or official authorized by the owner or operator of a source who certifies accuracy of the emission statement.

- "Chair" means the chairperson of the Board of Directors of the Lane Regional Air Protection Agency~~Pollution Authority~~.

~~$ "Charcoal Producing Plant" means an industrial operation which uses the destructive distillation of wood to obtain the fixed carbon in the wood~~.

~~$ "Chlorofluorocarbons (CFC)" includes:~~

~~A. CFC-11 (trichlorofluoromethane);~~
~~B. CFC-12 (dichlorodifluoromethane);~~
~~C. CFC-113 (trichlorotrifluoroethane);~~
~~D. CFC-114 (dichlorotetrafluoroethane); and~~
~~E. CFC-115 ((mono)chloropentafluoroethane).~~

- "Class I Area" means any federal, state, or Indian reservation land which is ~~so~~ classified or reclassified as a Class I area. For the State of Oregon, these are as follows:

A. Mt. Hood Wilderness;
B. Eagle Cap Wilderness;
C. Hells Canyon Wilderness;
D. Mt. Jefferson Wilderness;
E. Mt. Washington Wilderness;
F. Three Sisters Wilderness;
G. Strawberry Mountain Wilderness;
H. Diamond Peak Wilderness;
I. Crater Lake National Park;
J. Kalmiopsis Wilderness;
K. Mountain Lake Wilderness;
L. Gearhart Mountain Wilderness.

~~$ AClass I Equivalent@ or AEquivalent,@ as used in Title 15, is used only for the purposes of determining the value of the AP@ factor in the civil penalty formula, and means three Class II (two) violations, one Class II and two Class III (three) violations, or three Class III Violations.~~

□"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, unless specific size fractions of the contaminant are stated or required.

$ "Combustion Promoting Materials" include, but are not limited to, propane, diesel oil, or jellied diesel.

$ "Commence Construction" means to begin to engage in a continuous program of on-site construction or on-site modification, including site clearing, grading, dredging, or landfilling in preparation for the fabrication, erection, installation or modification of a source; or entry into binding agreements or contractual obligations which cannot be canceled or modified without substantial loss to the owner or operator.

$ "Commence Construction," as used in Title 20, means to begin to engage in a continuous program of on-site construction or on-site modifications, including site clearance, grading, dredging, or landfilling in preparation for the fabrication, erection, installation or modification of an indirect source. Interruptions and delays resulting from acts of God, strikes, litigation or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

- "Commenced" or "commencement" means, with respect to construction, reconstruction or modification of an affected source, that an the owner or operator has obtained all necessary preconstruction approvals required by the Act and either has: to undertakenbegun, or caused to begin a continuous program of actual on-site construction, reconstruction or modification, or a person has entered into a contractual obligation to undertake and complete, within of the source to be completed in a reasonable time; or, a continuous program of construction, reconstruction or modification. 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.

□"Commercial Area" means land which is zoned or used for commercial operations including retail sales and services.

$ "Commercial asbestos" means any variety of asbestos that is produced by extracting asbestos from asbestos ore.

$ "Commercial Open Burning" means the open burning of "commercial wastes," which are materials actually generated or used by a commercial operation.

- "Commission" or "EQC" means the Oregon Environmental Quality Commission.

- "Compliance" means meeting the requirements of the Agency'sLRAPA's Authority's or Department's, Commission's or EPA's rules, permits or orders.

- "Constant Process Rate" means the average variation in process rate for the calendar year is not greater than plus or minus ten percent of the average process rate.

~~$ AConstruct a major source,@ as used in Title 37, means to fabricate, erect, or install at any greenfield site a stationary source or group of stationary sources which is located within a contiguous area and under common control and which emits or has the potential to emit 10 tons per year of any HAPs or 25 tons per year of any combination of HAP, or to fabricate, erect, or install at any developed site a new process or production unit which in and of itself emits or has the potential to emit 10 tons per year of any HAP or 25 tons per year of any combination of HAP, unless the process or production unit satisfies criteria A through F of this paragraph:~~

~~A. All HAP emitted by the process or production unit that would otherwise be controlled under the requirements of this subpart will be controlled by emission control equipment which was previously installed at the same site as the process or production unit;~~

~~B. (1) The permitting authority has determined within a period of 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~~

~~(2) The permitting authority determines that the control of HAP emissions provided by the existing equipment will be equivalent to that level of control currently achieved by other well-controlled similar sources (i.e., equivalent to the level of control that would be provided by a current BACT, LAER, T-BACT, or state air toxic rule MACT determination).~~

~~C. The permitting authority determines that the percent control efficiency for emission of HAP from all sources to be controlled by the existing control equipment will be equivalent to the percent control efficiency provided by the control equipment prior to the inclusion of the new process or production unit;~~

~~D. The permitting authority has provided notice and an opportunity for public comment concerning its determination that criteria in paragraphs A, B, and C of this definition apply and concerning the continued adequacy of any prior LAER, BACT, T-BACT, or state air toxic rule MACT determination;~~

~~E. If any commenter has asserted that a prior LAER, BACT, T-BACT, or state air toxic rule MACT determination is no longer adequate, the permitting authority has determined that the level of control required by that prior determinations remains adequate; and~~

~~F. Any emissions limitations, work practice requirements, or other terms and conditions upon which the above determinations by the permitting authority are predicated will be construed by the permitting authority as applicable requirements under 504(a) of the Federal Clean Air Act and either have been incorporated into any existing Title V permit for the affected facility or will be incorporated into such permit upon issuance.~~

- "Construction" means any physical change including, but not limited to, fabrication, erection, installation, or modification of a facility, building or emission unit; or change in method of operation of a source which would result in a change in actual emissions.

~~$ "Construction Open Burning" means the open burning of "construction wastes," which are materials actually resulting from or produced by a building or construction project.~~

~~$ "Contested Case" means a proceeding before the Board or a Hearings Officer:~~

~~A. In which the individual legal rights, duties or privileges of specific parties are required by statute or Constitution to be determined only after an agency hearing at which such specific parties are entitled to appear and be heard; or~~
~~B. Where the Authority has discretion to suspend or revoke a right or privilege of a person; or~~
~~C. For the suspension, revocation or refusal to renew or issue a permit where the licensee or applicant for a license demands such hearing; or~~
~~D. Where Authority rule or order provides for hearing substantially of the character required by ORS 183.415, 183.425 and 183.450 to 183.470.~~

- "Contingency ~~Requirements~~Measures" means ~~the requirements of Sections 39-001 through 39-060~~specific identified measures in an implementation plant to be undertaken if an area fails to make reasonable further progress, or attain a national air quality standard by the applicable attainment date.

- "Continual Monitoring" means sampling and analysis, in a continuous or timed sequence, using techniques which will adequately reflect actual emission rates or concentrations on a continuous basis.

- "Continuous Emissions Monitoring (CEMS)" means the total equipment used to sample, condition (if applicable), analyze, and provide a permanent record of emissions. ~~a monitoring system for continuously measuring the emissions of a pollutant from an affected incinerator. Continuous monitoring equipment and operation shall be certified in accordance with EPA performance specifications and quality assurance procedures outlined in 40 CFR 60, Appendices B and F, and the Department's CEM Manual.~~
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~~$ AContinuous Monitoring,@ as used in 33-070, means instrumental sampling of a gas stream on a continuous basis, excluding periods of calibration.~~

- "Continuous Monitoring Systems (CMS)" ~~means~~ is a comprehensive term that may include, but is not limited to, continuous emission monitoring systems, continuous opacity monitoring systems, continuous parameter monitoring systems, or other manual or automatic monitoring that is used for demonstrating compliance on a continuous basis.~~sampling and analysis, in a timed sequence, using techniques which will adequately reflect calculated emissions and actual emission levels or concentrations on a continuing basis, in accordance with the Department's Continuous Monitoring Manual, and includes continuous emission and parameter monitoring systems.~~

- "Continuous opacity monitoring system (COMS)" means a continuous monitoring system that measures the opacity of emissions.

- "Continuous parameter monitoring system" means the total equipment that may be required to meet the data acquisition and availability requirements of this part, used to sample,

condition (if applicable), analyze, and provide a record of process or control system parameters.

~~$ AContractor,@as used in Title 43, means a person who undertakes for compensation an asbestos abatement project for another person. Also as used in Title 43, Acompensation@ means wages, salaries, commissions and any other form of remuneration paid to a person for personal services.~~

~~$ "Crematory Incinerator" means an incinerator used solely for the cremation of non-pathological human and non-pathological animal remains.~~

~~$ "Cultures and stocks" includes etiologic agents and associated biologicals, including specimen cultures and dishes and devices used to transfer, inoculate and mix cultures, wastes from production of biologicals, and serums and discarded live and attenuated vaccines. "Cultures" does not include throat and urine cultures (see also "infectious waste".~~

~~$ "Daily Arithmetic Average" means the average concentration over the twenty-four hour period in a calendar day, or Authority-approved equivalent period, as determined by continuous monitoring equipment or reference method testing. Determinations based on EPA reference methods or equivalent methods in accordance with the Department Source Test Manual consist of three (3) separate consecutive runs having a minimum sampling time of sixty (60) minutes each and a maximum sampling time of eight (8) hours each. The three values for concentration (ppm or grains/dscf) are averaged and expressed as the daily arithmetic average which is used to determine compliance with process weight limitations, grain loading or volumetric concentration limitations and to determine daily emission rate.~~

~~$ "Debris Clearing" means the removal of wood, trees, brush or grass in preparation for a land improvement or construction project.~~

~~$ "Demolish" or "Demolition" means the wrecking or removal of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.~~

~~$ "Demolition Open Burning" means the open burning of "Demolition Wastes," which are materials actually resulting from or produced by the complete or partial destruction or tearing down of a man-made structure or the clearing of any site to abate a nuisance, or land clearing for site preparation for development.~~

- "Department" means the Oregon Department of Environmental Quality.

- "De minimis emission level" means:

Pollutant	**De minimis (tons/year, except as noted)**
CO	1
NO_x	1
SO_2	1

VOC	1
PM	1
PM_{10}	1
Lead	0.1
Fluorides	0.3
Sulfuric Acid Mist	0.7
Hydrogen Sulfide	1
Total Reduced Sulfur (including hydrogen sulfide)	1
Reduced Sulfur	1
Municipal waste combustor organics (Dioxin and furans)	0.0000005
Municipal waste combustor metals	1
Municipal waste combustor acid gases	1
Municipal solid waste landfill gases	1
Single HAP	1
Combined HAP (aggregate)	1

Note: De minimis is compared to all increases that are not included in the PSEL.

~~$ "Design Criteria" means the numerical as well as narrative description of the basis of design including, but not necessarily limited to, design flow rates, temperatures, humidities, descriptions of the types and chemical species of contaminants, uncontrolled and expected controlled mass emission rates and concentrations, scopes of any vendor-supplied and owner-supplied equipment and utilities, and a description of any operational controls.~~

~~$ "Dioxins and Furans" means total tetra- through octachlorinated dibenzo-p-dioxins and dibenofurans.~~

- "Director" means the Director of the Lane Regional Air ~~Pollution Authority~~ Protection Agency or the Director of the Oregon Department of Environmental Quality and authorized deputies or officers.

- "Distillate Fuel Oil" means any oil meeting the specifications of ASTM Grade 1 or Grade 2 fuel oils.

~~$ "Documented Violation" means any violation which the Authority or other government agency records after observation, investigation or data collection.~~

~~$ "Dry Material" includes, but is not limited to, dried wood, feed, seed, or other materials.~~

- "Dry Standard Cubic Foot" means the amount of gas, free of uncombined water, that would occupy a volume of 1 cubic foot at standard conditions. When applied to combustion flue gases from waste or refuse burning, "Standard Cubic Foot (SCF)" means adjustment of gas volume to that which would result at a concentration of 7% oxygen (dry basis).

~~$ ADusts@ 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.~~

$ AEarly Reductions Unit@ means a single emission point or group of emissions points defined as a unit for purposes of an alternative emissions limit issued under Title 37.

- "Emission" means a release into the ambient air of air contaminants.

- "Emission Estimate Adjustment Factor (EEAF)" means an adjustment applied to an emission factor to account for the relative inaccuracy of the emission factor.

- "Emission Factor" means an estimate of the rate at which a pollutant is released into the atmosphere, as the result of some activity, divided by the rate of that activity (e.g., production or process rate). Where an emission factor is required sources must use an emission factor approved by EPA, Department or AuthorityLRAPA."Emission Factor" means an average value which relates the quantity of a pollutant released to the atmosphere with the activity associated with the release of that pollutant.

- "Emission Limitation" andor "Emission Standard" mean a requirement established by a State, local government, or the EPA which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction."Emission Limitation" or AEmissions Standard A means a requirement established by LRAPA, local government, the State of Oregon DEQ or the U. S. EPA, which limits the quantity, rate or concentration of emissions of air pollutants on a continuous basis. This includes requirements on opacity limits, equipment prescriptions, fuel specifications, and operation and maintenance procedures.

□"Emission Point" means the location, place in horizontal plane and vertical elevation at which an emission enters the outdoor atmosphere.

- "Emission Reduction Credit Banking" means to presently reserve, subject to requirements of LRAPA Title 38, Emission Reduction Credits, emission reductions for use by the reserver or assignee for future compliance with air pollution reduction requirements."Emission Reduction Credit Banking" means to reserve emission reductions for future use by the reserver or assignee.

- "Emission Reporting Form" means a paper or electronic form developed by the AuthorityLRAPA that shall be completed by the permittee to report calculated emissions, actual emissions, or permitted emissions for interim emission fee assessment purposes.

□"Emission Standard" is the same as "Emission Limitation".

- "Emission Unit" means any part or activity of a source (including specific process equipment) which emits or would have the potential to emit any air contaminant subject to regulation under the Clean Air Act, State of Oregon laws, or these regulationsregulated air pollutant.

  A. A part of a stationary source is any machine, equipment, raw material, product, or by-product that produces or emits air pollutants. An activity is any process, operation,

action, or reaction (e.g., chemical) at a stationary source that emit air pollutants. Except as described in subsection D of this section, parts and activities may be grouped for purposes of defining an emissions unit provided the following conditions are met:

(1) the group used to define the emissions unit may not include discrete parts or activities to which a distinct emissions standard applies or for which different compliance demonstration requirements apply; and

(2) the emissions from the emissions unit are quantifiable.

B. Emissions units may be defined on a pollutant-by-pollutant basis where applicable.

C. The term ~~A~~ emissions unit is not meant to alter or affect the definition of the term unit for purposes of Title IV of the FCAA.

D. Parts and activities shall not be groups for purposes of determining emissions increases from an emissions unit under ~~Section 37-030~~ Section 44-070 (HAP Early Reductions) or OAR 340-218-0190 (Title V Construction/Modification), or for purposes of determining the applicability of a New Source Performance Standard (NSPS).

- "Enforcement" means any documented action taken to address a violation.

- "EPA" or "Administrator" means the Administrator of the United States Environmental Protection Agency or the Administrator's designee.~~"EPA" means the United States Environmental Protection Agency.~~

- EPA Conditional Method means any method of sampling and analyzing for air pollutants which has been validated by the EPA but which has not been published as an EPA reference method.

- EPA Reference Method means any method of sampling and analyzing for an air pollutant as described in **40 CFR Part 60, 61, or 63**. ~~**(July 1, 1998).**~~

- "EPA Method 9" means the method for Visual Determination of the Opacity of Emissions From Stationary Sources as promulgated by the U.S. Environmental Protection Agency in Title 40 of the Code of Federal Regulations, Part 60, Appendix A, Method 9.

- "Equipment leaks" means leaks from pumps, compressors, pressure relief devices, sampling connection systems, open ended valves or lines, valves, connectors, agitators, accumulator vessels, and instrumentation systems in hazardous air pollutant service.

- "Equivalent method" means any method of sampling and analyzing for an air pollutant that has been demonstrated to ~~the Authority's~~ 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 ~~the Authority~~LRAPA.

- "Eugene/Springfield Air Quality Maintenance Area" means that area described in Section 4.6.2.1 and Figure 4.6.2.1--1 of the State of Oregon State Implementation Plan Revision, Eugene/Springfield AQMA, as approved by the Board on November 6, 1980.

- "Eugene-Springfield Urban Growth Boundary (ESUGB)" means the area within and around the cities of Eugene and Springfield, as described in the currently acknowledged Eugene-Springfield Metropolitan Area General Plan, as amended.

- "Event" means excess emissions that arise from the same condition and occur during a single calendar day or continue into subsequent calendar days.~~"Event" means any period of excess emissions.~~

- "Exceedance" means a condition that is detected by monitoring that provides data in terms of an emission limitation or standard and that indicates that emissions (or opacity) are greater than the applicable emission limitation or standard (or less than the applicable standard in the case of a percent reduction requirement) consistent with any averaging period specified for averaging the results of the monitoring.

- "Excess emissions" means emissions in excess of a permit limit or any applicable air quality rule.~~"Excess Emissions" means emissions which are in excess of an Air Contaminant Discharge Permit or any applicable air quality rule.~~

- "Excess emissions and continuous monitoring system performance report" is a report that must be submitted periodically by an affected source to provide data on its compliance with relevant emission limits, operating parameters, and the performance of its continuous parameter monitoring systems

~~$ "Existing Source" means any air contaminant source, the construction of which commenced prior to proposal of an applicable standard under Sections 112 or 129 of the FCAA.~~

~~□"Expressway" means a divided arterial highway for through traffic with full or partial control of access and generally with grade separations at major intersections.~~

~~$ "Fabricating" means any processing (e.g., cutting, sawing, drilling) of a manufactured product that contains commercial asbestos, with the exception of processing at temporary sites (field fabricating) for the construction or restoration of facilities. In the case of friction products, fabricating includes bonding, debonding, grinding, sawing, drilling, or other similar operations performed as part of fabricating.~~

~~•"Facility" means all or part of any public or private building, structure, installation, equipment, or vehicle or vessel including but not limited to ships.~~

- "Federal Land Manager" means, with respect to any lands in the United States, the Secretary of the federal department with authority over such lands.

- "Federal Major Source" means a source with potential to emit any individual regulated pollutant, excluding hazardous air pollutants listed in ~~OAR 340 division 244~~LRAPA Title 44, greater than or equal to 100 tons per year if in a source category listed below, or for non-listed sources 250 tons per year~~ if not in a source category listed~~. Potential to emit calculations must include emission increases due to a new or modified source.

  (a) Fossil fuel-fired steam electric plants of more than 250 million BTU/hour heat input;

(b) Coal cleaning plants with thermal dryers;
(c) Kraft pulp mills;
(d) Portland cement plants;
(e) Primary Zinc Smelters;
(f) Iron and Steel Mill Plants;
(g) Primary aluminum ore reduction plants;
(h) Primary copper smelters;
(i) Municipal Incinerators capable of charging more than 50 tons of refuse per day;
(j) Hydrofluoric acid plants;
(k) Sulfuric acid plants;
(l) Nitric acid plants;
(m) Petroleum Refineries;
(n) Lime plants;
(o) Phosphate rock processing plants;
(p) Coke oven batteries;
(q) Sulfur recovery plants;
(r) Carbon black plants, furnace process;
(s) Primary lead smelters;
(t) Fuel conversion plants;
(u) Sintering plants;
(v) Secondary metal production plants;
(w) Chemical process plants;
(x) Fossil fuel fired boilers, or combinations thereof, totaling more than 250 million BTU per hour heat input;
(y) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
(z) Taconite ore processing plants;
(aa) Glass fiber processing plants;
(bb) Charcoal production plants.

- "Federal Operating Permit Program" means a program approved by the EPA Administrator under 40 CFR Part 70 ~~(last amended by 57 FR 32295, July 21, 1992)~~. The rules and regulations which shall apply until superseded by LRAPA rules and regulations are OAR 340-~~28-2100~~218-0010 through 340-~~28-2320~~218-0240 (Title V Operating Permit Program) and 340-~~28-2560~~220-0010 through 340-~~28-2740~~220-0190 (Title V Operating Permit Fees), ~~and all of OAR 340-32~~244 and 248 (Asbestos).

- "Filing" or "filed" means receipt in the office of the Director. Such receipt is adequate where filing is required for a document on a matter before ~~the Authority~~Agency~~Agency~~LRAPA, except a claim of personal liability.

~~$ "Fire Hazard" means the presence or accumulation of combustible material of such nature and in sufficient quantity that its continued existence constitutes an imminent and substantial danger to life, property, public welfare, or to adjacent lands.~~ (to Title 47)

~~$ "Fire Permit Issuing Agency" means any governmental fire permit issuing agency, such as city fire department, rural fire protection district, water district, forest protection district or~~

~~county court or board of county commissioners or their designated representative, as applicable.~~ To title 47

~~$ "Flagrant" means any documented violation where the respondent had actual knowledge of the law and consciously set out to commit the violation.~~ To title 15

~~$ AForest Slash Open Burning@ means burning of vegetative debris and refuse on forest land related to the growing and/or harvesting of forest tree species where there is no change in the use of the land from timber production. Forest slash open burning does not include burning for commercial or individual use, or for any other type of land clearing not related to the growing and harvesting or forest tree species.~~ To title 47

~~$ "Formal Enforcement Action" means an administrative action signed by the Director or authorized representative which is issued to a respondent for a documented violation. A formal enforcement action may require the respondent to take specific action within a specified time frame and/or state the consequences for continued non-compliance.~~ To title 15

~~□"Freeway" means an expressway with full control of access.~~

~~$ "Friable asbestos-containing material" means any asbestos-containing material that can be crumbled, pulverized or reduced to powder by hand pressure when dry. Friable asbestos material includes any asbestos-containing material that is shattered or subjected to sanding, grinding, sawing, abrading or has the potential to release asbestos fibers.~~ To asbestos

~~□Fuel Moisture Content by Weight Greater Than 20% means bark, hogged wood waste, or other wood with an average moisture content of more than 20 percent by weight on a wet basis as used for fuel in the normal operating of a wood-fired veneer dryer as measured by ASTM D4442-84 during compliance source testing.~~

~~□Fuel Moisture Content by Weight Less Than 20% means pulverized ply trim, sanderdust, or other wood with an average moisture content of 20 percent or less by weight on a wet basis as used for fuel in the normal operations of a wood-fired veneer dryer as measured by ASTM D4442-04 during compliance source testing.~~

- "Fugitive Emissions,"

~~Except as used in subsection (b) of this section, means emissions of any air contaminant which escape to the atmosphere from any point or area that is not identifiable as a stack, vent, duct, or equivalent opening.~~ ~~means emissions of any air contaminant which escapes to the ambient air from any point or area that is not identifiable as a stack, vent, duct, or functionally equivalent opening.~~

~~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.

~~$ "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and serving of food.~~ ~~To title 47~~

~~□ "Gasoline" means any petroleum distillate having a Reid vapor pressure of four (4) pounds per square inch or greater.~~

~~□ "General Arrangement," in the context of the compliance schedule requirements in this division, means drawings or reproductions which show, as a minimum, the size and location of equipment served by the emission control system, the location and elevation above grade of the ultimate point of contaminant emission to the atmosphere, and the diameter of the emission vent.~~

- "Generally Available Control Technology (GACT)" means an alternative emission standard promulgated by EPA for non-major sources of Hazardous Air Pollutants which provides for the use of control technology or management practices which are generally available.

- "General permit":
  (a) Except as provided in subsection (b) of this section, means an ~~Oregon~~ Air Contaminant Discharge Permit established under ~~OAR 340-216~~Section 37-0060.
  A. As used in OAR 340 division 218 means an Oregon Title V Operating Permit established under OAR 340-218-0090.

- "Generic PSEL" means:

Pollutant	**Generic PSEL (tons/year, except as noted)**
CO	99
NO_x	39
SO_2	39
VOC	39
PM	24
PM_{10} ~~(except Medford AQMA)~~	14
~~PM_{10} (Medford AQMA)~~	~~4.5 [49 lbs/day]~~
Lead	0.5
Fluorides	2
Sulfuric Acid Mist	6
Hydrogen Sulfide	9
Total Reduced Sulfur (including hydrogen sulfide)	9
Reduced Sulfur	9
Municipal waste combustor organics (Dioxin and furans)	0.0000030
Municipal waste combustor metals	14
Municipal waste combustor acid gases	39
Municipal solid waste landfill gases	49
Single HAP	9
Combined HAPs (aggregate)	24

Note: Sources are eligible for a generic PSEL if expected emissions are less than or equal to the levels listed in the table above. Baseline emission rate and netting basis do not apply to pollutants at sources using generic PSELs.

- "Growth Allowance" means an allocation of some part of an airshed's capacity to accommodate future proposed major sources and major modifications of sources.~~"Growth~~

~~Increment" means an allocation of some part of an airshed's capacity to accommodate future new minor sources, modifications of minor sources, and area source growth.~~

- "Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure.

~~$ "Hazardous Air Contaminant" means any air contaminant considered by the Authority or Department to cause or contribute to an identifiable and significant increase in mortality or to an increase in serious irreversible or incapacitating reversible illness and for which no ambient air standard exists.~~

- "Hazardous Air Pollutant (HAP)" means an air pollutant listed by the EPA pursuant to **Section 112(b) of the FCAA** or determined by the Commission to cause, or reasonably be anticipated to cause, adverse effects to human health or the environment.

~~$ "Hazardous Waste" means a hazardous waste as defined in 40 CRF 261.3~~.

- "HEPA filter" means a high-efficiency particulate air filter capable of filtering 0.3 micrometer particles with 99.97 percent efficiency.

~~$ AHigh Risk Pollutant@ means any air pollutant listed in Table 2 of Title 37 for which exposure to small quantities may cause a high risk of adverse public health effects.~~

- "Highway Section" means a highway of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multi-year highway improvement program.

- "Hot Mix Asphalt Plant" means those facilities and equipment which convey or batch load proportioned quantities of cold aggregate to a drier, and heat, dry, screen, classify, measure, and mix the aggregate with asphalt for purposes of paving, construction, industrial, residential, or commercial use.

- "Immediately," as relates to notifying LRAPA of episodes of excess emissions, means one of the following:

  A. During LRAPA's normal work hours, 8:00 a.m. to 5:00 p.m. Monday through Friday, report is to be made as soon as possible but no more than one (1) hour after the beginning of the excess emissions; or
  B. During LRAPA's off-duty hours or on weekends or holidays, report is to be made as soon as possible but no more than one (1) hour after the beginning of the excess emissions, using LRAPA's electronic telephone answering equipment. If the person reporting the incident is unable to access the telephone answering equipment because of overloaded telephone circuits or telephone equipment malfunction, the report must be made to the LRAPA business office at the beginning of the next working day.

~~$ "Inactive asbestos waste disposal site" means any disposal site for asbestos-containing waste where the operator has allowed the Department's solid waste permit to lapse, has gone out of business, or no longer receives asbestos-containing waste.~~

~~$ "Incineration Operation" means any operation in which combustion is carried on in an incinerator, for the principal purpose or with the principal result, of oxidizing wastes to reduce their bulk and/or facilitate disposal.~~

~~$ "Incinerator" means a combustion device specifically for destruction, by high temperature burning, of solid, semi-solid, liquid, or gaseous combustible wastes. This does not include devices such as open or screened barrels, drums, or process boilers~~.

~~$ "Indirect Source" means a facility, building, structure, installation, or any portion or combination thereof, which indirectly causes or may cause mobile source activity that results in emissions of an air contaminant for which there is a federal, state or local standard. Such Indirect Sources shall include, but shall not be limited to:~~

~~A. Highways and roads;~~
~~B. Parking facilities;~~
~~C. Retail, commercial and industrial facilities;~~
~~D. Recreation, amusement, sports and entertainment facilities;~~
~~E. Airports;~~
~~F. Office and government buildings;~~
~~G. Apartment and mobile home parks;~~
~~H. Educational facilities;~~
~~I. Hospital facilities; and~~
~~J. Religious facilities.~~

~~$ "Indirect Source Construction Permit" means a written permit in letter form issued by the Authority, bearing the signature of the Director, which authorizes the permittee to commence construction of an indirect source, under construction and operation conditions and schedules as specified in the permit.~~

~~$ "Indirect Source Emission Control Program (ISECP)" means a program which reduces mobile source emissions resulting from the use of the Indirect Source. An ISECP may include, but is not limited to:~~

~~A. Posting transit route and scheduling information.~~
~~B. Construction and maintenance of bus shelters and turnout lanes.~~
~~C. Maintaining mass transit fare reimbursement programs.~~
~~D. Making a car pool matching system available to employees, shoppers, students, residents, etc.~~
~~E. Reserving parking spaces for car pools.~~
~~F. Making parking spaces available for park-and-ride stations.~~
~~G. Minimizing vehicle running time within parking lots through the use of sound parking lot design.~~
~~H. Ensuring adequate gate capacity by providing for the proper number and location of entrances and exits and optimum signalization for such.~~
~~I. Limiting traffic volume so as not to exceed the carrying capacity of roadways.~~

~~J. Altering the level of service at controlled intersections.~~
~~K. Obtaining a written statement of intent from the appropriate public agency(s) on the disposition of roadway improvements, modifications, and/or additional transit facilities to serve the individual source.~~
~~L. Construction and maintenance of exclusive transit ways.~~
~~M. Providing for the collection of air quality monitoring data at Reasonable Receptor and Exposure Sites.~~
~~N. Limiting facility modifications which can take place without resubmission of a permit application.~~

- "Industrial Area" means land which is zoned or used for industrial operations, including manufacturing.

- "Inherent process equipment" means equipment that is necessary for the proper or safe functioning of the process, or material recovery equipment that the owner or operator documents is installed and operated primarily for purposes other than compliance with air pollution regulations. Equipment that must be operated at an efficiency higher than that achieved during normal process operations in order to comply with the applicable emission limitation or standard is not inherent process equipment. For the purposes of source testing requirements, inherent process equipment is not considered a control device.

- "Insignificant Activity" means an activity or emission that ~~the Agency~~LRAPA has designated as categorically insignificant, or that meets the criteria of aggregate insignificant emissions.

- "Insignificant Change" means an off-permit change defined under OAR 340-218-0140(2)(a) to either a significant or an insignificant activity which:

  A. Does not result in a redesignation from an insignificant to a significant activity;
  B. Does not invoke an applicable requirement not included in the permit; and
  C. Does not result in emission of regulated air pollutants not regulated by the source's permit.

~~$ "Industrial Open Burning" means the open burning of "industrial wastes," which are materials produced as a direct result of any manufacturing or industrial process.~~

~~$ "Infectious Waste" means waste which contains or may contain any disease-producing microorganism or material including, but not limited to, biological waste, cultures and stocks, pathological waste, and sharps (see individual definitions for these terms).~~

~~$ "Infectious Waste Incinerator" means an incinerator which is operated or utilized for the disposal or treatment of infectious waste, including combustion for the recovery of heat.~~

~~$ "Intentional," means conduct by a person with a conscious objective to cause the result of the conduct.~~

~~$ "Interim Emission Fee" means $13 per ton for each assessable emission subject to emission fees under LRAPA 35-010 for calculated or permitted emissions released during calendar years 1991 and 1992.~~

~~$ "Interim storage of asbestos-containing material" means the storage of asbestos-containing waste material that has been placed in a container outside a regulated area until transported to an authorized landfill.~~

- "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.

~~$ "Land Clearing" means the removal of trees, brush, logs, stumps, debris or man-made structures for the purpose of site clean-up or site preparation for construction.~~

- "Late Payment" means ~~an interim emission fee~~a fee payment which is postmarked after the due date.

~~$ "Leaves" means needle or leaf materials which have fallen from trees, shrubs, or plants on the property around a dwelling unit.~~

- "Lime Kiln" means any production device in which calcium carbonate is thermally converted to calcium oxide.

- "Lowest Achievable Emission Rate (LAER)" means that rate of emissions which reflects:

  A. The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or
  B. The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

  In no event shall the application of this term allow a proposed new or modified source to emit any air contaminant in excess of the amount allowable under applicable Nnew Ssource Pperformance Sstandards (NSPS) or standards for hazardous air pollutants.

- "LRAPA" means the Lane Regional Air ~~Pollution Authority~~Protection Agency, a regional air quality control authority.

~~$ "Magnitude of the Violation" means the extent of a violator's deviation from federal, state and the Authority's statutes, rules, standards, permits or orders. In determining magnitude, the Authority shall consider available information, including such factors as concentration, volume, percentage, duration, toxicity, and the extent of the effects of the violation. In any case, the Authority may consider any single factor to be conclusive. Deviations shall be categorized as major, moderate or minor.~~

- "Maintenance Area" means a geographical area of Lane County that was designated as a nonattainment area, redesignated as an attainment area by EPA, and redesignated as a maintenance area by LRAPA.

- "Maintenance Pollutant" means a pollutant for which a maintenance area was formerly designated a nonattainment area.

~~$ "Major Modification" means any physical change or change of operation of a source that would result in a net significant emission rate increase (as defined in this section) for any pollutant subject to regulation under the Clean Air Act. This criteria also applies to any pollutants not previously emitted by the source. Calculations of net emission increases must take into account all accumulated increases and decreases (not including mandated decreases) in actual emissions occurring at the source since January 1, 1978, or since the time of the last major source or major modification approval issued for the source pursuant to the rules for that pollutant, whichever time is more recent. If accumulation of emission increases results in a net significant emission rate increase, the modifications causing such increases become subject to the major modification requirements of this title, including the retrofit of required controls. For the purposes of this title, fugitive emissions shall be 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 shall not be included in calculations of potential emissions which are made to determine if a proposed source or modification is major. Once a source or modification is identified as being major, secondary emissions must be added to the primary emissions and become subject to these rules.~~

- "Major Modification" means any physical change or change of operation of a source that results in the following for any regulated air pollutant:

  A. an increase in the PSEL by an amount equal to or more than the significant emission rate over the netting basis; and

  B. the accumulation of physical changes and changes of operation since baseline that would result in a significant emission rate increase.

  1. Calculations of emission increases in (B) must account for all accumulated increases in actual emissions due to physical changes and changes of operation occurring at the source since the baseline period, or since the time of the last construction approval issued for the source pursuant to the New Source Review Regulations in LRAPA Title 38 for that pollutant, whichever time is more recent. These include emissions from insignificant activities.
  2. Emission increases due solely to increased use of equipment or facilities that existed during the baseline period are not included, if that increased use was possible during the baseline period under the baseline configuration of the source, and the increased use of baseline equipment capacity is not to support a physical change or change in operation.

  (C) For new or modified major sources that were permitted to construct and operate after the baseline period and were not subject to New Source Review, a major modification means:

  1. Any change at a source, including production increases, that would result in a Plant Site Emission Limit increase of 1 ton or more for any regulated pollutant for which the source is a major source; or
  2. The addition or modification of any stationary source or sources after the initial construction that have cumulative potential emissions greater than or equal to the significant emission rate, excluding any emission decreases.

3. Changes to the PSEL solely due to the availability of better emissions information are exempt from being considered an increase.

(D) The following are not considered major modifications:

1. Except as provided in (C), proposed increases in hours of operation or production rates that would ~~cause emission increases above the levels allowed in a permit and would~~ not involve a physical change or change in method of operation in the source, nor cause a PSEL increase;

~~Pollution control projects that are determined by the Authority to be environmentally beneficial;~~

2. Routine maintenance, repair, and replacement of components;
3. Temporary equipment installed for maintenance of the permanent equipment if the temporary equipment is in place for less than six months and operated within the permanent equipment's existing PSEL;
4. Use of alternate fuel or raw materials, that were available and the source was capable of accommodating in the baseline period.

- "Major Source":

(A) Except as provided in subsection (B) , means a source that emits, or has the potential to emit, any regulated air pollutant at a Significant Emission Rate. This includes emissions from insignificant activities .

(B) As used in ~~OAR 340 division 210~~LRAPA Title 34, Stationary Source Notification Requirements, OAR 340 division 218, ~~R~~rules ~~A~~applicable to ~~S~~sources ~~R~~required to ~~H~~have ~~Oregon~~LRAPA Title V Operating Permits OAR 340 division 220, ~~Oregon~~ Title V Operating Permit Fees, and ~~OAR 340-216~~LRAPA Section 37-0066 Standard ACDPs, means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties and are under common control of the same person (or persons under common control)) belonging to a single major industrial grouping or supporting the major industrial group and that is described in paragraphs (1), (2), or (3) of this subsection. For the purposes of this subsection, a stationary source or group of stationary sources is considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual (U.S. Office of Management and Budget, 1987) or support the major industrial group.

(1) A major source of hazardous air pollutants, which means:

(i) ~~For pollutants other than radionuclides, any~~Any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any single hazardous air pollutant~~s that has been listed pursuant to OAR 340-244-0040~~; 25 tpy or more of any combination of ~~such~~ hazardous air pollutants, ~~or such lesser quantity as~~unless the Administrator ~~may~~ establishes a lesser quantity, or in the case of radionuclide, different criteria from those in this sentence ~~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.

(2) A major stationary source of air pollutants, as defined in section 302 of the Act, that directly emits or has the potential to emit 100 tpy or more of any regulated air pollutant, including any major source of fugitive emissions of any such pollutant. The fugitive emissions of a stationary source are not considered in determining whether it is a major stationary source for the purposes of section 302(j) of the Act, unless the source belongs to one of the following categories of stationary source:

(i) Coal cleaning plants (with thermal dryers);
(ii) Kraft pulp mills;
(iii) Portland cement plants;
(iv) Primary zinc smelters;
(v) Iron and steel mills;
(vi) Primary aluminum ore reduction plants;
(vii) Primary copper smelters;
(viii) Municipal incinerators capable of charging more than 50 tons of refuse per day;
(ix) Hydrofluoric, sulfuric, or nitric acid plants;
(x) Petroleum refineries;
(xi) Lime plants;
(xii) Phosphate rock processing plants;
(xiii) Coke oven batteries;
(xiv) Sulfur recovery plants;
(xv) Carbon black plants (furnace process);
(xvi) Primary lead smelters;
(xvii) Fuel conversion plants;
(xviii) Sintering plants;
(xix) Secondary metal production plants;
(xx) Chemical process plants;
(xxi) Fossil-fuel boilers, or combination thereof, totaling more than 250 million British thermal units per hour heat input;
(xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
(xxiii) Taconite ore processing plants;
(xxiv) Glass fiber processing plants;
(xxv) Charcoal production plants;
(xxvi) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or
(xxvii) All other stationary source categories, that as of August 7, 1980, is being regulated by a standard promulgated under section 111 or 112 of the Act, but only with respect to those air pollutants that have been regulated for that category.

(3) A major stationary source as defined in part D of Title I of the Act, including:

(i) For ozone nonattainment areas, sources with the potential to emit 100 tpy or more of VOCs or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tpy or more in areas classified as "serious," 25 tpy or more in areas classified as "severe," and 10 tpy or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 tpy of nitrogen oxides do not apply with respect to any source for which the Administrator has made a finding, under section 182(f)(1) or (2) of the Act, that requirements under section 182(f) of the Act do not apply;
(ii) For ozone transport regions established pursuant to section 184 of the Act, sources with the potential to emit 50 tpy or more of VOCs;

(iii) For carbon monoxide nonattainment areas:

(I) That are classified as "serious;" and

(II) In which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tpy or more of carbon monoxide.

(iv) For particulate matter (PM10) nonattainment areas classified as "serious," sources with the potential to emit 70 tpy or more of PM10.

~~"Major Source" means:~~

~~A. Except as provided in subsection B, means a source that emits, or has the potential to emit, any regulated air pollutant at a Significant Emission Rate. This includes emissions from insignificant activities.~~

~~B. As used in OAR 340 division 210, Stationary Source Notification Requirements, OAR 340 division 218, Rules Applicable to Sources Required to Have Oregon Title V Operating Permits OAR 340 division 220, Oregon Title V Operating Permit Fees, and OAR 340-216-0066 Standard ACDPs, means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties and are under common control of the same person (or persons under common control)) belonging to a single major industrial grouping or supporting the major industrial group and that is described in paragraphs (A), (B), or (C) of this subsection. For the purposes of this subsection, a stationary source or group of stationary sources is considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual (U.S. Office of Management and Budget, 1987) or support the major industrial group.~~

~~(1) A major source of hazardous air pollutants, which means:~~

~~(a) For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutants that has been listed pursuant to OAR 340-244-0040; 25 tpy 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~~

~~(b) For radionuclides, "major source" will have the meaning specified by the Administrator by rule.~~

~~(2) A major stationary source of air pollutants, as defined in section 302 of the Act, that directly emits or has the potential to emit 100 tpy or more of any regulated air pollutant, including any major source of fugitive emissions of any such pollutant. The fugitive emissions of a stationary source are not considered in determining whether it is a major stationary source for the purposes of section 302(j) of the Act, unless the source belongs to one of the following categories of stationary source:~~

~~(a) Coal cleaning plants (with thermal dryers);~~

~~(b) Kraft pulp mills;~~
~~(c) Portland cement plants;~~
~~(d) Primary zinc smelters;~~
~~(e) Iron and steel mills;~~
~~(f) Primary aluminum ore reduction plants;~~
~~(g) Primary copper smelters;~~
~~(h) Municipal incinerators capable of charging more than 50 tons of refuse per day;~~
~~(i) Hydrofluoric, sulfuric, or nitric acid plants;~~
~~(j) Petroleum refineries;~~
~~(k) Lime plants;~~
~~(l) Phosphate rock processing plants;~~
~~(m) Coke oven batteries;~~
~~(n) Sulfur recovery plants;~~
~~(o) Carbon black plants (furnace process);~~
~~(p) Primary lead smelters;~~
~~(r) Fuel conversion plants;~~
~~(s) Sintering plants;~~
~~(t) Secondary metal production plants;~~
~~(u) Chemical process plants;~~
~~(v) Fossil-fuel boilers, or combination thereof, totaling more than 250 million British thermal units per hour heat input;~~
~~(w) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;~~
~~(x) Taconite ore processing plants;~~
~~(y) Glass fiber processing plants;~~
~~(z) Charcoal production plants;~~
~~(aa) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or~~
~~(bb) All other stationary source categories regulated by a standard promulgated under section 111 or 112 of the Act, but only with respect to those air pollutants that have been regulated for that category.~~

~~(3) A major stationary source as defined in part D of Title I of the Act, including:~~
~~(a) For ozone nonattainment areas, sources with the potential to emit 100 tpy or more of VOCs or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tpy or more in areas classified as "serious," 25 tpy or more in areas classified as "severe," and 10 tpy or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 tpy of nitrogen oxides do not apply with respect to any source for which the Administrator has made a finding, under section 182(f)(1) or (2) of the Act, that requirements under section 182(f) of the Act do not apply;~~
~~(b) For ozone transport regions established pursuant to section 184 of the Act, sources with the potential to emit 50 tpy or more of VOCs;~~
~~(c) For carbon monoxide nonattainment areas:~~
~~(i) that are classified as "serious;" and~~
~~(ii) in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tpy or more of carbon monoxide.~~

~~(d) For particulate matter (PM10) nonattainment areas classified as "serious," sources with the potential to emit 70 tpy or more of PM10.~~

~~$ AMajor Source,@ as used in Title 37, means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any Hazardous Air Pollutant, or 25 tons per year or more of any combination of Hazardous Air Pollutants. The EPA may establish a lesser quantity, or in the case of radionuclides, different criteria for a major source on the basis of the potency of the air pollutant, persistence, potential for bioaccumulation, other characteristics of the air pollutant, or other relevant factors.~~

~~(115)$ "Major Source," as used in Title 38, means a source which emits, or has the potential to emit, any pollutant regulated under the Clean Air Act at a Significant Emission Rate (as defined in Title 38). For the purposes of this title, fugitive emissions shall be 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 shall not be included in calculations of potential emissions which are made to determine if a proposed source or modification is major. Once a source or modification is identified as being major, secondary emissions must be added to the primary emissions and become subject to these rules.~~

- "Material Balance" means a procedure for calculating emissions based on the difference between the amount of material added to a process and the amount consumed and recovered from a process.

- "Modification", except as used in the term "major modification", means any physical change to, or change in the method of operation of, a stationary source that results in an increase in the stationary source's potential to emit any regulated air pollutant. Modifications do not include the following:
  A. Increases in hours of operation or production rates that do not involve a physical change or change in the method of operation;
  B. Changes in the method of operation due to using an alternative fuel or raw material that the stationary source was physically capable of accommodating during the baseline period; and
  C. Routine maintenance, repair and like-for-like replacement of components unless they increase the expected life of the stationary source by using component upgrades that would not otherwise be necessary for the stationary source to function.

- "Monitoring" means any form of collecting data on a routine basis to determine or otherwise assess compliance with emission limitations or standards. Monitoring may include record keeping if the records are used to determine or assess compliance ~~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.

~~□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.~~

~~$ "Maximum Opacity" means the opacity as determined by EPA Method 9 (average of 24 consecutive observations~~).

~~$ "Mercury" means the element mercury, excluding any associated elements and includes mercury in particulates, vapors, aerosols, and compounds.~~

~~$ "Mercury Ore" means any mineral mined specifically for its mercury content.~~

~~$ "Mercury Ore Processing Facility" means a facility processing mercury ore to obtain mercury.~~

~~$ "Mercury Chlor-Alkali Cell" means a device which is basically composed of an electrolyzer section and denuder (decomposer) section, and which utilizes mercury to produce chlorine gas, hydrogen gas, and alkali metal hydroxide.~~

~~$ "Mobile Source" means self-propelled vehicles, powered by internal combustion engines, including but not limited to automobiles, trucks, motorcycles and aircraft.~~

~~$ "Model Rules" or "Uniform Rules" means the Attorney General's Uniform and Model Rules of Procedure, OAR 137-01-005 through 137-04-010 as amended and in effect on April 29, 1988.~~

~~$ "Modification of an Air Contaminant Source" means any physical change or change in operation of a source which would result in a change in the air contaminant emissions from that source.~~

~~$ "Motor Vehicle" means any self-propelled vehicle designed for transporting persons or property on a public street or highway.~~

~~$ "Negative pressure enclosure," as used in Title 43, means any enclosure of an asbestos abatement project area where the ambient air pressure is greater than the air pressure within the enclosure, and the air inside the enclosure is changed at least four times an hour by exhausting it through a HEPA filter.~~

~~$ "Negligence" or "Negligent" means failure to take reasonable care to avoid a foreseeable risk of committing an act or omission constituting a violation.~~

- "Netting Basis" means the baseline emission rate MINUS any emission reductions required by rule, orders, or permit conditions required by the SIP or used to avoid SIP requirements, MINUS any unassigned emissions that are reduced from allowable emissions under ~~OAR 340-222-~~LRAPA Title 42, Section 42-0045~~(need LRAPA Equivalent),~~, MINUS any emission reduction credits transferred off site, PLUS any emission increases approved through the New Source Review regulations of Title 38.
  - A. With the first permitting action for a source after July 1, 200~~2~~8, the baseline emissions rate will be frozen and shall be recalculated only if:
    1. a better emission factor is established for the baseline period and approved by ~~the Agency~~LRAPA;
    2. a currently operating emissions unit that ~~the Agency~~LRAPA formerly thought had negligible emissions, is determined to have non-de minimis emissions and needs to be added to the baseline emission rate; or
    3. a new pollutant is added to the regulated pollutant list (e.g., PM2.5). For a pollutant that is newly regulated after 11/15/90, the initial netting basis is the actual emissions during any 12 consecutive month period within the 24 months immediately preceding its designation as a regulated pollutant. ~~The Agency~~LRAPA may allow a prior 12 consecutive month time period to be used if it is shown to be more representative of normal source operation.
  - B. Netting basis is zero for:
    1. any source constructed after the baseline period and has not undergone New Source Review;
    2. any pollutant that has a generic PSEL in a permit;
    3. any source permitted as portable; and
    4. any source with a netting basis calculation resulting in a negative number.
  - C. If a source relocates to an adjacent site, and the time between operation at the old and new sites is less than six months, the source may retain the netting basis from the old site.
  - D. Emission reductions required by rule, order, or permit condition affect the netting basis if the source currently has devices or emissions units that are subject to the rules, order, or permit condition. The baseline emission rate is not affected.
  - E. Netting basis for a pollutant with a revised definition will be adjusted if the source is emitting the pollutant at the time of redefining and the pollutant is included in the permit's netting basis.
  - F. Where EPA requires an attainment demonstration based on dispersion modeling, the netting basis will be established at no more than the level used in the dispersion modeling to demonstrate attainment with the ambient air quality standard (i.e., the attainment demonstration is an emission reduction required by rule).

~~$ "New Source" means any stationary air contaminant source, the construction of which is commences after proposal of a federal MACT or January 3, 1993, whichever is earlier.~~

- "Nitrogen Oxides" or "NO_x" means all oxides of nitrogen except nitrous oxide.

- "Nonattainment Area" means a geographical area within the jurisdiction of the ~~Authority~~ Agency, as designated by the Board, the Environmental Quality Commission, or the Environmental Protection Agency which exceeds any federal, state or local primary or secondary ambient air quality standard ~~as designated by the Board, the Environmental Quality Commission, or the Environmental Protection Agency~~.

- "Nonattainment Pollutant" means a pollutant for which an area is designated a nonattainment area.

~~"Non-Condensibles" means gases and vapors, contaminated with TRS compounds, from the digestion and multiple-effect evaporation processes of a kraft mill.~~

~~$ "Nonfriable asbestos-containing material" means any asbestos-containing material that cannot be crumbled, pulverized, or reduced to powder by hand pressure. Nonfriable asbestos-containing material does not include material that has been subjected to shattering, sanding, grinding, sawing, or abrading or that has the potential to release asbestos fibers.~~

~~$ "Non-Major Source," as used in Title 38 means a stationary source which will not emit, and does not have the potential to emit, any pollutant regulated under the Clean Air Act at a Significant Emission Rate.~~

- "Normal Source Operation" means operations which do not include such conditions as forced fuel substitution, equipment malfunction, or highly abnormal market conditions.

~~$ ANot Feasible to Prescribe or Enforce a Numerical Emission Limit@ means a situation in which the Authority determines that a pollutant or stream of pollutants listed in Title 37 cannot be emitted through a conveyance designed and constructed to emit or capture such pollutant, or that any requirement for, or use of, such a conveyance would be inconsistent with any state or federal law or regulation; or the application of measurement technology to a particular source is not practicable due to technological or economic limitations.~~

~~$ ANuisance@ means a substantial and unreasonable interference with another=s use and enjoyment of real property, or the substantial and unreasonable invasion of a right common to members of the general public.~~

~~$ "Odor" means the property of a substance which allows its detection by the sense of smell.~~

~~$ "Off-Street Area or Space" means any area or space not located on a public road dedicated for public use.~~

~~"Offset" or "Emission Offsets" means emission reduction credits which are used to mitigate cumulative increases in emissions. Emission offsets are emission reduction credits, approved in accordance with Section 40-0090 (Requirements for Demonstrating a Net Air Quality Benefit) and emission reduction credits approved by the DEQ, provided the applicant demonstrated the DEQ OAR 340-225-0090 requirements have been met or do not apply~~(Sandra's change…EPA prefers the other definition to be consistent w/ODEQ)~~.~~

~~"Offset" means an equivalent or greater emission reduction which that is required prior tobefore allowing an emission increase from a new proposed major source or major modification of a an existing source.~~

- "Opacity" means the degree to which emissions reduce the transmission of light and obscures the view of an object in the background. For continuous opacity monitoring systems, opacity means the faction of incident of light that is attenuated by optical medium. Unless otherwise specified by rule, opacity shall be measured in accordance with EPA Method 9. For all standards, the minimum observation period shall be six minutes, though longer periods may be required by a specific rule or permit condition. Alternatives to EPA Method 9, such as a continuous opacity monitoring system (COMS), alternate Method 1 (LIDAR), or EPA Methods 22, or 203, may be used if approved in advance by LRAPA, provided the applicable criteria of the EPA method and the DEQ Source Sampling Manual are satisfied. ~~Alternative~~Equivalent methods applied to federal standards included in the State Implementation Plan may only be used if they are also approved in advance by EPA.~~"Opacity" means the degree to which an emission reduces transmission of light or obscures the view of an object in the background.~~
- "Oregon Title V Operating Permit" or "LRAPA Title V Operating Permit" means any permit covering an Oregon or LRAPA Title V Operating Permit source that is issued, renewed, amended, or revised pursuant to OAR 340 division 218.
- "Oregon Title V Operating Permit program" means a program approved by the Administrator under 40 CFR Part 70.
- "Oregon Title V Operating Permit program source" means any source subject to the permitting requirements, OAR 340 division 218.

~~$ "Opacity Readings" are the individual readings which comprise a visual opacity determination.~~

~~$ AOpen Accumulation,@ as used in Title 43, means any accumulation, including interim storage, of friable asbestos-containing materials or asbestos-containing waste material other than material securely enclosed and stored as required by 43-015-10.L, 43-015-18 and 43-015-19.~~

~~$ "Open Burning" includes burning in open outdoor fires, burn barrels, and incinerators which do not meet emission limitations specified in Section 33-020 of these Rules, and any other outdoor burning which occurs in such a manner that combustion air is not effectively controlled and combustion products are not effectively vented through a stack or chimney.~~

~~$ "Order" means:~~

~~A. Any action satisfying the definition given in ORS Chapter 183; or~~
~~B. Any other action so designated in ORS Chapter 468 or 468.A.~~

~~"Other Sources of TRS emissions" means sources of TRS emissions in a kraft mill other than recovery furnaces and lime kilns, 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.

- "Ozone Season" means the contiguous 3 month period during which ozone exceedances typically occur (i.e., June, July, and August).

$ AOwner or operator,@ as used in Title 43, means any person who owns, leases, operates, controls or supervises a facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

$ "Parking and Traffic Circulation Plan" means a plan developed by a city, county or regional government or regional planning agency, the implementation of which assures the attainment and maintenance of the state and local ambient air quality standards.

$ "Parking Facility" means any building, structure, lot or portion thereof, designed and used primarily for the temporary storage of motor vehicles in designated parking spaces.

$ "Parking Space" means any off-street area of space below, above or at ground level, open or enclosed, that is used for parking one motor vehicle at a time.

- "Particle Fallout Rate" means the weight of particulate matter which settles out of the air in a given length of time over a given area.

□"Particleboard" means mat-formed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.

$ "Particulate asbestos material" means any finely divided particles of asbestos material.

- "Particulate Matter" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by the method specified within the standard or by an applicable reference method in accordance with LRAPA 35-0120 and LRAPA 35-0140. Sources with exhaust gases at or near ambient conditions may be tested with DEQ Method 5 or DEQ Method 8, as approved by LRAPA. Direct heat transfer sources shall be tested with DEQ Method 7; indirect heat transfer combustion sources and all other non-fugitive emissions sources not listed above shall be tested with DEQ Method 5 or an equivalent method approved by LRAPA. AlternativeEquivalent methods applied to federal standards included in the State Implementation Plan may only be used if they are also approved in advance by EPA. "Particulate Matter" means any liquid or solid matter emitted to the ambient air, except uncombined water, as measured by an applicable reference method approved by the Agencyuthority.

$ AParticulate Matter,@ as used in 33-060, means all solid or liquid material, other than uncombined water, emitted to the ambient air as measured in accordance with the Department Source Sampling Manual. Particulate matter emissions determinations shall consist of the average of three separate consecutive runs.

~~A. For sources tested using DEQ Method 7, each run shall have a minimum sampling time of one hour, a maximum sampling time of eight hours, and a minimum sampling volume of 31.8 dscf. Veneer dryers, wood particle dryers, fiber dryers, and press/cooling vents shall be tested with DEQ Method 7.~~

~~B. For sources tested using DEQ Method 8, each run shall have a minimum sampling time of 15 minutes and shall collect a minimum particulate sample of 100 mg. Air conveying systems shall be tested with DEQ Method 8.~~

~~$ AParticulate Matter,@ as used in 33-070, means all solid or liquid material, other than uncombined water, emitted to the ambient air, as measured by EPA Method 5 or an equivalent test method in accordance with the Department Source Test Manual. Particulate matter emissions determinations by EPA Method 5 shall use water as the cleanup solvent instead of acetone, and consist of the average of three (3) separate consecutive runs having a minimum sampling time of 60 minutes each, a maximum sampling time of eight (8) hours each, and a minimum sampling volume of 31.8 dscf each.~~

$ ~~"Parts Per Million (ppm)" means parts of a contaminant per million parts of gas by volume on a dry gas basis (1 ppm equals 0.0001% by volume).~~

~~$ "Pathological waste" includes biopsy materials and all human tissues; anatomical parts that emanate from surgery, obstetrical procedures, autopsy and laboratory procedures; and animal carcasses exposed to pathogens in research and the bedding and other waste from such animals. "Pathological wastes" does not include teeth, or formaldehyde or other preservative agents (see also "infectious waste").~~

- "Permit" or "Air Contaminant Discharge Permit" means a written permit issued by ~~the Authority~~LRAPA, pursuant to LRAPA and DEQ rules and regulations.

~~$ "Permitted Emissions," as used in title 35, means assessable emission portion of the Plant Site Emission Limit.~~

- "Permittee" means the owner or operator of the facility, ~~in whose name the operation of the source is~~ authorized by the Air Contaminant Discharge Permit or ~~the federal operating permit~~the Oregon or LRAPA Title V Operating Permit to operate the source.

- "Person" means any individual, public or private corporation, political subdivision, agency, board, department, or bureau of the state or federal government, municipality, partnership, association, firm, trust, estate, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

~~"Person in Charge of Property" means an agent, occupant, lessee, tenant, contract purchaser, or other person having possession or control of property.~~

- "Plant Site Emission Limit (PSEL)" means the total mass emissions per unit time of an individual air pollutant specified in a permit for a source. The PSEL for a major source may consist of more than one assessable emission.

~~"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.~~

- "PM_{10}" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured ~~by an approved method as listed in 40 CFR 53~~in accordance with **40 CFR 53 Subpart, Appendix J**.

- "PM_{10} Emissions" means emissions of finely divided solid or liquid material, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 10 micrometers, emitted to the ambient air as measured by applicable reference methods in accordance with the Department's Source Sampling Manual.

~~$ "Population" means that population estimate most recently published by the Center for Population Research and Census, Portland State University, or any other population estimate approved by the Authority.~~

~~$ APortable Hot Mix Asphalt Plant@ means a hot mix asphalt plant which is designed to be dismantled and is transported from one job site to another job site.~~

- "Potential to emit" or "PTE" means the lesser of:

  A. The capacity of a stationary source; or

  B. The maximum allowable emissions taking into consideration any physical or operational limitation, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, if the limitation is enforceable by the Administrator.

  C. This definition does not alter or affect the use of this term for any other purposes under the Act or the term "capacity factor" as used in Title IV of the Act and the regulations promulgated thereunder. Secondary emissions are not considered in determining the potential to emit.

~~$ "Potential to Emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a source.~~

~~$ "ppm" means parts of air contaminant per million parts of air on a volume basis.~~

- "Presiding Officer" means the ~~Authority~~Agency, the Chairperson of its Board of Directors, Hearings Officer, the Director, or any individual designated by the ~~Authority~~ Agency or the Director to preside in any contested case, public, or other hearing. Any employee of ~~the Authority~~LRAPA who actually presided in any such hearing is presumptively designated by ~~the Authority~~LRAPA or Director, such presumptive designation to be overcome only by a written statement to the contrary bearing the signature of the Chairperson or the Director.

$ (this should be in Title 38 only)"Prevention of Significant Deterioration Increments" means maximum allowable ambient air quality impacts over baseline concentrations in areas designated Class I, II or III, as follows:

Micrograms Per Cubic Meter			
Pollutant	Class I	Class II	Class III
Particulate Matter			
TSP Annual Geometric Mean	5	19	37
* TSP 24 Hour Maximum	10	37	75
Sulfur Dioxide			
Annual Arithmetic Mean	2	20	40
* 24-Hour Maximum	5	91	182
* 3-Hour Maximums	25	512	700
(* *For these time periods, the applicable maximum allowable increase may be exceeded during one such period per year at any one location.*)			

"Primary Combustion Chamber" means the discrete equipment, chamber or space in which drying of the waste, pyrolysis, and essentially the burning of the fixed carbon in the waste occurs.

$ "Prior Violation" means any violation established, with or without admission, by payment of a civil penalty, by an order of default, or by a stipulated or final order of the Authority.

$ AProcedures@ referred to in **40 CFR 51.164** are the New Source Review procedures at the Department (OAR 340, Division 224) or at the Authority (Title 38) and the review procedures for new minor sources or modifications to existing minor sources, at the Department (OAR 340-0200 to 0220, 340 Division 216) or at the Authority (34-035).

$ "Process Unit" includes all equipment and appurtenances for the processing of bulk material which are united physically by conveyor or chute or pipe or hose for the movement of product material provided that no portion or item of the group will operate separately with product material not common to the group operation. Such a grouping is considered encompassing all the equipment used from the point of initial charging or feed to the point or points of discharge of material where such discharge will:

A. Be stored,
B. Proceed to a separate process, or
C. Be physically separated from the equipment comprising the group.

- "Process Upset" means a failure or malfunction of a production process or system to operate in a normal and usual manner.

~~$ "Process Weight" means total weight of the materials, including solid fuels but not including liquid and gaseous fuels and combustion air introduced into any process unit which may cause any emission into the atmosphere.~~

~~AProcess Weight by Hour, Aas used in 33-075, 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 Aprocess 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.~~

~~$ "Production (Kraft Mill)" means the daily amount of air-dried unbleached pulp, or equivalent, produced during the 24-hour period each calendar day, or Authority-approved equivalent period, and expressed in air-dried metric tons (admt) per day. The corresponding English unit is air-dried tons (adt) per day.~~

~~"Propellant" means a fuel and oxidizer physically or chemically combined containing beryllium or beryllium compounds, which undergoes combustion to provide rocket propulsion.~~

~~$ "Propellant plant" means any facility engaged in the mixing, casting, or machining of propellant.~~

~~□"Public nuisance" see "Nuisance."~~

~~$ "Reasonable Receptor and Exposure Sites" means locations where people might reasonably be expected to be exposed to air contaminants generated in whole or in part by the indirect source in question. Location of ambient air sampling sites and methods of sample collection shall conform to criteria on file with the Department of Environmental Quality.~~

~~$ "Reckless" or "recklessly" means conduct by a person who is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such a nature and degree that disregard thereof constitutes a gross deviation from the standard of care a reasonable person would observe in that situation.~~

~~$ "Recovery Furnace (Kraft Mill)" means the combustion device in which dissolved wood solids are incinerated and pulping chemicals recovered from the molten smelt. For these regulations, and where present, this term shall include the direct contact evaporator.~~

- "Reference method" means any method of sampling and analyzing for an air pollutant as specified in **40 CFR Part 60, 61** or **63.**~~"Reference Method" means any EPA approved method. (The methods are listed in the state Department of Environmental Quality's Source Sampling Manual.)~~

~~$ "Refuse" means unwanted matter.~~

~~$ "Refuse Burning Equipment" means a device designed to reduce the volume of refuse by combustion.~~

- "Regional Agency~~uthority~~" means ~~a regional air quality control authority established under the provisions of ORS 468.505.~~the Lane Regional Air Protection Agency

~~"Regional Planning Agency" means any planning agency which has been recognized as a substate clearinghouse for the purposes of conducting project review under the United States Office of Management and Budget Circular Number A-95, or other governmental agency having planning authority.~~

- "Regulated air pollutant" or "Regulated Pollutant":

A. Except as provided in subsections B. and C. of this rule, means:

1. Nitrogen oxides or any VOCs;

2. Any pollutant for which a national ambient air quality standard has been promulgated;

3. Any pollutant that is subject to any standard promulgated under section 111 of the Act;

4. Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act; or

5. Any pollutant listed under ~~OAR 340-244~~LRAPA Title 44, Section 44-~~0040~~020 or ~~340-244~~44-~~0230~~160.

B. As used in OAR 340 division 220, means any air pollutant as included in subsection (a) of this rule, except the following:

1. Carbon monoxide;

2. Any pollutant that is a regulated pollutant solely because it is a Class I or Class II substance subject to a standard promulgated under or established by Title VI of the Federal Clean Air Act; or

3. Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under section 112(r) of the Federal Clean Air Act.

C. As used in ~~OAR 340 division 224~~LRAPA Title 38 any pollutant listed under ~~OAR 340-244~~LRAPA Title 44, Section 44-~~0040~~020 or ~~340-244~~Section 44-~~0230~~160 is not a regulated pollutant.

~~ARegulated Air Pollutant,@ as used in Title 37, means:~~

~~A. Any pollutant listed under 37-160; or~~

~~B. Any pollutant that is subject to a standard promulgated pursuant to **Section 129 of the FCAA**.~~

~~$ "Renovate" or "Renovation" means altering in any way one or more facility components. Operations in which load-supporting structural members are wrecked or removed are considered demolition and are not included in the definition of renovation.~~

~~$ "Residential Area" means land which is zoned or used for single or multiple family or suburban residential purposes.~~

~~$ "Residential Open Burning" means the open burning of clean wood, yard trimmings and prunings which are actually generated in or around a dwelling for four (4) or fewer family living units. Once this material is removed from the property of origin it becomes commercial waste. Such materials actually generated in or around a dwelling of more than four (4) family living units are commercial wastes.~~

- "Residual Fuel Oil" means any oil meeting the specifications of ASTM Grade 4, Grade 5 or Grade 6 fuel oils.

~~$ "Resource Recovery Facility" means any facility at which municipal solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing municipal solid waste for reuse. Energy conversion facilities must utilize municipal solid waste to provide fifty (50) percent or more of the heat input to be considered a resource recovery facility.~~

~~$ "Respondent" means the person to whom a formal enforcement action is issued.~~

~~$ "Responsible Person" means each person who is in ownership, control, or custody of the property on which the open burning occurs, including any tenant thereof; or who is in ownership, control, or custody of the materials which are burned; or any person who causes or allows open burning to be initiated or maintained.~~

- "Reviewing Agency", where found in the federal rule, means ~~the Authority~~~~Agency~~LRAPA, the Department, or the EPA, as applicable.

~~$ "Ringelmann Chart" means the Ringelmann Smoke Chart with instructions for use as published in May, 1967, by the United Stated Bureau of Mines.~~

~~$ "Risk of Harm" means the level of risk to public health or the environment created by the likelihood of exposure, either individual or cumulative, or the actual damage, either individual or cumulative, caused by a violation.~~

~~$ "Roadways" mean surfaces on which vehicles travel. This term includes public and private highways, roads, streets, parking areas, and driveways.~~

~~$ "Rule" means any agency directive, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirement of any agency. The term includes the amendment or repeal of a prior rule, but does not include:~~

~~A. Internal management directives, regulations or statements between agencies, or their officers or their employees, or within an agency, between its officers or between employees, unless hearing is required by statute, or action by agencies directed to other agencies or other units of government.~~

~~B. Declaratory rulings issued pursuant to ORS 183.410 or 305.105.~~

~~$ ASalvage,@ as used in Title 47, means the recovery, processing or use of woody debris for purposes including, but not limited to, energy production (such as fire wood or fuel), fiber production (such as soil amendments or mulch), or as a raw material for chemical or manufacturing processes.~~

~~$ "Secondary (or Final) Combustion Chamber" means the discrete equipment, chamber, or space, excluding the stack, in which the products of pyrolysis are combusted in the presence of excess air, such that essentially all carbon is burned to carbon dioxide.~~

- "Secondary Emissions" means emissions from new or existing sources which occur as a result of the construction and/or operation of a source or modification, but do not come from the source itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source associated with the secondary emissions. Secondary emissions may include, but are not limited to:

  A. Emissions from ships and trains coming to or from a facility;
  B. Emissions from off-site support facilities which would be constructed or would otherwise increase emissions as a result of the construction of a source or modification.

- "Section 111" means that section of the FCAA that includes Ss~~s~~tandards of Pp~~p~~erformance for Nn~~n~~ew Ss~~s~~tationary Ss~~s~~ources (NSPS).

- "Section 112(b)" means that subsection of the FCAA that includes the list of hazardous air pollutants to be regulated.

- "Section 112(d)" means that subsection of the FCAA that directs the EPA to establish emissions standards for sources of Hazardous Air Pollutants. This section also defines the criteria to be used by EPA when establishing the emission standards.

- "Section 112(e)" means that subsection of the FCAA that directs the EPA to establish and promulgate emissions standards for categories and subcategories of sources that emit Hazardous Air Pollutants.

- "Section 112(n)" means that subsection of the FCAA that includes requirements for the EPA to conduct studies on the hazards to public health prior to developing emissions standards for specified categories of Hazardous Air Pollutant emission sources.

- "Section 112(r)" means that subsection of the FCAA that includes requirements for the EPA to promulgate regulations for the prevention, detection and correction of accidental releases.

- "Section 129" means that section of the FCAA that requires EPA to promulgate regulations for solid waste combustion.

~~$ "Sensitive Area" means locations which are actual or potential air quality non-attainment areas, as determined by LRAPA.~~

~~$ "Sharps" includes needles, IV tubing with needles attached, scalpel blades, lancets, glass tubes that could be broken during handling, and syringes that have been removed from their original sterile containers (see also "infectious waste").~~

~~$ AShattered,@ as used in Title 43, means the condition of an asbestos-containing material that has been broken into four (4) or more pieces from its original whole condition.~~

- "Shutdown," as used in Titles 30 and 36, means that time during which normal operation of an air contaminant source or emission control equipment is terminated.

- "Significant Air Quality Impact" means an additional ambient air quality concentration equal to or greater than the concentrations listed in **Table 1 of LRAPA Title 12.** The threshold concentrations listed in Table 1 are used for comparison against the ambient air quality standard and do not apply for protecting PSD Class I increments or air quality related values (including visibility). For sources of VOC or NOx, a major source or major modification has a significant impact if it is located within the Ozone Precursor Distance defined in LRAPA Title 40, Section 40-0020.

~~$ "Significant Air Quality Impact" means an ambient air quality impact which is equal to or greater than:~~

~~Pollutant Averaging Time~~					
~~Pollutant~~	~~Annual~~	~~24 Hour~~	~~8 Hour~~	~~3 Hour~~	~~1 Hour~~
~~SO_2~~	~~1.0 □ g/m³~~	~~5 □ g/m³~~	~~C~~	~~25 □ g/m³~~	~~C~~
~~TSP or PM_{10}~~	~~0.2 □ g/m³~~	~~1.0 □ g/m³~~	~~C~~	~~C~~	~~C~~
~~NO_2~~	~~1.0 □ g/m³~~	~~C~~	~~C~~	~~C~~	~~C~~
~~CO~~	~~C~~	~~C~~	~~0.5 mg/m³~~	~~C~~	~~2 mg.m³~~

~~For sources of volatile organic compounds (VOC), a major source or major modification will be deemed to have a significant impact if it is located within thirty (30) kilometers of an ozone nonattainment area and is capable of impacting the nonattainment area.~~

- "Significant Emission Rate" or "SER," except as provided in subsections (A) and (B) of this section, means an emission rate equal to or greater than the rates specified in **Table 2.**

(A) For regulated air pollutants not listed in **Table 2** or **3,** the significant emission rate is zero unless LRAPA determines the rate that constitutes a significant emission rate.

(B) Any new source or modification with an emissions increase less than the rates specified in **Table 2** or **3** associated with a new source or modification which would construct within 10 kilometers of a Class I area, and would have an impact on such area equal to or greater than 1 ug/m3 (24 hour average) is emitting at a significant emission rate.

~~$ "Significant Emission Rate" means:~~

~~A. Emission rates equal to or greater than the following for air pollutants regulated under the Clean Air Act:~~

~~Significant Emission Rates for Pollutants Regulated Under the Clean Air Act~~	
~~**Significant Pollutant**~~	~~**Emission Rate**~~
~~1. Carbon Monoxide~~	~~100.00 Tons/Year~~
~~2. Nitrogen Oxides~~	~~40.0 Tons/Year~~
~~3. Particulate Matter~~	~~25.0 Tons/Year~~
~~4. PM_{10}~~	~~15.0 Tons/Year~~
~~5. Sulfur Dioxide~~	~~40.0 Tons/Year~~
~~6. VOCs~~	~~40.0 Tons/Year~~
~~7. Lead~~	~~0.60 Tons/Year~~
~~8. Mercury~~	~~0.10 Tons/Year~~
~~9. Beryllium~~	~~0.0004 Tons/Year~~
~~10. Asbestos~~	~~0.007 Tons/Year~~
~~11. Vinyl Chloride~~	~~1.0 Tons/Year~~
~~12. Fluorides~~	~~3.0 Tons/Year~~
~~13. Sulfuric Acid Mist~~	~~7.0 Tons/Year~~
~~14. Hydrogen Sulfide~~	~~10.0 Tons/Year~~
~~15. Total Reduced Sulfur (including hydrogen sulfide)~~	~~10.0 Tons/Year~~
~~16. Reduced Sulfur Compounds (including hydrogen sulfide)~~	~~10.0 Tons/Year~~

~~B. For pollutants not listed above, the Authority shall determine the rate that constitutes a significant emission rate.~~

~~C. Any emissions increase less than these rates associated with a new source or modification which would construct within ten (10) kilometers of a Class I area and would have an impact on such area equal to or greater than 1 ug/m^3 (24-hour average) shall be deemed to be emitting at a significant emission rate.~~

- "Significant Impairment" occurs when visibility impairment, in the judgement of ~~the~~ Authority~~Agency~~LRAPA, interferes with the management, protection, preservation, or the enjoyment of the visual experience of visitors within a Class I area. The determination will be made on a case-by-case basis, considering the recommendation of the Federal Land Manager, the geographic extent, intensity, duration, frequency, and time of visibility impairment. These factors will be considered with respect to visitor use of the Class I Area, and the frequency and occurrence of natural conditions that reduce visibility.

~~$ "Significant Upgrading of Pollution Control Equipment" means a modification or a rebuild of an existing pollution control device for which a capital expenditure of 50 percent or more of the replacement cost of the existing device is required, other than ongoing routine maintenance.~~

~~$ "Slash" means forest debris of woody vegetation to be burned under the Oregon Smoke Management Plan administered by the Oregon Department of Forestry pursuant to ORS. 477.515. The burning of such slash is related to the management of forest land and does not include the burning of any other material created by land clearing.~~

~~$ "Small-scale, short-duration activity" means a task for which the removal of asbestos is not the primary objective of the job, including, but not limited to:~~

~~A. Removal of asbestos-containing insulation on pipes, not to exceed amounts greater than those which can be contained in a single glove bag;~~
~~B. Removal of small quantities of asbestos-containing insulation on beams or above ceilings;~~
~~C. Replacement of an asbestos-containing gasket on a valve;~~
~~D. Installation or removal of a small section of drywall;~~
~~E. Installation of electrical conduits through or proximate to asbestos-containing materials;~~
~~F. Minor repairs to damaged thermal system insulation that does not require removal;~~
~~G. Repairs to asbestos-containing wallboard; or~~
~~H. Repairs involving encapsulation, enclosure, or removal of small amounts of friable asbestos-containing material in the performance of emergency or routine maintenance activity and not intended solely as asbestos abatement. Such work may not exceed amounts greater than those that can be contained in a single prefabricated mini-enclosure. Such an enclosure must conform spatially and geometrically to the localized work area, in order to perform its intended containment function.~~
~~I. No such activity described above shall result in airborne asbestos concentrations above 0.1 fibers per cubic centimeter of air (calculated on an 8-hour weighted average).~~

~~Small-scale activities shall be limited to no more than forty (40) linear feet or eighty (80) square feet of asbestos-containing materials. An activity that would otherwise qualify as a full-scale abatement project shall not be subdivided into smaller units in order to avoid the requirements of these rules.~~

~~$ "Smelt dissolving tank vent (Kraft Mill)" means the vent serving the vessel used to dissolve the molten smelt produced by the recovery furnace.~~

~~$ "Smoke" means small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon, ash and other combustible materials present in sufficient quantity to be observable.~~

~~$ "Solid Waste" means refuse, more than 50% of which is waste consisting of a mixture of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustible materials, and noncombustible materials such as metal, glass, and rock.~~

~~$ ASolid Waste Incineration Unit,@ as used in Title 37, has the same meaning as given in **Section 129(g) of the FCAA**.~~

~~$ "Solid Waste Incinerator" means an incinerator which is operated or utilized for the disposal or treatment of solid waste, including combustion for the recovery of heat.~~

- "Source" means any building, structure, facility, installation or combination thereof that emits or is capable of emitting air contaminants to the atmosphere, is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control. The term includes all pollutant emitting activities that belong to a single major industrial group (i.e., that have the same two-digit code) as described in the Standard Industrial Classification Manual, (U.S. Office of Management and Budget, 1987) or that support the major industrial group.~~"Source," means any building, structure, facility, installation or combination thereof which emits or is capable of emitting air contaminants to the atmosphere and is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control.~~

~~•"Source," as used in LRAPA Title 38, New Source Review, and the definitions of "BACT," "Commenced," "Construction," "Emission Limitation," "Emission Standard," "LAER," "Major Modification, " "Major Source," "Potential to Emit," and "Secondary Emissions" as these terms are used for purposes of LRAPA Title 38, includes all pollutant emitting activities which belong to a single major industrial group (i.e., which have the same two-digit code), as described in the Standard Industrial Classification Manual, (U. S. Office of Management and Budget, 1987) or are supporting the major industrial group.~~

- "Source category":

(A) Except as provided in subsection (B) of this section, means all the pollutant emitting activities that belong to the same industrial grouping (i.e., that have the same two-digit code) as described in the Standard Industrial Classification Manual, (U.S. Office of Management and Budget, 1987).

(B) As used in OAR 340 division 220, Oregon Title V Operating Permit Fees, means a group of major sources that LRAPA and the Department determines are using similar raw materials and have equivalent process controls and pollution control equipment

- ~~"Source Category" means a group of major sources determined by the Authority~~ Agency ~~to be using similar raw materials and having equivalent process control and pollution control equipment~~.

- "Source Test" means the average of at least three test runs ~~during operating conditions representative of the period for which emissions are to be calculated,~~ conducted in accordance with the Department's Source Sampling Manual or other ~~Authority~~Agency~~LRAPA~~-approved methods. Alternative methods applied to standards included in the State Implementation Plan may only be used if they are also approved in advance by EPA.

~~$ ASpecial Control Areas,@ as used in 33-075, means any location within:~~

~~A. Benton, Clackamas, Columbia, Lane, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties;~~
~~B. Any incorporated city or within six (6) miles of the city limits of said incorporated city;~~
~~C. Any area of Lane County within one (1) mile of any structure or building used for a residence;~~
~~D. 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.~~

~~$ "Special Problem Area" means the formally designated Eugene/Springfield AQMA and other specifically defined areas that the Board and the Environmental Quality Commission may formally designate in the future.~~

- "Standard Conditions" means a gas temperature of sixty-eight (68) degrees Fahrenheit and a gas pressure of 29.92 inches of mercury.

- "Standard Cubic Foot (SCF)" means that amount of gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor at standard conditions.

- "Standard Dry Cubic Meter" means the amount of gas that would occupy a volume of one cubic meter, if the gas were free of uncombined water, at a temperature of 20° C. (68° F.) and a pressure of 760 mm of Mercury (29.92 inches of Mercury). The corresponding English unit is standard dry cubic foot. When applied to recovery furnace gases, "standard dry cubic meter" requires adjustment of the gas volume to that which would result in a concentration of 8% oxygen if the oxygen concentration exceeds 8%. When applied to lime kiln gases, "standard dry cubic meter" requires adjustment of the gas volume to that which would result in a concentration of 10% oxygen if the oxygen concentration exceeds 10%. The mill shall demonstrate that oxygen concentrations are below noted values or furnish oxygen levels and corrected pollutant data.

- "Startup/Shutdown" means the time during which an air contaminant source or emission control equipment is brought into normal operation and normal operation is terminated, respectively.

- "Stationary Source" means:

  A. ~~As used in Title 37~~44, ~~any~~Any building, structure, facility, or installation which emits or may emit any regulated air pollutant.

  B. As used in ~~37~~Section 44-160, any buildings, structures, equipment, installations, or substance-emitting stationary activities:
     (1) that belong to the same industrial group;
     (2) that are located on one or more contiguous properties;
     (3) that are under the control of the same person (or persons under common control); and
     (4) from which an accidental release may occur.

~~$ "Shutdown," as used in Titles 30 and 36, means that time during which normal operation of an air contaminant source or emission control equipment is terminated.~~

~~$ "Startup," means that time during which an air contaminant source or emission control equipment is brought into normal operation.~~

~~$ "Startup," as used in Title 46, means commencement of operation of a new or modified source resulting in release of contaminants to the ambient air.~~

- "State or State or Local Control Agency", where found in **40 CFR 51.118**, means ~~the Authority Agency~~LRAPA or the Department.

~~$ "Structural member" means any load-supporting member, such as beams and load-supporting walls, or any non-supporting member, such as ceilings and non-load-supporting walls.~~

~~(171)$ "Substantial Underpayment" means the lesser of ten percent (10%) of the total interim emission fee for the major source or five hundred dollars ($500).~~

~~$ ASurvey,@ as used in Title 43, means to conduct a detailed inspection of a building, structure, or facility for the presence of asbestos-containing material. The survey must be conducted by an accredited inspector and include sampling of materials suspected to contain asbestos, analysis of those samples to determine asbestos content, and evaluation of the materials in order to assess their condition.~~

~~$ "Tempering Oven" means any facility used to bake hardboard following an oil treatment process.~~

~~$ "Threshold Level of Olfactory Detection" means the odor perception threshold for fifty percent (50%) of the odor panel as determined by the ASTM procedure DI 391-57 Standard Method of Measurement of Odor in Atmospheres (Dilution method), or an equivalent method.~~

- "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).

~~$ "Transmissometer" means a device that measures opacity and conforms to EPA specification Number 1 in Title 40 CFR, Part 60, Appendix B.~~

~~•"TSP" means particulate matter as measured by an reference method.~~

- "Typically Achievable Control Technology" or "TACT" means the emission limit established on a case-by-case basis for a criteria pollutant from a particular emissions unit in accordance with Section 32-008. For existing sources, the emissions limit established shall be typical of the emission level achieved by emissions units similar in type and size. For new and modified sources, the emission limit established shall be typical of the emission level achieved by well-controlled new or modified emissions units similar in type and size that were recently installed. TACT determinations shall be based on information known to ~~the Authority~~LRAPA considering pollution prevention, impacts on other environmental media, energy impacts, capital and operating costs, cost effectiveness, and the age and remaining economic life of existing emission control equipment. ~~The Authority~~LRAPA may consider emission control technologies typically applied to other types of emissions units where such technologies could be readily applied to the emissions unit. If an emission limitation is not feasible, a design, equipment, work practice, or operational standard, or combination thereof, may be required.

- "Unavoidable" means events which are not caused entirely or in part by poor or inadequate design, operation, maintenance, or any other preventable condition in either process or control equipment.

- "Uncombined Water" means water which is not chemically bound to a substance.

- "Upset" or "Breakdown" means any failure or malfunction of any pollution control equipment or process equipment which may cause excess emissions.

~~$ "Vehicle Trip" means a single movement by a motor vehicle which originates or terminates at or uses an Indirect Source.~~

~~$ "Veneer" means a single flat panel of wood not exceeding one-quarter (1/4) inch in thickness, formed by slicing or peeling from a log.~~

~~$ "Veneer Dryer" means equipment in which veneer is dried.~~

~~$ "Verified Emission Factor" means an emission factor approved by the Authority and developed for a specific major source or source category and approved for application to that major source by the Authority.~~

~~$ "Violation" means a transgression of any statute, rule, order, license, permit, or any part thereof, and includes both acts and omissions. Violations shall be classed according to risk of harm as follows:~~

~~A. "Class One or I" means any violation which poses a major risk of harm to public health or the environment, or violation of any compliance schedule contained in an agency permit or board order;~~

~~B. "Class Two or II" means any violation which poses a moderate risk of harm to public health or the environment;~~

~~C. "Class Three or III" means any violation which poses a minor risk of harm to public health or the environment.~~

~~$ "Visual Opacity Determination" consists of a minimum of twenty-four (24) opacity readings recorded every fifteen (15) seconds and taken by a trained observer.~~

~~$ "Visibility Impairment" means any humanly perceptible change in visual range, contrast, or coloration from that which would have existed under natural conditions. Natural conditions include fog, clouds, windblown dust, rain, sand, naturally ignited wildfires, and natural aerosols.~~

- "Volatile Organic Compound" or "VOC" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.

A. This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity in the formation of tropospheric ozone: methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114; chloropentafluoroethane (CFC-115); 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123); 1.1.1.2-tetrafluoroethane (HFC-134a); 1,1-dichloro-1-fluoroethane (HCFC-141b); 1-chloro-1,1-difluoroethane (HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); HCFC 225ca and cb; HFC 43-10mee; pentafluoroethane [~~2~~] (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene (tertrachloroethylene); difluormethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1 chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$); methyl acetate; 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3, HFE-7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea); methyl formate (HCOOCH3); (1) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300); and perfluorocarbon compounds which fall into these classes:

(1) Cyclic, branched, or linear, completely fluorinated alkanes;

(2) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

(3) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

(4) Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

B. For purposes of determining compliance with emissions limits, VOC will be measured by an applicable reference method in accordance with the Department's **Source Sampling Manual**, January, 1992. Where such a method also measures compounds with negligible photochemical reactivity, the latter may be excluded as VOC if the amount of such compounds is accurately quantified, and ~~the Authority~~ LRAPA approves the exclusion.

C. ~~The Authority~~LRAPA may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of ~~the Authority~~LRAPA, the amount of negligibly reactive compounds in the source's emissions.

D. The following compound(s) are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and must be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate.

- "Year", unless otherwise defined, means any consecutive 12 month period of time.

~~$ "Volatile Organic Compound (VOC)," as used in Title 35, means any organic compound which would be emitted during use, application, curing or drying of a surface coating, solvent, or other material. Excluded from this definition are those compounds which EPA classifies as having negligible photochemical reactivity, which include: methane, ethane, methylene chloride, 1,1,1 trichloroethane (methyl chloroform), trichlorofluoromethane (CFC-11), dichloro-fluoromethane (CFC-12), chlorodifluoromethane (CFC-22), trifluoromethane (FC-23), trichlorotetrafluoroethane (CFC-114), and chloropentafluoroethane (CFC-115).~~

~~$ "Waste generator" means any person performing an asbestos abatement project or any owner or operator of a source covered by this section whose act or process generates asbestos-containing waste material.~~

~~$ "Waste shipment record" means the shipment document, required to be originated and signed by the waste generator; used to track and substantiate the disposition of asbestos-containing waste material.~~

~~$ "Wigwam Waste Burner" means a burner which consists of a single combustion chamber, which has the general features of a truncated cone and is used for incineration of refuse.~~

~~$ AWood Fired Veneer Dryer@ means a veneer dryer which is directly heated by the products of combustion of wood fuel in addition to or exclusive of steam or natural gas or propane combustion.~~

~~$ "Woody Yard Trimmings" means woody limbs, branches and twigs, with any attached leaves, which have been cut from or fallen from trees or shrubs from the property around a dwelling unit.~~

~~(8) "Yard Debris" means wood, needle, or leaf materials from trees, shrubs, or plants from the property around a dwelling unit.~~

(Section 12-001 Amended 06/11/02)

Section 12-005 **Abbreviations and Acronyms**

(1) "ACDP" means Air Contaminant Discharge Permit.

(2) "ACT" means Federal Clean Air Act.

(3) "AE" means Actual Emissions.

(4) "AICPA" means Association of Independent Certified Public Accountants.

(5) "AQCR" means Air Quality Control Region.

(6) "AQMA" means Air Quality Maintenance Area.

(7) "ASME" means American Society of Mechanical Engineers.

(8) "ASTM" means American Society for Testing & Materials.

(9) "ATETP" means Automotive Technician Emission Training Program.

(10) "AWD" means all wheel drive.

(11) "BACT" means Best Available Control Technology.

(12) "BLS" means black liquor solids.

(13) "CAA" means Clean Air Act

(14) "CAR" means control area responsible party.

(15) "CBD" means central business district.

(16) "CCTMP" means Central City Transportation Management Plan.

(17) "CEM" means continuous emissions monitoring.

(18) "CEMS" means continuous emission monitoring system.

(19) "CERCLA" means Comprehensive Environmental Response Compensation and Liability Act.

(20) "CFRMS" means continuous flow rate monitoring system.

(21) "CFR" means Code of Federal Regulations.

(22) "CMS" means continuous monitoring system.

(23) "CO" means carbon monoxide.

(24) "COMS" means continuous opacity monitoring system.

(25) "CPMS" means continuous parameter monitoring system.

(26) "DEQ" means Oregon Department of Environmental Quality.

(27) "DOD" means Department of Defense.

(28) "EA" means environmental assessment.

(29) "ECO" means employee commute options.

(30) "EEAF" means emissions estimate adjustment factor.

(31) "EF" means emission factor.

(32) "EGR" means exhaust gas re-circulation.

(33) "EIS" means Environmental Impact Statement

(34) "EPA" means Environmental Protection Agency.

(35) "EQC" means Environmental Quality Commission.

(36) "ESP" means electrostatic precipitator.

(37) "FCAA" means Federal Clean Air Act.

(38) "FHWA" means Federal Highway Administration.

(39) "FONSI" means finding of no significant impact.

(40) "FTA" means Federal Transit Administration.

(41) "GFA" means gross floor area.

(42) "GLA" means gross leasable area.

(43) "GPM" means grams per mile.

(44) "gr/dscf" means grains per dry standard cubic foot.

(45) "GTBA" means grade tertiary butyl alcohol.

(46) "GVWR" means gross vehicle weight rating.

(47) "HAP" means hazardous air pollutant.

(48) "HEPA" means high efficiency particulate air.

(49) "HMIWI" means hospital medical infectious waste incinerator.

(50) "I/M" means inspection and maintenance program.

(51) "IG" means inspection grade.

(52) "IRS" means Internal Revenue Service.

(53) "ISECP" means indirect source emission control program.

(54) "ISTEA" means Intermodal Surface Transportation Efficiency Act.

(55) "LAER" means Lowest Achievable Emission Rate.

(56) "LDT2" means light duty truck 2.

(57) "LIDAR" means laser radar; light detection and ranging.

(58) "LPG" means liquefied petroleum gas.

(59) "LRAPA" means Lane Regional Air Protection Agency.

(60) "LUCS" means Land Use Compatibility Statement.

(61) "MACT" means Maximum Achievable Control Technology.

(62) "MPO" means Metropolitan Planning Organization.

(63) "MTBE" means methyl tertiary butyl ether.

(64) "MWC" means municipal waste combustor.

(65) "NAAQS" means National Ambient Air Quality Standards.

(66) "NEPA" means National Environmental Policy Act.

(67) "NESHAP" means National Emissions Standard for Hazardous Air Pollutants.

(68) "NIOSH" means National Institute of Occupational Safety & Health.

(69) "NO_x" means nitrogen oxides.

(70) "NSPS" means New Source Performance Standards.

(71) "NSR" means New Source Review.

(72) "NSSC" means neutral sulfite semi-chemical.

(73) "O_3" means ozone.

(74) "OAR" means Oregon Administrative Rules.

(75) "ODOT" means Oregon Department of Transportation.

(76) "ORS" means Oregon Revised Statutes.

(77) "OSAC" means orifice spark advance control.

(78) "OSHA" means Occupational Safety & Health Administration.

(79) "PCDE" means pollution control device collection efficiency.

(80) "PEMS" means predictive emission monitoring system.

(81) "PM" means particulate matter.

(82) "PM_{10}" means particulate matter less than 10 microns.

(83) "POTW" means Publicly Owned Treatment Works.

(84) "POV" means privately owned vehicle.

(85) "PSD" means Prevention of Significant Deterioration.

(86) "PSEL" means Plant Site Emission Limit.

(87) "QIP" means quality improvement plan.

(88) "RACT" means Reasonably Available Control Technology.

(89) "RVCOG" means Rogue Valley Council of Governments.

(90) "RWOC" means running weighted oxygen content.

(91) "SKATS" means Salem-Kaiser Area Transportation Study.

(92) "scf" means standard cubic feet.

(93) "SCS" means speed control switch.

(94) "SD" means standard deviation.

(95) "SIP" means State Implementation Plan.

(96) "SO_2" means sulfur dioxide.

(97) "SOCMI" means synthetic organic chemical manufacturing industry.

(98) "SOS" means Secretary of State.

(99) "TAC" means thermostatic air cleaner.

(100) "TACT" means Typically Achievable Control Technology.

(101) "TCM" means transportation control measures.

(102) "TCS" means throttle control solenoid.

(103) "TIP" means Transportation Improvement Program.

(104) "TRS" means total reduced sulfur.

(105) "TSP" means total suspended particulate matter.

(106) "UGA" means urban growth area.

(107) "UGB" means urban growth boundary.

(108) "US DOT" means United States Department of Transportation.

(109) "UST" means underground storage tanks.

(110) "UTM" means universal transverse mercator.

(111) "VIN" means vehicle identification number.

(112) "VMT" means vehicle miles traveled.

(113) "VOC" means volatile organic compounds.

TABLE 1
LRAPA Title 12
SIGNIFICANT AMBIENT AIR QUALITY IMPACT WHICH IS EQUAL TO OR GREATER THAN:

Pollutant	***Pollutant Averaging Time***				
	Annual	*24-Hour*	*8-Hour*	*3-Hour*	*1-Hour*
SO_2	1.0 µg/m^3	5 µg/m^3		25 µg/m^3	
PM_{10}	0.2 µg/m^3	1.0 µg/m^3			
NO_2	1.0 µg/m^3				
CO			0.5 mg/m^3		2 mg/m^3

TABLE 2
LRAPA Title 12
SIGNIFICANT EMISSION RATES FOR POLLUTANTS REGULATED UNDER THE CLEAN AIR ACT

	Significant Pollutant	***Emission Rate***
(A)	Carbon Monoxide	100 tons/year
(B)	Nitrogen Oxides (NO_X)	40 tons/year
(C)	Particulate Matter	25 tons/year
(D)	PM_{10}	15 tons/year
(E)	Sulfur Dioxide	40 tons/year
(F)	Volatile Organic Compounds (VOC)	40 tons/year
(G)	Lead	0.6 ton/year
(H)	Fluorides	3 tons/year
(I)	Sulfuric Acid Mist	7 tons/year
(J)	Hydrogen Sulfide	10 tons/year
(K)	Total Reduced Sulfur (including hydrogen sulfide)	10 tons/year
(L)	Reduced sulfur compounds (including hydrogen sulfide)	10 tons/year
(M)	Municipal waste combustor organics (measured as total tetra- through octa- chlorinated dibenzo-p-dioxins and dibenzofurans)	0.0000035 ton/year
(N)	Municipal waste combustor metals (measured as particulate matter)	15 tons/year
(O)	Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	40 tons/year
(P)	Municipal solid waste landfill emissions (measured as nonmethane organic compounds)	50 tons/year

~~DEPARTMENT OF ENVIRONMENTAL QUALITY~~LANE REGIONAL AIR PROTECTION AGENCY

~~DIVISION 204~~TITLE 29

DESIGNATION OF AIR QUALITY AREAS

~~340-204~~Section 29-0010

Definitions

The definitions in ~~OAR 340-200-0020~~Title 12 and this rule apply to this division. If the same term is defined in this rule and ~~OAR 340-200-0020~~Title 12, the definition in this rule applies to this division. Definitions of boundaries in this rule also apply to ~~OAR 340 Division 200 through 268 and throughout the State of Oregon Clean Air Act Implementation Plan adopted under OAR 340-200-0040~~LRAPA Rules and Regulations.

(1) "AQCR" means Air Quality Control Region.

(2) "AQMA" means Air Quality Maintenance Area.

(3) "CO" means Carbon Monoxide.

(4) "CBD" means Central Business District.

(5) "Criteria Pollutant" means any of the six pollutants set out by the Clean Air Act (sulfur oxides, particulate matter, ozone, carbon monoxide, nitrogen dioxide, and lead) for which the EPA has promulgated standards in 40 CFR 50.4 through 50.12 (July, 1993).

(6) "Eugene-Springfield UGA" 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.

~~(7) "Grants Pass CBD" means the area within the City of Grants Pass enclosed by "B" Street on the north, 8th Street to the east, "M" Street on the south, and 5th Street to the west.~~

~~(8) Grants Pass Control Area means the area of the state beginning at the northeast corner of Section 35, T35S, R5W; thence south to the southeast corner of Section 11, T37S, R5W; thence west to the southwest corner of Section 9, T37S, R6W; thence north to the northwest corner of Section 33, T35S, R6W; thence east to the point of beginning.~~

~~(9) "Grants Pass UGB" as shown on the Plan and Zoning maps for the City of Grants Pass as of Feb. 1, 1988 is the area within the bounds beginning at the NW corner of Sec. 7, T36S, R5W; thence south to the SW corner of Sec. 7; thence west along the southern boundary of Sec. 12, T36S, R5W approx. 2000 feet; thence south approx. 100 feet to the northern right of way of the Southern Pacific Railroad Line (SPRR Line); thence southeasterly along said right of way approx. 800 feet; thence south approx. 400 feet; thence west approx. 1100 feet; thence south approx. 700 feet to the intersection with the Hillside Canal; thence west approx. 100 feet; thence south approx. 550 feet to the intersection with Upper River Road; thence southeasterly along Upper River Road and continuing east along Old Upper River Road approx. 700 feet; thence south approx. 1550 feet; thence west approx. 350 feet; thence south approx. 250 feet; thence west~~

approx. 1600 feet; thence south approx. 600 feet to the north end of Roguela Lane; thence east approx. 400 feet; thence south approx. 1400 feet to the intersection with Lower River Road; thence west along Lower River Road approx. 1400 feet; thence south approx. 1350 feet; thence west approx. 25 feet; thence south approx. 1200 feet to the south bank of the Rogue River; thence northwesterly along said bank approx. 2800 feet; thence on a line southwesterly and parallel to Parkhill Place approx. 600 feet; thence northwesterly at a 90 degree angle approximately 300 feet to the intersection with Parkhill Place; thence southwesterly along Parkhill Place approx. 250 feet; thence on a line southeasterly forming a 90 degree angle approximately 300 feet to a point even with Leonard Road; thence west approx. 1500 feet along Leonard Road; thence north approx. 200 feet; thence west to the west side of Schroeder Lane; thence north approx. 150 feet; thence west approx. 200 feet; thence south to the intersection with Leonard Road; thence west along Leonard Road approx. 450 feet; thence north approx. 300 feet; thence east approx. 150 feet; thence north approx. 400 feet; thence west approx. 500 feet; thence south approx. 300 feet; thence west to the intersection with Coutant Lane; thence south along Coutant Lane to the intersection with Leonard Road; thence west along Leonard Road to the intersection with Buena Vista Lane; thence north along the west side of Buena Vista Lane approx. 200 feet; thence west approx. 150 feet; thence north approx. 150 feet; thence west approx. 200 feet; thence north approx. 400 feet; thence west approx. 600 feet to the intersection with the western boundary of Sec. 23, T36S, R6W; thence south to the intersection with Leonard Road; thence west along Leonard Road approx. 300 feet; thence north approx. 600 feet to the intersection with Darneille Lane; thence northwesterly along Darneille Lane approx. 200 feet; thence west approx. 300 feet; thence south approx. 600 feet to the intersection with Leonard Road; thence west along Leonard Road approx. 700 feet; thence south approx. 1350 feet; thence east approx. 1400 feet to the intersection with Darneille Lane; thence south along Darneille Lane approx. 600 feet; thence west approx. 300 feet; thence south to the intersection with Redwood Avenue; thence east along Redwood Avenue to the intersection with Hubbard Lane and the western boundary of Sec. 23, T36S, R6W; thence south along Hubbard Lane approx. 1850 feet; thence west approx. 1350 feet ; thence south to the south side of U.S. Highway 199; thence westerly along U.S. 199 approx. 1600 feet to the intersection with the north-south midpoint of Sec. 27, T36S, R6W; thence south approx. 2200 feet; thence east approx. 1400 feet; thence north approx. 1000 feet; thence east approx. 300 feet; thence north approx. 250 feet to the intersection with the Highline Canal; thence northerly along the Highline Canal approx. 900 feet; thence east to the intersection with Hubbard Lane; thence north along Hubbard Lane approximately 600 feet; thence east approx. 200 feet; thence north approx. 400 feet to a point even with Canal Avenue; thence east approx. 550 feet; thence north to the south side of U.S. 199; thence easterly along the southern edge of U.S. 199 to the intersection with Willow Lane; thence south along Willow Lane to the intersection with Demaray Drive; thence easterly along Demaray Drive and continuing along the southern edge of U.S. 199 to the intersection with Dowell Road; thence south along Dowell Road approx. 550 feet; thence easterly approx. 750 feet; thence north to the intersection with the South Canal; thence easterly along the South Canal to the intersection with Schutzwohl Lane; thence south approx. 1300 feet to a point even with West Harbeck Road; thence east approx. 2000 feet to the intersection with Allen Creek; thence southerly along Allen Creek approx. 1400 feet to a point even with Denton Trail to the west; thence west to the intersection with Highline Canal; thence southerly along Highline Canal to the intersection with the southern boundary of Sec. 25, T36S, R6W; thence east to the intersection with Allen Creek; thence southerly along Allen Creek to the intersection with the western boundary of Sec. 31, T36S, R5W; thence south to the SW corner of Sec. 31; thence east to the intersection with Williams Highway; thence southeasterly along Williams Highway approx. 1300 feet; thence east approx. 200 feet; thence north approx. 400 feet; thence east approx. 700 feet; thence north to the intersection with Espey Road; thence west along Espey Road approx. 150 feet; thence north

~~approx. 600 feet; thence east approx. 300 feet; thence north approx. 2000 feet; thence west approx. 2100 feet; thence north approx. 1350 feet; thence east approx. 800 feet; thence north approx. 2800 feet to the east-west midline of Sec. 30, T36S, R5W; thence on a line due NE approx. 600 feet; thence north approx. 100 feet; thence east approx. 600 feet; thence north approx. 100 feet to the intersection with Highline Canal; thence easterly along Highline Canal approx. 1300 feet; thence south approx. 100 feet; thence east to the intersection with Harbeck Road; thence north along Harbeck Road to the intersection with Highline Canal; thence easterly along Highline Canal to a point approx. 250 feet beyond Skyway Road; thence south to the intersection with Skyway Road; thence east to the intersection with Highline Canal; thence southeasterly along Highline Canal approx. 1200 feet; thence on a line due SW to the intersection with Bluebell Lane; thence southerly along Bluebell Lane approx. 150 feet; thence east to the intersection with Sky Crest Drive; thence southerly along Sky Crest Drive to the intersection with Harper Loop; thence southeasterly along Harper Loop to the intersection with the east-west midline of Sec. 29, T36S, R5W; thence east approx. 400 feet; thence south approx. 1300 feet to a point even with Troll View Road to the east; thence east to the intersection with Hamilton Lane; thence north along Hamilton Lane to the intersection with the Highline Canal; thence northeasterly along the Highline Canal to the northern boundary of Sec. 28, T36S, R5W; thence east approx. 1350 feet to the transmission line; thence north to the intersection with Fruitdale Drive; thence southwesterly along Fruitdale Drive approx. 700 feet; thence north to the northern edge of U.S. 199; thence easterly along the northern edge of U.S. 199 approx. 50 feet; thence north to the north bank of the Rogue River; thence northeasterly along the north bank of the Rogue River approx. 2100 feet to a point even with Ament Road; thence north to Ament Road and following Ament Road to U.S. Interstate Highway 5 (U.S. I-5); thence continuing north to the 1200 foot contour line; thence following the 1200 foot contour line northwesterly approx. 7100 feet to the city limits and a point even with Savage Street to the west; thence north following the city limits approx. 400 feet; thence west to the intersection with Beacon Street; thence north along Beacon Street and the city limits approx. 250 feet; thence east along the city limits approx. 700 feet; thence north along the city limits approx. 2200 feet; thence southwesterly along the city limits approximately 800 feet to the intersection with the 1400 foot contour line; thence northerly and northwesterly along the 1400 foot contour line approx. 900 feet to the intersection with the northern boundary of Sec. 9, T36S, R5W; thence west along said boundary approx. 100 feet to the NW corner of Sec. 9; thence south along the western boundary of Sec. 9 approx. 700 feet; thence west approx. 1400 feet; thence north approx. 2400 feet; thence west approx. 1350 feet; thence north approx. 1100 feet to the city limits; thence following the city limits first west approx. 1550 feet, then south approx. 800 feet, then west approx. 200 feet, then south approx. 200 feet, then east approx. 200 feet, then south approx. 300 feet, and finally westerly approx. 1200 feet to the intersection with the western boundary of Sec. 5, T36S, R5W; thence south along said boundary to the northern side of Vine Avenue; thence northwesterly along the northern side of Vine Avenue approx. 3150 feet to the intersection with the west fork of Gilbert Creek; thence north to the intersection with the southern right of way of U.S. I-5; thence northwesterly along said right of way approx. 1600 feet; thence south to the intersection with Old Highland Avenue; thence northwesterly along Highland Avenue approx. 650 feet; thence west approx. 350 feet; thence south approx. 1400 feet; thence east approx. 700 feet; thence south approx. 1000 feet; thence on a line SW approx. 800 feet; thence south approx. 1400 feet to the intersection with the northern boundary of Sec. 7, T36S, R5W; thence west to the NW corner of Sec. 7, the point of beginning.~~

~~(10) Klamath Falls Control Area means the area of the state beginning at the northeast corner of Section 8, T38S, R10E, thence south to the southeast corner of Section 5, T40S, R10E; thence~~

~~west to the southwest corner of Section 3, T40S, R8E; thence north to the northwest corner of Section 10, T38S, R8E; thence east to the point of beginning.~~

~~(11) "Klamath Falls UGB" means the area within the bounds beginning at the southeast corner of Section 36, Township 38 South, Range 9 East; thence northerly approximately 4500 feet; thence westerly approximately 1/4 mile; thence northerly approximately 3/4 mile into Section 25, T38S, R9E; thence westerly approximately 1/4 mile; thence northerly approximately 1/2 mile to the southern boundary of Section 24, T38S, R9E; thence westerly approximately 1/2 mile to the southeast corner of Section 23, T38S, R9E; thence northerly approximately 1/2 mile; thence westerly approximately 1/4 mile; thence northerly approximately 1/2 mile to the southern boundary of Section 14, T38S, R9E; thence generally northwesterly along the 5000 foot elevation contour line approximately 3/4 mile; thence westerly 1 mile; thence north to the intersection with the northern boundary of Section 15, T38S, R9E; thence west 1/4 mile along the northern boundary of Section 15, T38S, R9E; thence generally southeasterly following the 4800 foot elevation contour line around the old Oregon Institute of Technology Campus to meet with the westerly line of Old Fort Road in Section 22, T38S, R9E; thence southwesterly along the westerly line of Old Fort Road approximately 1 and 1/4 miles to Section 27, T38S, R9E; thence west approximately 1/4 mile; thence southwesterly approximately 1/2 mile to the intersection with Section 27, T38S, R9E; thence westerly approximately 1/2 mile to intersect with the Klamath Falls City Limits at the northerly line of Loma Linda Drive in Section 28, T38S, R9E; thence northwesterly along Loma Linda Drive approximately 1/4 mile; thence southwesterly approximately 1/8 mile to the Klamath Falls City Limits; thence northerly along the Klamath Falls City Limits approximately 1 mile into Section 21, T38S, R9E; thence westerly approximately 1/4 mile; thence northerly approximately 1 mile into Section 17, T38S, R9E; thence westerly approximately 3/4 mile into Section 17, T38S, R9E; thence northerly approximately 1/4 mile; thence westerly approximately 1 mile to the west boundary of Highway 97 in Section 18, T38S, R9E; thence southeasterly along the western boundary of Highway 97 approximately 1/2 mile; thence southwesterly away from Highway 97; thence southeasterly to the intersection with Klamath Falls City Limits at Front Street; thence westerly approximately 1/4 mile to the western boundary of Section 19, T38S, R9E; thence southerly approximately 1 and 1/4 miles along the western boundary of Section 19, T38S, R9E and the Klamath Falls City Limits to the south shore line of Klamath Lake; thence northwesterly along the south shore line of Klamath Lake approximately 1 and 1/4 miles across Section 25, T38S, R9E and Section 26, T38S, R9E; thence westerly approximately 1/2 mile along Section 26, T38S, R9E; thence southerly approximately 1/2 mile to Section 27, T38S, R9E to the intersection with eastern boundary of Orindale Draw, thence southerly along the eastern boundary of Orindale Draw approximately 1 and 1/4 miles into Section 35, T38S, R9E; thence southerly approximately 1/2 mile into Section 2, T39S, R8E; thence easterly approximately 1/4 mile; thence northerly approximately 1/4 mile to the southeast corner of Section 35, T38S, R8E and the Klamath Falls City Limits; thence easterly approximately 1/2 mile to the northern boundary of Section 1, T38S, R8E; thence southeasterly approximately 1/2 mile to Orindale Road; thence north 500 feet along the west side of an easement; thence easterly approximately 1 and 1/4 miles through Section 1, T38S, R8E to the western boundary of Section 6, T39S, R9E; thence southerly approximately 3/4 mile to the southwest corner of Section 6, T39S, R9E; thence easterly approximately 1/8 mile to the western boundary of Highway 97; thence southwesterly along the Highway 97 right-of-way approximately 1/4 mile; thence westerly approximately 1/2 mile to Agate Street in Section 7, T39S, R8E; thence northerly approximately 1/4 mile; thence westerly approximately 3/4 mile to Orindale Road in Section 12, T39S, R8E; thence northerly approximately 1/4 mile into Section 1, T39S, R8E; thence westerly approximately 3/4 mile to the Section 2, T39S, R8E boundary line; thence southerly approximately 3/4 mile along the Section 2, T39S, R8E~~

~~boundary line to the northwest corner of Section 12, T39S, R8E; thence westerly approximately 1/8 mile into Section 11, T39S, R8E; thence southerly approximately 1/8 mile; thence northeasterly approximately 3/4 mile to the southern boundary of Section 12, T39S, R8E at Balsam Drive; thence southerly approximately 1/4 mile into Section 12, T39S, R8E; thence easterly approximately 1/4 mile to Orindale Road; thence southeasterly approximately 500 feet to Highway 66; thence southwesterly approximately 1/2 mile along the boundary of Highway 66 to Holiday Road; thence southerly approximately 1/2 mile into Section 13, T39S, R8E; thence northeasterly approximately 1/4 mile to the eastern boundary of Section 13, T39S, R8E; thence northerly approximately 1/4 mile along the eastern boundary of Section 13, T39S, R8E; thence westerly approximately 1/4 mile to Weyerhaeuser Road; thence northerly approximately 1/8 mile; thence easterly approximately 1/8 mile; thence northerly approximately 1/8 mile; thence westerly approximately 1/8 mile to Farrier Avenue; thence northerly approximately 1/4 mile; thence easterly approximately 1/4 mile to the eastern boundary of Section 13, T39S, R8E; thence northerly approximately 1/8 mile along the eastern boundary of Section 13, T39S, R8E; thence easterly approximately 1/4 mile along the northern section line of Section 18, T39S, R8E; thence southerly approximately 1/4 mile; thence easterly approximately 1/2 mile to the boundary of Highway 97; thence southerly approximately 1/3 mile to the Burlington Northern Right-of-Way; thence northeasterly approximately 1 and 1/3 miles along the high water line of the Klamath River to the Southside Bypass in Section 8, T39S, R9E; thence southeasterly along the Southside Bypass to the Southern Pacific Right-of-Way in Section 9, T39S, R9E; thence southerly approximately 1/2 mile along the Southern Pacific Right-of-Way; thence southwesterly approximately 1/4 mile along the Midland Highway; thence southeasterly approximately 1/4 mile to the old railroad spur; thence easterly 1/4 mile along the old railroad spur; thence southerly approximately 1/4 mile in Section 16, T39S, R9E; thence westerly approximately 1/3 mile; thence southerly approximately 1/4 mile; thence easterly approximately 1/16 mile in Section 21, T39S, R9E; thence southerly approximately 1/8 mile to the Lost River Diversion Channel; thence southeasterly approximately 1/4 mile along the northern boundary of the Lost River Diversion Channel; thence easterly approximately 3/4 mile along Joe Wright Road into Section 22, T39S, R9E; thence southeasterly approximately 1/8 mile on the eastern boundary of the Southern Pacific Right-of-Way; thence southeasterly approximately 1 mile along the western boundary of the Southern Pacific Right-of-Way across Section 22, T39S, R9E and Section 27, T39S, R9E to a point 440 yards south of the northern boundary of Section 27, T39S, R9E; thence easterly to Kingsley Field; thence southeasterly approximately 3/4 mile to the southern boundary of Section 26, T39S, R9E; thence east approximately 1/2 mile along the southern boundary of Section 26, T39S, R9E to a pond; thence north-northwesterly for 1/2 mile following the Klamath Falls City Limits; thence north 840 feet; thence east 1155 feet to Homedale Road; thence north along Homedale Road to a point 1/4 mile north of the southern boundary of Section 23, T39S, R9E; thence west 1/4 mile; thence north 1 mile to the Southside Bypass in Section 14, T39S, R9E; thence east 1/2 mile along the Southside Bypass to the eastern boundary of Section 14, T39S, R9E; thence north 1/2 mile; thence east 900 feet into Section 13, T39S, R9E; thence north 1320 feet along the USBR 1-C 1-A to the southern boundary of Section 12, T39S, R9E; thence north 500 feet to the USBR A Canal; thence southeasterly 700 feet along the southern border of the USBR A Canal back into Section 13, T39S, R9E; thence southeast 1600 feet to the northwest parcel corner of an easement for the Enterprise Irrigation District; thence east-northeast 2200 feet to the eastern boundary of Section 13, T39S, R9E; thence north to the southeast corner of Section 12, T39S, R9E; thence along the Enterprise Irrigation Canal approximately 1/2 mile to Booth Road; thence east 1/2 mile to Vale Road; thence north 1 mile to a point in Section 6, T39S, R10E that is approximately 1700 feet north of the southern boundary of Section 6, T39S, R10E; thence west approximately 500 feet; thence south approximately 850 feet; thence west approximately 200 feet; thence north approximately 900 feet; thence west approximately 1600 feet to the~~

western boundary of Section 6, T39S, R10E; thence north approximately 1/2 mile to the southeast corner of Section 36, T38S, R9E, the point of beginning.

(12) "LaGrande UGB" means the area within the bounds beginning at the point where U.S. Interstate 84 (I-84) intersects Section 31, Township 2 South, Range 38 East; thence east along I-84 to the Union County Fairgrounds; thence north and then east on a line encompassing the Union County Fairgrounds to the intersection with Cedar Street; thence further east approximately 500 feet, encompassing two (2) residential properties; thence on a line south to the intersection with the northern bank of the Grande Ronde River; thence westerly along the northern bank of the Grande Ronde River to the intersection with the western edge of Mount Glenn Road and Riverside Park; thence north along the western edge of Mount Glenn Road and Riverside Park to the intersection with Fruitdale Road; thence east along Fruitdale Road and the northern boundary of Riverside Park to the eastern boundary of Riverside Park; thence south along the eastern boundary of Riverside Park to the north bank of the Grande Ronde River; thence on a line southeast to the intersection with the northern edge of I-84; thence easterly along the northern edge of I-84 to May Street; thence easterly along May Street to the intersection with State Highway 82; thence northeasterly along State Highway 82 to the a point approximately 1/4 mile from the eastern edge of Section 4, T3S, R38E; thence south to the intersection with Section 9, T3S, R38E, and the southern edge of Buchanan Avenue; thence west along the southern edge of Buchanan Avenue to the intersection with the northern edge of I-84; thence on a line south to the southern edge of I-84; thence southeasterly along the southern edge of I-84 approximately 2500 feet; thence on a line due west approximately 1400 feet; thence on a line due south to the intersection with the Union Pacific Railroad Line; thence southeasterly along the Union Pacific Railroad Line to the intersection with Gekeler Lane; thence west along Gekeler Lane to the intersection with U.S. Highway 30; thence southeast along U.S. Highway 30 to the intersection with the western boundary of Section 15, T3S, R38E; thence on a line west following existing property boundaries approximately 2900 feet; thence on a line north following existing property boundaries approximately 250 feet; thence on a line east following existing property boundaries approximately 650 feet; thence north on a line to the intersection with Gekeler Lane; thence west along Gekeler Lane to the intersection with 20th Avenue; thence south along 20th Avenue to the intersection with Foothill Road; thence southeasterly along Foothill Road approximately 2900 feet; thence on a line west following existing property boundaries approximately 1250 feet; thence on a line south following existing property boundaries approximately 1250 feet; thence on a line west following existing property boundaries approximately 1250 feet; thence on a line north following existing property boundaries approximately 450 feet to the intersection with the southernmost part of the La Grande City Limits; thence westerly and northwesterly along the southernmost part of the La Grande City Limits approximately 1100 feet to the intersection with the 3000 foot elevation contour line; thence westerly following the 3000 foot elevation contour line and existing property boundaries approximately 2200 feet; thence on a line north following existing property boundaries approximately 1900 feet; thence on a line west following existing property boundaries approximately 500 feet; thence on a line north to the La Grande City Limits; thence west along the La Grande City Limits and following existing property boundaries approximately 650 feet; thence on a line south following existing property boundaries approximately 900 feet; thence on a line west following existing property boundaries approximately 1250 feet; thence on a line north to the intersection with the La Grande City Limits; thence west along the southern boundary of the La Grande City Limits to the intersection with the western boundary of the La Grande City Limits; thence north along the western boundary of the La Grande City Limits and following existing property lines approximately 500 feet; thence on a line west following existing property boundaries approximately 200 feet; thence on a line north following existing property boundaries approximately 700 feet; thence east to the

first 3000-foot elevation contour line west of the La Grande City Limits; thence northerly following that 3000 foot elevation contour line to the intersection with Deal Canyon Road; thence easterly along Deal Canyon Road to the intersection with the western boundary of the La Grande City Limits; thence northerly along the western boundary of the La Grande City Limits to the intersection with U.S. Highway 30; thence northwesterly along U.S. Highway 30 and following existing property boundaries approximately 1400 feet; thence on a line west to the intersection with the western boundary of Section 6, T3S, R38E; thence north along the western boundaries of Section 6, T3S, R38E and Section 31, T2S, R38E to the point of beginning.

(13) "Lakeview UGB" means the area beginning at the corner common to sections 21, 22, 27, and 28, T39S, R20E; thence north on the section line between section 21 and 22 to the section corner common to section 15, 16, 21, and 22; thence west along the section line between section 21 and 16 to the section corner common to sections 16, 17, 20, and 21; thence north along the section line between section 16 and 17 approximately 3550 feet to the east branch of Thomas Creek; thence northwesterly along the east branch of Thomas Creek to the center line of Highway 140; thence east along the center line of Highway 140 to the section corner common to sections 8, 9, 16, and 17, T39S, R20E; thence north along the section line between sections 8 and 9 to the section corner common to sections 4, 5, 8, and 9, T39S, R20E; thence north along the section line between section 4 and 5 to the section corner common to section 4 and 5, T39S, R20E and sections 32 and 33, T38S, R20E; thence east along the section line between sections 4 and 33 to the section corner common to sections 3 and 4, T39S, R20E and sections 33 and 34, T38S, R20E; thence south along the eastern boundary of section 4 approximately 4,1318.6 feet; thence S 89 degrees, 11 minutes W 288.28 feet to the east right of way line of the old Paisley/Lakeview Highway; thence S 21 degrees, 53 minutes E along the eastern right of way of the old Paisley/Lakeview Highway 288.4 feet; thence S 78 degrees, 45 minutes W 1375 feet; thence S 3 degrees, 6 minutes, and 30 seconds W 200 feet; thence S 77 degrees, 45 minutes W 136 feet to the east right of way line of U.S. Highway 395; thence southeasterly along the east right of way line of U.S. Highway 395 53.5 feet; thence N 77 degrees, 45 minutes E 195.6 feet; thence S 38 degrees, 45 minutes E 56.8 feet; thence S 51 degrees, 15 minutes W 186.1 feet to the east right of way of U.S. Highway 395; thence southeast along the eastern right of way line of U.S. Highway 395 2310 feet; thence N 76 degrees, 19 minutes 544.7 feet; thence S 13 degrees, 23 minutes, 21 seconds E 400 feet; thence N 63 degrees, 13 minutes E 243.6 feet to the western line of the old American Forest Products Logging Road; thence southeast along the old American Forest Products Logging Road to the western line of the northeast quadrant of the northwest quadrant of section 10, T39S, R20E; thence southeast to a point on the south line of the northeast quadrant of the northwest quadrant of Section 10, T39S, R20E (this point also bears N 89 degrees, 33 minutes E 230 feet from the center line of U.S. Highway 395); thence south on a line parallel to the east right of way line of U.S. Highway 395 to the south line of the northwest quadrant of section 10, T39S, R20E; thence south 491 feet to the east right of way of U.S. Highway 395; thence southeasterly following the east right of way of U.S. Highway 395 255 feet to the south line of the northeast quadrant of the northeast quadrant of the southwest quadrant of section 10, T39S, R20E; thence east along that south line to the center line of section 10, T39S, R20E; thence continuing east along the same south line to the eastern boundary of section 10, T39S, R20E; thence south along the eastern boundary of section 10 to the section corner common to sections 10, 11, 14, and 15, T39S, R20E; thence south along the section line between section 14 and 15 to the section corner common to sections 14, 15, 22, and 23, T39S, R20E; thence west along the section line between sections 15 and 22 to the northwest corner of the northeast quadrant of the northeast quadrant of section 22, T39S, R20E; thence south along the eastern line of the western half of the eastern half of section 22 to the southern boundary of

~~Section 22, T39S, R2E; thence west along the southern boundary of section 22 to the point of beginning.~~

(14) "Maintenance Area" means any area that was formerly nonattainment for a criteria pollutant but has since met EPA promulgated standards and has had a maintenance plan to stay within the standards approved by the EPA pursuant to 40 CFR 51.110 (July, 1993).

~~(15) "Medford-Ashland Air Quality Maintenance Area" (AQMA) means the area defined as beginning at a point approximately two and quarter miles northeast of the town of Eagle Point, Jackson County, Oregon at the northeast corner of Section 36, Township 35 South, Range 1 West (T35S, R1W); thence South along the Willamette Meridian to the southeast corner of Section 25, T37S, R1W; thence southeast along a line to the southeast corner of Section 9, T39S, R2E; thence south-southeast along line to the southeast corner of Section 22, T39S, R2E; thence South to the southeast corner of Section 27, T39S, R2E; thence southwest along a line to the southeast corner of Section 33, T39S, R2E; thence West to the southwest corner of Section 31, T39S, R2E; thence northwest along a line to the northwest corner of Section 36, T39S, R1E; thence West to the southwest corner of Section 26, T39S, R1E; thence northwest along a line to the southeast corner of Section 7, T39S, R1E; thence West to the southwest corner of Section 12, T39S, R1W, T39S, R1W; thence northwest along a line to southwest corner of Section 20, T38S, R1W; thence West to the southwest corner of Section 24, T38S, R2W; thence northwest along a line to the southwest corner of Section 4, T38S, R2W; thence West to the southwest corner of Section 6, T38S, R2W; thence northwest along a line to the southwest corner of Section 31, T37S, R2W; thence North and East along the Rogue River to the north boundary of Section 32, T35S, R1W; thence East along a line to the point of beginning.~~

~~(16) "Medford-Ashland CBD" means the area beginning at the intersection of Crater Lake Highway (Highway 62) south on Biddle Road to the intersection of Fourth Street, west on Fourth Street to the intersection with Riverside Avenue (Highway 99), south on Riverside Avenue to the intersection with Tenth Street, west on Tenth Street to the intersection with Oakdale Avenue, north on Oakdale Avenue to the intersection with Fourth Street, east on Fourth Street to the intersection with Central Avenue, north on Central Avenue to the intersection with Court Street, north on Court Street to the intersection with Crater Lake Highway (Highway 62) and east on Crater Lake Highway to the point of beginning, with extensions along McAndrews Road east from Biddle Road to Crater Lake Avenue, and along Jackson Street east from Biddle Road to Crater Lake Avenue.~~

~~NOTE: This definition also marks the area where indirect sources are required to have indirect source construction permits in the Medford area. See OAR 340-254-0040.~~

~~(17) "Medford UGB" means the area beginning at the line separating Range 1 West and Range 2 West at a point approximately 1/4 mile south of the northwest corner of Section 31, T36S, R1W; thence west approximately 1/2 mile; thence south to the north bank of Bear Creek; thence west to the south bank of Bear Creek; thence south to the intersection with the Medford Corporate Boundary; thence following the Medford Corporate Boundary west and southwesterly to the intersection with Merriman Road; thence northwesterly along Merriman Road to the intersection with the eastern boundary of Section 10, T36S, R2W; thence south along said boundary line approximately 3/4 mile; thence west approximately 1/3 mile; thence south to the intersection with the Hopkins Canal; thence east along the Hopkins Canal approximately 200 feet; thence south to Rossanely Drive; thence east along Rossanley Drive approximately 200 feet; thence south approximately 1200 feet; thence west approximately 700 feet; thence south approximately~~

~~1400 feet; thence east approximately 1400 feet; thence north approximately 100 feet; thence east approximately 700 feet; thence south to Finley Lane; thence west to the end of Finley Lane; thence approximately 1200 feet; thence west approximately 1300 feet; thence north approximately 150 feet; thence west approximately 500 feet; thence south to Highway 238; thence west along Highway 238 approximately 250 feet; thence south approximately 1250 feet to a point even with the end of Renault Avenue to the east; thence east approximately 2200 feet; thence south approximately 1100 feet to a point even with Sunset Court to the east; thence east to and along Sunset Court to the first (nameless) road to the south; thence approximately 850 feet; thence west approximately 600 feet; thence south to Stewart Avenue; thence west along Stewart Avenue approximately 750 feet; thence south approximately 1100 feet; thence west approximately 100 feet; thence south approximately 800 feet; thence east approximately 800 feet; thence south approximately 1000 feet; thence west approximately 350 feet to a point even with the north-south connector street between Sunset Drive and South Stage Road; thence south to and along said connecting road and continuing along South Stage Road to Fairlane Road; thence south to the end of Fairlane Road and extending beyond it approximately 250 feet; thence east approximately 250 feet; thence south approximately 250 feet to the intersection with Judy Way; thence east on Judy Way to Griffin Creek Road; thence north on Griffin Creek Road to South Stage Road; thence east on South Stage Road to Orchard Home Drive; thence north on Orchard Home Drive approximately 800 feet; thence east to Columbus Avenue; thence south along Columbus Avenue to South Stage Road; thence east along South Stage Road to the first road to the north after Sunnyview Lane; thence north approximately 300 feet; thence east approximately 300 feet; thence north approximately 700 feet; thence east to King's Highway; thence north along King's Highway to Experiment Station Road; thence east along Experiment Station Road to Marsh Lane; thence east along Marsh Lane to the northern boundary of Section 6, T38S, R1W; thence east along said boundary approximately 1100 feet; thence north approximately 1200 feet; thence east approximately 1/3 mile; thence north approximately 400 feet; thence east approximately 1000 feet to a drainage ditch; thence following the drainage ditch southeasterly approximately 500 feet; thence east to the eastern boundary of Section 31, T37S, R1W; thence south along said boundary approximately 1900 feet; thence east to and along the loop off of Rogue Valley Boulevard, following that loop to the Southern Pacific Railroad Line (SPRR); thence following SPRR approximately 500 feet; thence south to South Stage Road; thence east along South Stage Road to SPRR; thence southeasterly along SPRR to the intersection with the west fork of Bear Creek; thence northeasterly along the west fork of Bear Creek to the intersection with U.S. Highway 99; thence southeasterly along U.S. Highway 99 approximately 250 feet; thence east approximately 1600 feet; thence south to East Glenwood Road; thence east along East Glenwood Road approximately 1250 feet; thence north approximately 1/2 mile; thence west approximately 250 feet; thence north approximately 1/2 mile to the Medford City Limits; thence east along the city limits to Phoenix Road; thence south along Phoenix Road to Coal Mine Road; thence east along Coal Mine Road approximately 9/10 mile to the western boundary of Section 35, T37S, R1W; thence north to the midpoint of the western boundary of Section 35, T37S, R1W; thence west approximately 800 feet; thence north approximately 1700 feet to the intersection with Barnett Road; thence easterly along Barnett Road to the southeast corner of Section 27, T37S, R1W; thence north along the eastern boundary line of said section approximately 1/2 mile to the intersection with the 1800 foot contour line; thence east to the intersection with Cherry Lane; thence following Cherry Lane southeasterly and then northerly to the intersection with Hillcrest Road; thence east along Hillcrest Road to the southeast corner of Section 23, T37S, R1W; thence north to the northeast corner of Section 23, T37S, R1W; thence west to the midpoint of the northern boundary of Section 22; T37S, R1W; thence north to the midpoint of Section 15, T37S, R1W; thence west to the midpoint of the western boundary of Section 15, T37S, R1W; thence south along said boundary approximately~~

~~660 feet; thence west approximately 1200 feet; thence north approximately 600 feet; thence west to Foothill Road; thence north along Foothill Road to a point approximately 500 feet north of Butte Road; thence west approximately 300 feet; thence south approximately 250 feet; thence west on a line parallel to and approximately 250 feet north of Butte Road to the eastern boundary of Section 8, T37S, R1W; thence north approximately 2200 feet; thence west approximately 1800 feet; thence north approximately 2000 feet; thence west approximately 500 feet; thence north to Coker Butte Road; thence east along Coker Butte Road approximately 550 feet; thence north approximately 1250 feet; thence west to U.S. Highway 62; thence north approximately 3000 feet; thence east approximately 400 feet to the 1340 foot contour line; thence north approximately 800 feet; thence west approximately 200 feet; thence north approximately 250 feet to East Vilas Road; thence east along East Vilas Road approximately 450 feet; thence north approximately 2000 feet to a point approximately 150 feet north of Swanson Creek; thence east approximately 600 feet; thence north approximately 850 feet; thence west approximately 750 feet; thence north approximately 650 feet; thence west approximately 2100 feet; thence on a line southeast approximately 600 feet; thence east approximately 450 feet; thence south approximately 1600 feet; thence west approximately 2000 feet to the continuance of the private logging road north of East Vilas Road; thence south along said logging road approximately 850 feet; thence west approximately 750 feet; thence south approximately 150 feet; thence west approximately 550 feet to Peace Lane; thence north along Peace Lane approximately 100 feet; thence west approximately 350 feet; thence north approximately 950 feet; thence west approximately 1000 feet to the western boundary of Section 31, T36S, R1W; thence north approximately 1300 feet along said boundary to the point of beginning.~~

(18) "Nonattainment Area" means any area that has been designated as not meeting the standards established by the U.S. Environmental Protection Agency (EPA) pursuant to 40 CFR 51.52 (July, 1993) for any criteria pollutant.

(19) "O3" means Ozone.

(20) "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.

(21) "Particulate Matter" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by an applicable reference method with the Department's ***Source Sampling Manual***, (January, 1992).

(22) PM10:

(a) When used in the context of emissions, means finely divided solid or liquid material, including condensible water, other than combined water, with an aerodynamic diameter less than or equal to a nominal 10 microns, emitted to the ambient air as measured by as applicable reference method in accordance with the Department's ***Source Sampling Manual*** (January, 1992);

(b) When used in the context of ambient concentration, means airborne finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 10 microns as measured in accordance with 40 CFR Part 50, Appendix J (July, 1993).

~~(23) "Portland AQMA" means the area within the bounds beginning at the point starting on the Oregon-Washington state line in the Columbia River at the confluence with the Willamette River, thence east up the Columbia River to the confluence with the Sandy River, thence southerly and easterly up the Sandy River to the point where the Sandy River intersects the Clackamas County-Multnomah County line, thence west along the Clackamas County-Multnomah County line to the point where the Clackamas County-Multnomah County line is intersected by H. Johnson Road (242nd), thence south along H. Johnson Road to the intersection with Kelso Road (Boring Highway), thence west along Kelso Road to the intersection with Deep Creek Road (232nd), thence south along Deep Creek Road to the point of intersection with Deep Creek, thence southeasterly along Deep Creek to the confluence with Clackamas River, thence easterly along the Clackamas River to the confluence with Clear Creek, thence southerly along Clear Creek to the point where Clear Creek intersects Springwater Road then to Forsythe Road, thence easterly along Forsythe Road to the intersection with Bradley Road, thence south along Bradley Road to the intersection with Redland Road, thence west along Redland Road to the intersection with Ferguson Road, thence south along Ferguson Road to the intersection with Thayler Road, thence west along Thayler Road to the intersection with Beaver Creek Road, thence southeast along Beaver Creek Road to the intersection with Henrici Road, thence west along Henrici Road to the intersection with State Highway 213 (Mollala Avenue), thence southeast along State Highway 213 to the point of intersection with Beaver Creek, thence westerly down Beaver Creek to the confluence with the Willamette River, thence southerly and westerly up the Willamette River to the point where the Willamette River intersects the Clackamas County-Yamhill County line, thence north along the Clackamas County-Yamhill County line to the point where it intersects the Washington County-Yamhill County line, thence~~

west and north along the Washington County-Yamhill County line to the point where it is intersected by Mount Richmond Road, thence northeast along Mount Richmond Road to the intersection with Patton Valley Road, thence easterly and northerly along Patton Valley Road to the intersection with Tualatin Valley State Highway, thence northerly along Tualatin Valley State Highway to the intersection with State Highway 47, thence northerly along State Highway 47 to the intersection with Dilley Road, thence northwesterly and northerly along Dilley Road to the intersection with Stringtown Road, thence westerly and northwesterly along Stringtown Road to the intersection with Gales Creek Road, thence northwesterly along Gales Creek Road to the intersection with Tinmmerman Road, thence northerly along Tinmmerman Road to the intersection with Wilson River Highway, thence west and southwesterly along Wilson River Highway to the intersection with Narup Road, thence north along Narup Road to the intersection with Cedar Canyon Road, thence westerly and northerly along Cedar Canyon Road to the intersection with Banks Road, thence west along Banks Road to the intersection with Hahn Road, thence northerly and westerly along Hahn Road to the intersection with Mountaindale Road, thence southeasterly along Mountaindale Road to the intersection with Glencoe Road, thence east-southeasterly along Glencoe Road to the intersection with Jackson Quarry Road, thence north-northeasterly along Jackson Quarry Road to the intersection with Helvetia Road, thence easterly and southerly along Helvetia Road to the intersection with Bishop Road, thence southerly along Bishop Road to the intersection with Phillips Road, thence easterly along Phillips Road to the intersection with the Burlington Northern Railroad Track, thence northeasterly along the Burlington Northern Railroad Line to the intersection with Rock Creek Road, thence east-southeasterly along Rock Creek Road to the intersection with Old Cornelius Pass Road, thence northeasterly along Old Cornelius Pass Road to the intersection with Skyline Boulevard, thence easterly and southerly along Skyline Boulevard to the intersection with Newberry Road, thence northeasterly along Newberry Road to the intersection with State Highway 30 (St. Helens Road), thence northeast on a line over land across State Highway 30 to the Multnomah Channel, thence east-southeasterly up the Multnomah Channel to the diffluence with the Willamette River, thence north-northeasterly down the Willamette River to the confluence with the Columbia River and the Oregon-Washington state line (the point of beginning).

(24) "Portland Metropolitan Service District Boundary" or "Portland Metro" means the boundary surrounding the urban growth boundaries of the cities within the Greater Portland Metropolitan Area. It is defined in the Oregon Revised Statutes (ORS) 268.125 (1989).

(25) "Portland Vehicle Inspection Area" means the area of the state included within the following census tracts, block groups, and blocks as used in the 1990 Federal Census. In Multnomah County, the following tracts, block groups, and blocks are included: Tracts 1, 2, 3.01, 3.02, 4.01, 4.02, 5.01, 5.02, 6.01, 6.02, 7.01, 7.02, 8.01, 8.02, 9.01, 9.02, 10, 11.01, 11.02, 12.01, 12.02, 13.01, 13.02, 14, 15, 16.01, 16.02, 17.01, 17.02, 18.01, 18.02, 19, 20, 21, 22.01, 22.02, 23.01, 23.02, 24.01, 24.02, 25.01, 25.02, 26, 27.01, 27.02, 28.01, 28.02, 29.01, 29.02, 29.03, 30, 31, 32, 33.01, 33.02, 34.01, 34.02, 35.01, 35.02, 36.01, 36.02, 36.03, 37.01, 37.02, 38.01, 38.02, 38.03, 39.01, 39.02, 40.01, 40.02, 41.01, 41.02, 42, 43, 44, 45, 46.01, 46.02, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56 57, 58, 59, 60.01. 60.02, 61, 62, 63, 64.01, 64.02, 65.01, 65.02, 66.01, 66.02, 67.01, 67.02, 68.01, 68.02, 69, 70, 71, 72.01, 72.02, 73, 74, 75, 76, 77, 78, 79, 80.01, 80.02, 81, 82.01, 82.02, 83.01, 83.02, 84, 85, 86, 87, 88, 89, 90, 91, 92.01, 92.02, 93, 94, 95, 96.01, 96.02, 97.01, 97.02, 98.01, 98.02, 99.01, 99.02, 99.03, 100, 101, 102, 103.01, 103.02, 104.02, 104.04, 104. 05, 104.06, 104.07; Block Groups 1, 2 of Tract 105; Blocks 360, 361, 362 of Tract 105; that portion of Blocks 357, 399 of Tract 105 beginning at the intersection of the Oregon-Washington State Line ("State Line") and the northeast corner of Block Group 1 of Tract 105, thence east along the State Line to the intersection of the State Line and the eastern edge of

Section 26, Township 1 North, Range 4 East, thence south along the section line to the centerline of State Highway 100 to the intersection of State Highway 100 and the western edge of Block Group 2 of Tract 105. In Clackamas County, the following tracts, block groups, and blocks are included: Tracts 201, 202, 203.01, 203.02, 204.01, 204.02, 205.01, 205.02, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216.01, 216.02, 217, 218, 219, 220, 221.01, 221.02, 222.02, 223, 224, 225, 226, 227.01, 227.02, 228, 229, 230, 231, 232, 233, 234.01, 234.02, , 235, 236, 237; Block Groups 1, 2 of Tract 241; Block Groups 1, 2, 3, 4 of Tract 242; Block Groups 1, 2 of Tract 243.02. In Yamhill County, the following tract is included: Tract 301, except those areas in Tract 301 that lie within the Newberg City Limits defined as of July 12, 1996, and the following blocks within Tract 301: 102B, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121D, 122B, 122C, 123, 126, and 127B. In Washington County the following tracts, block groups, and blocks are included: Tracts 301, 302, 303, 304.01, 304.02, 305.01, 305.02, 306, 307, 308.01, 308.02, 309, 310.03, 310.04, 310.05, 310.06, 311, 312, 313, 314.01, 314.02, 315.01, 315.04, 315.05, 315.06, 315.07, 315.08, 316.03, 316.04, 316.05, 316.06, 316.07, 317.02, 317.03, 317.04, 318.01, 318.02, 318.03, 319.01, 319.03, 319.04, 320, 321.01, 321.02, 322, 323, 324.02, 324.03, 324.04, 325, 326.01, 326.02, 328, 329, 330, 331, 332, 333; Block Groups 1, 2 of Tract 327; Block Group 1 of Tract 334; Block Group 2 of Tract 335; Block Group 1 of Tract 336. In Columbia County the following tracts, block groups, and blocks are included: Tract 9710.98; Block Groups 2, 3 of Tract 9709.98; Blocks 146B, 148, 152 of Tract 9709.98.

(26) "Rogue Basin" means the area bounded by the following line: Beginning at the NE corner of T32S, R2E, W.M., thence south along range line 2E to the SE corner of T39S; thence west along township line 39S to the NE corner of T40S, R7W; thence south to the SE corner of T40S, R7W; thence west to the SE corner of T40S, R9W; thence north on range line 9W to the NE corner of T39S, R9W; thence east to the NE corner of T39S, R8W; thence north on range line 8W to the SE corner of Section 1, T33S, R8W on the Josephine-Douglas County line; thence east on the Josephine-Douglas and Jackson-Douglas County lines to the NE corner of T32S, R1W; thence east along township line 32S to the NE corner of T32S, R2E to the point of beginning.

(27) "Salem-Kaiser Area Transportation Study" or "SKATS" means the area within the bounds beginning at the intersection of U.S. Interstate Highway 5 (I-5) with Battle Creek Road SE and Wiltsey Road, south along I-5 to the intersection with the western boundary of Section 24, T8S, R3W; thence due south on a line to the intersection with Delaney Road; thence easterly along Delaney Road to the intersection with Sunnyside Road; thence north along Sunnyside Road to the intersection with Hylo Road SE; thence west along Hylo Road SE to the intersection with Liberty Road; thence north along Liberty Road to the intersection with Cole Road; thence west along Cole Road to the intersection with Bates Road; thence northerly and easterly along Bates Road to the intersection with Jory Hill Road; thence west along Jory Hill Road to the intersection with Stone Hill Avenue; thence north along Stone Hill Avenue to the intersection with Vita Springs Road; thence westerly along Vita Springs Road to the Willamette River; thence northeasterly downstream the Willamette River to a point adjacent to where the western boundary of Section 30, T7S, R3W intersects the Southern Pacific Railroad Line; thence westerly along the Southern Pacific Railroad Line to the intersection with State Highway 51; thence northeasterly along State Highway 51 to the intersection with Oak Grove Road; thence northerly along Oak Grove Road to the intersection with State Highway 22; thence west on State Highway 22 to the intersection with Oak Grove Road; thence north along Oak Grove Road to the intersection with Orchard Heights Road; thence east and north along Orchard Heights Road to the intersection with Eagle Crest Drive; thence northerly along Eagle Crest Drive to the intersection with Hunt Road; thence north along Hunt Road to the intersection with Fourth Road; thence east along Fourth Road to the intersection with Spring Valley Road; thence north along

~~Spring Valley to the intersection with Oak Knoll Road; thence east along Oak Knoll Road to the intersection with Wallace Road; thence south along Wallace Road to the intersection with Lincoln Road; thence east along Lincoln Road on a line to the intersection with the Willamette River; thence northeasterly downstream the Willamette River to a point adjacent to where Simon Street starts on the East Bank; thence east and south along Simon Street to the intersection with Salmon; thence east along Salmon to the intersection with Ravena Drive; thence southerly and easterly along Ravena Drive to the intersection with Wheatland Road; thence northerly along Wheatland Road to the intersection with Brooklake Road; thence southeast along Brooklake Road to the intersection with 65th Avenue; thence south along 65th Avenue to the intersection with Labish Road; thence east along Labish Road to the intersection with the West Branch of the Little Pudding River; thence southerly along the West Branch of the Little Pudding River to the intersection with Sunnyview Road; thence east along Sunnyview Road to the intersection with 63rd Avenue; thence south along 63rd Avenue to the intersection with State Street; thence east along State Street to the intersection with 62nd Avenue; thence south along 62nd Avenue to the intersection with Deer Park Drive; thence southwest along Deer Park Drive to the intersection with Santiam Highway 22; thence southeast along Santiam Highway 22 to the point where it intersects the Salem Urban Growth Boundary (SUGB); thence following the southeast boundary of the SUGB generally southerly and westerly to the intersection with Wiltsey Road; thence west along Wiltsey Road to the intersection with I-5 (the point of beginning).~~

(28) "UGA" means Urban Growth Area.

(29) "UGB" means Urban Growth Boundary.

~~(30) "Umpqua Basin" means the area bounded by the following line: Beginning at the SW corner of Section 2, T19S, R9W, on the Douglas-Lane County lines and extending due south to the SW corner of Section 14, T32S, R9W, on the Douglas-Curry County lines, thence easterly on the Douglas-Curry and Douglas-Josephine County lines to the intersection of the Douglas, Josephine, and Jackson County lines; thence easterly on the Douglas-Jackson County line to the intersection of the Umpqua National Forest boundary on the NW corner of Section 32, T32S, R3W; thence northerly on the Umpqua National Forest boundary to the NE corner of Section 36, T25S, R2W; thence west to the NW corner of Section 36, T25S, R4W; thence north to the Douglas-Lane County line; thence westerly on the Douglas-Lane County line to the starting point.~~

~~[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]~~

~~[Publications: Publications referenced are available from the agency.]~~

~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468A.025~~
~~Hist.: DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 18-1996, f. & cert. ef. 8-19-96; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0500; DEQ 1-2005, f. & cert. ef. 1-4-05~~

~~340-204~~Section 29-0020

Designation of Air Quality Control Regions

Oregon's thirty-six counties are divided into five AQCRs. The AQCR boundaries follow county lines, and there are no counties that belong to more than one AQCR. The five AQCRs are as follows:

(1) **Portland Interstate AQCR**, containing ten counties:

(a) Benton County;

(b) Clackamas County;

(c) Columbia County;

(d) Lane County;

(e) Linn County;

(f) Marion County;

(g) Multnomah County;

(h) Polk County;

(i) Washington County;

(j) Yamhill County.

(2) **Northwest Oregon AQCR**, containing three counties:

(a) Clatsop County;

(b) Lincoln County;

(c) Tillamook County.

(3) **Southwest Oregon AQCR**, containing five counties:

(a) Coos County;

(b) Curry County;

(c) Douglas County;

(d) Jackson County;

(e) Josephine County.

(4) **Central Oregon AQCR**, containing eight counties:

(a) Crook County;

~~(b) Deschutes County;~~

(c) Hood River County;

(d) Jefferson County;

(e) Klamath County;

(f) Lake County;

(g) Sherman County;

(h) Wasco County.

(5) **Eastern Oregon AQCR**, containing ten counties:

(a) Baker County;

(b) Gilliam County;

(c) Grant County;

(d) Harney County;

(e) Malheur County;

(f) Morrow County;

(g) Umatilla County;

(h) Union County;

(i) Wallowa County;

(j) Wheel County.

~~**NOTE:** The AQCRs should not be confused with the recent DEQ reorganization that split the state into three DEQ regions: Northwest, West and East.~~

~~[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]~~

~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468A.025~~
~~Hist.: DEQ 14-1995, f. & cert ef. 5-25-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0510~~

~~340-204~~Section 29-0030

Designation of Nonattainment Areas

The following areas are designated as Nonattainment Areas:

~~(1) Carbon Monoxide Nonattainment Areas: The Salem Nonattainment Area for Carbon Monoxide is the Salem-Kaiser Area Transportation Study as defined in OAR 340-204-0010.~~

(1~~2~~) PM10 Nonattainment Areas:

(a) The Eugene Nonattainment Area for PM10 is the Eugene-Springfield UGB as defined in ~~OAR 340-204~~Section 29-0010.

(b) The Oakridge Nonattainment Area for PM10 is the Oakridge UGB as defined in OAR ~~340-204~~Section 29-0010.

~~(3) Ozone Nonattainment Areas: The Salem Nonattainment Area for Ozone is the Salem-Kaiser Area Transportation Study as defined in OAR 340-204-0010.~~

~~**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.~~

~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468A.025~~
~~Hist.: DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 18-1996, f. & cert. ef. 8-19-96; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0520; DEQ 15-1999, f. & cert. ef. 10-22-99; DEQ 16-2000, f. & cert. ef. 10-25-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 9-2005, f. & cert. ef. 9-9-05~~

~~340-204~~Section 29-0040

Designation of Maintenance Areas

The following areas are designated as Maintenance Areas:

(1) Carbon Monoxide Maintenance Areas:

(a) The Eugene Maintenance Area for Carbon Monoxide is the Eugene-Springfield ~~AQMA~~ UGA as defined in ~~OAR 340-204~~Section 29-0010.

~~(b) The Portland Maintenance Area for Carbon Monoxide is the Portland Metropolitan Service District as referenced in OAR 340-204-0010.~~

~~(c) The Medford Carbon Monoxide Maintenance Area is the Medford UGB as defined in OAR 340-204-0010.~~

~~**NOTE:** EPA maintenance plan approval and redesignation pending.~~

~~(d) The Grants Pass Carbon Monoxide Maintenance Area is the Grants Pass CBD as defined in OAR 340-204-0010.~~

~~(e) The Klamath Falls Carbon Monoxide Maintenance Area is the Klamath Falls UGB as defined in OAR 340-204-0010.~~

~~(2) Ozone Maintenance Areas:~~

~~(a) The Medford Maintenance Area for Ozone is the Medford-Ashland AQMA as defined in OAR 340-204-0010.~~

~~(b) The Oregon portion of the Portland-Vancouver Interstate Maintenance Area for Ozone is the Portland AQMA, as defined in OAR 340-204-0010.~~

~~(3) PM10 Maintenance Areas:~~

~~(a) The Grants Pass PM10 Maintenance Area is the Grants Pass UGB as defined in OAR 340-204-0010.~~

~~(b) The Klamath Falls PM10 Maintenance Area is the Klamath Falls UGB as defined in OAR 340-204-0010.~~

~~(c) The Medford-Ashland PM10 Maintenance Area is the Medford-Ashland AQMA as defined in OAR 340-204-0010.~~

~~**NOTE:** EPA maintenance plan approval and redesignation pending.~~

~~(d) The La Grande PM10 Maintenance Area is the La Grande UGB as defined in OAR 340-204-0010.~~

~~**NOTE:** EPA maintenance plan approval and redesignation pending.~~

~~(e) The Lakeview PM10 Maintenance Area is the Lakeview UGB as defined in OAR 340-204-0010.~~

~~**NOTE:** EPA maintenance plan approval and redesignation pending.~~

~~**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.~~

~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468A.025~~
~~Hist.: DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 18-1996, f. & cert. ef. 8-19-96; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0530; DEQ 15-1999, f. & cert. ef. 10-22-99; DEQ 16-2000, f. & cert. ef. 10-25-00; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 9-2005, f. & cert. ef. 9-9-05~~

~~340-204~~Section 29-0050

Designation of Prevention of Significant Deterioration Areas

(1) All of the following areas which were in existence on August 7, 1977, shall be Class I Areas and may not be redesignated:

(a) Mt. Hood Wilderness, as established by Public Law 88-577;

(b) Eagle Cap Wilderness, as established by Public Law 88-577;

(c) Hells Canyon Wilderness, as established by Public Law 94-199;

(d) Mt. Jefferson Wilderness, as established by Public Law 90-548;

(e) Mt. Washington Wilderness, as established by Public Law 88-577;

(f) Three Sisters Wilderness, as established by Public Law 88-577;

(g) Strawberry Mountain Wilderness, as established by Public Law 88-577;

(h) Diamond Peak Wilderness, as established by Public Law 88-577;

(i) Crater Lake National Park, as established by Public Law 88-577 and expanded in the 1990 Clean Air Act Amendments;

(j) Kalmiopsis Wilderness, as established by Public Law 88-577;

(k) Mountain Lake Wilderness, as established by Public Law 88-577;

(l) Gearhart Mountain Wilderness, as established by Public Law 88-577.

(2) All other areas, in Oregon are initially designated Class II, but may be redesignated as provided in ~~OAR 340-204~~Section 29-0060.

(3) The following areas may be redesignated only as Class I or II:

(a) An area which as of August 7, 1977, exceeded 10,000 acres in size and was a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore; and

(b) A national park or national wilderness area established after August 7, 1977, which exceeds 10,000 acres in size.

(4) The extent of the areas referred to in section (1) and (3) of this rule shall conform to any changes in the boundaries of such areas which occurred between August 7, 1977, and November 15, 1990.

~~[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]~~

~~Stat. Auth.: ORS 468 & ORS 468A~~
~~Stats. Implemented: ORS 468A.025~~
~~Hist.: DEQ 18-1979, f. & ef. 6-22-79; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 17-1995, f. & cert. ef. 7-12-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0120~~

~~340-204~~Section 29-0060

Redesignation of Prevention of Significant Deterioration Areas

(1)(a) All areas in Oregon, except as otherwise provided under ~~OAR 340-204~~Section 29-0050, are designated Class II as of December 5, 1974;

(b) Redesignation, except as otherwise precluded by ~~OAR 340-204~~Section 29-0050, may be proposed by ~~the Department or Indian Governing Bodies~~LRAPA, as provided below, subject to approval by the EPA Administrator as a revision to the State Implementation Plan.

(2) ~~The Department~~LRAPA may submit to the EPA Administrator a proposal to redesignate areas of the state Class I or II provided that:

(a) At least one public hearing has been held in accordance with procedures established in the Plan;

(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, ~~the Department~~LRAPA has provided written notice to the appropriate Federal Land Manager and afforded adequate opportunity, not in excess of 60 days to confer with ~~the Department~~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, ~~the Department~~ LRAPA shall 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) ~~The Department~~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 ~~OAR 340-204~~Section 29-0050 refers may be redesignated as Class III if:

(a) The redesignation would meet the requirements of section (2) of this rule;

(b) The redesignation, except any established by an Indian Governing Body, has been specifically approved by the Governor, after consultation with the appropriate committees of the legislature, if it is in session, or with the leadership of the legislature, if it is not in session, unless state law provides that the redesignation must be specifically approved by state legislation, and if general purpose units of local government representing a majority of the residents of the area to be redesignated enact legislation or pass resolutions concurring in the redesignation;

(c) The redesignation would not cause, or contribute to, a concentration of any air pollutant which would exceed any maximum allowable increase permitted under the classification of any other area or any national ambient air quality standard; and

(d) Any permit application for any major stationary source or major modification, subject to review under section (1) of this rule, which could receive a permit under this section only if the area in question were redesignated as Class III, and any material submitted as part of that application, were available insofar as was practicable for public inspection prior to any public hearing on redesignation of the area as Class III.

(4) Lands within the exterior boundaries of Indian Reservations may be redesignated only by the appropriate Indian Governing Body. The appropriate Indian Governing Body may submit to the EPA Administrator a proposal to redesignate areas Class I, II, or III; provided that:

(a) The Indian Governing Body has followed procedures equivalent to those required of ~~the Department~~LRAPA under section (2) and subsections (3)(c) and (d) of this rule; and

(b) Such redesignation is proposed after consultation with the state(s) in which the Indian Reservation is located and which border the Indian Reservation.

(5) The EPA Administrator shall disapprove, within 90 days of submission, a proposed redesignation of any area only if he finds, after notice and opportunity for public hearing, that such redesignation does not meet the procedural requirements of this paragraph or is inconsistent with ~~OAR 340-204~~Section 29-0050. If any such disapproval occurs, the classification of the area shall be that which was in effect prior to the redesignation which was disapproved.

(6) If the EPA Administrator disapproves any proposed redesignation, ~~the Department~~LRAPA or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the EPA Administrator.

~~[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]~~

~~Stat. Auth.: ORS 468 & ORS 468A~~
~~Stats. Implemented: ORS 468A.025~~
~~Hist.: DEQ 18-1979, f. & ef. 6-22-79; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-031-0130~~

~~340-204~~Section 29-0070

Special Control Areas

The following areas are designated as Special Control Areas:

(1) The Counties within the Willamette Valley, including Benton, Clackamas, Columbia, Lane, Linn, Marion, Multnomah, Polk, Washington and Yamhill CountiesLane County;

(2) Umpqua Basin;

(3) Rogue Basin;

(42) Within incorporated cities having a population of 4,000 or more, and within three miles of the corporate limits of any such city.

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented:ORS 468A.025
Hist.: DEQ 16, f. 6-12-70, ef. 7-11-70; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-021-0010

340-204Section 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) Portland Vehicle Inspection Area;There are currently no geographic areas in Lane County subject to motor vehicle inspection programs.

(2) Medford-Ashland AQMA.

[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]

Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.390
Hist.: DEQ 11-1985, f. 9-30-85, ef. 1-1-86; DEQ 21-1988, f. & cert. ef. 9-12-88; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 1-1995, f. & cert. ef. 1-10-95; DEQ 13-1996, f. & cert. ef. 8-12-96; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-024-0301

340-204Section 29-0090

Oxygenated Gasoline Control Areas

The following are oxygenated gasoline control areas until October 31, 2007: Clackamas, Multnomah, Washington and Yamhill CountiesThere currently are no oxygenated gasoline control areas in Lane County.

~~[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]~~

~~Stat. Auth.: ORS 468 & 468A~~
~~Stats. Implemented: ORS 468A.420~~
~~Hist.: DEQ 25-1992, f. 10-30-92, cert. ef. 11-1-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-022-0470; DEQ 15-1999, f. & cert. ef. 10-22-99; DEQ 16-2000, f. & cert. ef. 10-25-00; DEQ 4-2001, f. & cert. ef. 3-27-01; DEQ 10-2004, f. & cert. ef. 12-15-04~~

LANE REGIONAL AIR ~~POLLUTION AUTHORITY~~PROTECTION AGENCY

TITLE 30

Incinerator Regulations

Section 30-005 Purpose and Applicability

The purpose of these rules is to establish state-of-the-art emission standards, design requirements, and performance standards for all solid, infectious waste and crematory incinerators, in order to minimize air contaminant emissions and provide adequate protection of public health. The rules apply to all existing solid and infectious waste and crematory incinerators and to all that will be built, modified, or installed within Lane County, Oregon. These rules shall not apply to municipal waste combustors.

Section 30-010 Definitions

Words and terms used in this title are defined as follows, unless the context requires otherwise:

- "Acid Gases" means any exhaust gas which includes hydrogen chloride and sulfur dioxide.

- "Best Available Control Technology (BACT)" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction of each air contaminant subject to regulation under the Clean Air Act which would be emitted from any proposed major source or major modification which, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air contaminant. In no event shall the application of BACT result in emissions of any air contaminant which would exceed the emissions allowed by any applicable new source performance standard or any standard for hazardous air pollutants. If an emission limitation is not feasible, a design, equipment, work practice, or operational standard, or combination thereof, may be required. Such standard shall, to the degree possible, set forth the emission reduction achievable and shall provide for compliance by prescribing appropriate permit conditions.

- "Biological Waste," includes blood and blood products, excretions, exudates, secretions, suctionings and other body fluids that cannot be directly discarded into a municipal sewer

system, and waste materials saturated with blood or body fluids, but does not include diapers soiled with urine or feces (see also "infectious waste").

- "Continuous Emissions Monitoring" means a monitoring system for continuously measuring the emissions of a pollutant from an affected incinerator. Continuous monitoring equipment and operation shall be certified in accordance with EPA performance specifications and quality assurance procedures outlined in 40 CFR 60, Appendices B and F, and the Department's CEM Manual.

- "Crematory Incinerator" means an incinerator used solely for the cremation of non-pathological human ~~and ,~~ non-pathological animal remains, and appropriate containers.

- "Cultures and stocks" includes etiologic agents and associated biologicals, including specimen cultures and dishes and devices used to transfer, inoculate and mix cultures, wastes from production of biologicals, and serums and discarded live and attenuated vaccines. "Cultures" does not include throat and urine cultures (see also "infectious waste".

- "Department" means the Oregon Department of Environmental Quality.

- "Dioxins and Furans" means total tetra- through octachlorinated dibenzo-p-dioxins and dibenzofurans.

- "Director" means the Director of the Lane Regional Air ~~Pollution Authority~~Protection Agency and authorized deputies or officers.

- "Dry Standard Cubic Foot" means the amount of gas, free of uncombined water, that would occupy a volume of 1 cubic foot at standard conditions. When applied to combustion flue gases from waste or refuse burning, "Standard Cubic Foot (SCF)" means adjustment of gas volume to that which would result at a concentration of 7% oxygen (dry basis).

- "Emission" means a release into the ambient air of air contaminants.

~~$ "Existing Source" means any air contaminant source in existence prior to the date of adoption of rules affecting that source.~~

~~$ "Fugitive Emissions," except as used in Title 35, means emissions of any air contaminant which escapes to the ambient air from any point or area that is not identifiable as a stack, vent, duct, or functionally equivalent opening. (Title 12 contains another definition of "fugitive emissions" for use with title 35.)~~

- "Incineration Operation" means any operation in which combustion is carried on in an incinerator, for the principal purpose or with the principal result, of oxidizing wastes to reduce their bulk and/or facilitate disposal.

- "Incinerator" means a combustion device specifically for destruction, by high temperature burning, of solid, semi-solid, liquid, or gaseous combustible wastes. This does not include devices such as open or screened barrels, drums, or process boilers.

- "Infectious Waste" means waste which contains or may contain any disease-producing microorganism or material including, but not limited to, biological waste, cultures and stocks, pathological waste, and sharps (see individual definitions for these terms).

- "Infectious Waste Incinerator" means an incinerator which is operated or utilized for the disposal or treatment of infectious waste, including combustion for the recovery of heat.

~~$ "Opacity" means the degree to which an emission reduces transmission of light or obscures the view of an object in the background.~~

~~$ "Particulate Matter" means any solid or liquid material, except uncombined water, which exists as a liquid or solid at standard conditions.~~

- "Parts Per Million (ppm)" means parts of a contaminant per million parts of gas by volume on a dry-gas basis (1 ppm equals 0.0001% by volume).

- "Pathological waste" includes biopsy materials and all human tissues; anatomical parts that emanate from surgery, obstetrical procedures, autopsy and laboratory procedures; and animal carcasses exposed to pathogens in research and the bedding and other waste from such animals. "Pathological wastes" does not include teeth, or formaldehyde or other preservative agents (see also "infectious waste").

- "Permit" or "Air Contaminant Discharge Permit" means a written permit issued by ~~the Authority~~LRAPA, pursuant to LRAPA and DEQ rules and regulations.

- "Person" means any individual, public or private corporation, political subdivision, agency, board, department, or bureau of the state, municipality, partnership, association, firm, trust, estate, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

- "Person in Charge of Property" means an agent, occupant, lessee, tenant, contract purchaser, or other person having possession or control of property.

- "Primary Combustion Chamber" means the discrete equipment, chamber or space in which drying of the waste, pyrolysis, and essentially the burning of the fixed carbon in the waste occurs.

- Pyrolisis means the endothermic gasification of waste material using external energy.

- "Refuse" means unwanted matter.

- "Refuse Burning Equipment" means a device designed to reduce the volume of refuse by combustion.

- "Secondary (or Final) Combustion Chamber" means the discrete equipment, chamber, or space, excluding the stack, in which the products of pyrolysis are combusted in the presence of excess air, such that essentially all carbon is burned to carbon dioxide.

- "Sharps" includes needles, IV tubing with needles attached, scalpel blades, lancets, glass tubes that could be broken during handling, and syringes that have been removed from their original sterile containers (see also "infectious waste").

- "Solid Waste" means refuse, more than 50% of which is waste consisting of a mixture of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustible materials, and noncombustible materials such as metal, glass, and rock.

- "Solid Waste Incinerator" means an incinerator which is operated or utilized for the disposal or treatment of solid waste, including combustion for the recovery of heat.

- "Source" means any building, structure, facility, installation or combination thereof which emits or is capable of emitting air contaminants to the atmosphere and is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control. This includes all of the pollutant emitting activities which belong to the same industrial grouping or major group (i.e. which have the same two-digit code) as described in EPA's Standard Industrial Classification (SIC) manual (U.S. Office of Management and Budget 1987). (Title 12 contains another definition of "source" for use with other rules.)

- "Standard Conditions" means a gas temperature of sixty-eight (68) degrees Fahrenheit and a gas pressure of 29.92 inches of mercury.

- "Startup/Shutdown" means the time during which an air contaminant source or emission control equipment is brought into normal operation and normal operation is terminated, respectively.

- "Startup," means that time during which an air contaminant source or emission control equipment is brought into normal operation. (Title 12 contains another definition of "startup" for use with other rules.)

- "Transmissometer" means a device that measures opacity and conforms to EPA specification Number 1 in Title 40 CFR, Part 60, Appendix B.

Section 30-015 Best Available Control Technology for Solid and Infectious Waste Incinerators

1. Notwithstanding the specific emission limits set forth in Section 30-020, in order to maintain overall air quality at the highest possible levels, each solid and infectious waste incinerator is required to use best available control technology (BACT). In no event shall the application of BACT result in emissions of any air contaminant which would exceed the emission limits set forth in these rules.

2. All installed equipment shall be operated and maintained in such a manner that emissions of air contaminants are kept at the lowest possible level.

Section 30-020 Emission Limitations for Solid and Infectious Waste Incinerators

No person shall cause, suffer, allow, or permit the operation of any solid or infectious waste incinerator in a manner which violates the following emission limits and requirements:

1. Particulate Matter Emissions (PM)

   A. For ~~new~~ solid and infectious waste incinerators constructed or modified on or after March 13, 1990, emissions from each stack shall not exceed 0.015 grains per dry standard cubic foot of exhaust gases corrected to seven (7) percent O_2 at standard conditions.

   B. For ~~existing~~ solid and infectious waste incinerators constructed or modified before March 13, 1990, emissions from each stack shall not exceed 0.030 grains per day standard cubic foot of exhaust gases corrected to seven (7) percent O_2 at standard conditions.

2. Hydrogen Chloride (HCl)

   A. For existing and new solid and infectious waste incinerators, emissions of hydrogen chloride from each stack shall not exceed 50 ppm as an average during any sixty (60)-minute period, corrected to 7% 0_2 (dry basis); or

   B. Shall be reduced by at least ninety (90)% by weight from their potential HCI emissions rate on an hourly basis.

3. Sulfur Dioxide (SO_2)

   A. For existing and new solid and infectious waste incinerators, emissions of sulfur dioxide from each stack shall not exceed 50 ppm as a running three (3)-hour average, corrected to 7% 0_2, (dry basis); or

   B. Shall be reduced by at least 70% by weight from their potential SO_2 emission rate on a three (3)-hour basis.

4. Carbon Monoxide (CO). For existing and new solid and infectious waste incinerators, emissions of carbon monoxide from each stack shall not exceed 100 ppm as a running eight (8)-hour average, corrected to 7% 0_2 (dry basis).

5. Nitrogen Oxide (NO_x). For ~~new~~ solid and infectious waste incinerators constructed or modified on or after March 13, 1990 with the potential to process 250 tons/day or more of wastes, emissions of nitrogen oxide from each stack shall not exceed 200 ppm as a running 24-hour average, corrected to 7% 0_2 (dry basis).

6. Opacity. Opacity, as measured visually by an applicable EPA Method or by a transmissometer, shall not exceed 10% for a period aggregating more than ~~three~~ six (~~3~~6) minutes in any ~~running~~ sixty (60)-minute period.

7. Fugitive Emissions. All solid and infectious waste incinerators shall be operated in a manner which prevents or minimizes fugitive emissions, including but not limited to the paving of all normally traveled roadways within the plant boundary and enclosing of all material transfer points.

8. Dioxin/furans. For solid and infectious waste incinerators with a waste charging rate of 250 tons/day or greater, emissions from each stack shall not exceed 30 nanograms of dioxin/furans per dry standard cubic foot.

9. Other Wastes. No solid or infectous waste incinerator subject to these rules shall burn radioactive or hazardous waste, or any other waste not specifically authorized in ~~the Authority's~~LRAPA's Air Contaminant Discharge Permit.

10. Other contaminants. For any incinerator subject to these rules, in the absence of an air-contaminant-specific emission limit or ambient air quality standard, ~~the Authority~~LRAPA may establish, by permit, emission limits for any other air contaminants to protect human health and the environment.

Section 30-025 Design and Operation for Solid and Infectious Waste Incinerators

1. Each solid or infectious waste incinerator shall have at least a primary and secondary combustion chamber.

2. Temperature and residence time. Each solid or infectious waste incinerator shall be designed and operated to maintain temperatures of at least 1400° F in the primary chamber. Combustion gases in the secondary chamber shall be maintained at a minimum temperature of 1800° F for at least one (1) second residence time.

3. Auxiliary Burners. Each solid or infectious waste incinerator shall be designed and operated with automatically controlled auxiliary burners capable of maintaining the combustion chamber temperatures specified in section 2 of this rule, and shall have sufficient auxiliary fuel capacity to maintain said temperatures.

4. Interlocks. Each solid or infectious waste incinerator shall be designed and operated with an interlock system which:

   A. Prevents charging until the final combustion chamber reaches 1800° F;

   B. For batch-fed solid or infectious waste incinerators, prevents recharging until each combustion cycle is complete;

   C. Ceases charging if the secondary chamber temperature falls below 1800° F for any continuous fifteen (15)-minute period; and

   D. Ceases charging if carbon monoxide levels exceed 150 ppm (dry basis), corrected to 7% 0_2 over a continuous fifteen (15)-minute period.

5. Air Locks. Each mechanically fed solid or infectious waste incinerator shall be designed and operated with an air lock control system to prevent opening the incinerator to the room environment. The volume of the loading system must be designed so as to prevent overcharging, to assure complete combustion of the waste.

6. Combustion Efficiency. Except during periods of startup and shutdown, each solid or infectious waste incinerator shall achieve a combustion efficiency of 99.9% based on a running eight (8)-hour average, computed as follows:

$$CE = \frac{CO_2}{CO_2 + CO} \times 100$$

CO = Carbon monoxide in the exhaust gas, parts per million by volume (dry) at standard conditions

CO_2 = Carbon dioxide in the exhaust gas, parts per million by volume (dry) at standard conditions

7. Stack Height. Each solid or infectious waste incinerator stack shall be designed in accordance with Good Engineering Practice (GEP) as defined in Title 40 CFR, Parts 51.100(ii) and 5118, in order to avoid the flow of stack pollutants into any building ventilation intake plenum.

8. Operator Training and Certification. Each solid or infectious waste incinerator shall be attended at all times during operation by one or more individuals who have received training necessary for proper operation. A description of the training program shall be submitted to the ~~Authority~~ LRAPA for approval. A satisfactory training program shall consist of any of the following:

   A. Certification by the American Society of Mechanical Engineers (ASME) for solid waste incinerator operation; or

   B. For infectious waste incineration, successful completion of EPA's Medical Waste Incinerator Operating training course; or

   C. Other certification or training by a qualified organization as to proper operating practices and procedures, which has been pre-approved by ~~the Authority~~LRAPA prior to enrollment. In addition, the owner or operator of a solid or infectious waste incinerator facility shall develop and submit a manual for proper operation and maintenance, to be reviewed with employees responsible for incinerator operation on an annual basis.

   D. Copies of the written certificate of training of the operator shall be kept on site at all times, available ~~for Authority~~LRAPA review.

9. Odors. In cases where solid or infectious waste incinerator operation causes odors which interfere with the use and enjoyment of property, ~~the Authority~~LRAPA may require, by permit, additional practices and procedures to prevent or eliminate those odors, in accordance with Title 49.

Section 30-030 Continuous Emission Monitoring for Solid and Infectious Waste Incinerators

1. Each solid waste incinerator shall be equipped with continuous monitoring for the following:

   A. Sulfur dioxide;
   B. Carbon monoxide;

C. Opacity;
D. Primary combustion chamber temperature;
E. Final combustion chamber temperature;
F. Flue gas outlet temperature;
G. Oxygen;
H. Nitrogen oxide--new incinerators with a potential waste feed rate of 250 tons/day or more; and
I. HCl--for incinerators with a potential waste feed rate of 250 tons per day or more.

2. Each infectious waste incinerator shall be equipped with continuous monitoring for the following:

A. Carbon monoxide;
B. Opacity;
C. Primary combustion chamber temperature;
D. Final combustion chamber temperature; and
E. HCl.

3. ~~The Authority~~LRAPA may, at any time following the effective date of these rules, require the installation and operation of any other continuous emission monitors which ~~the Authority~~LRAPA determines are necessary in order to demonstrate compliance with emission limits set forth in these regulations.

4. The monitors specified above shall comply with EPA performance specifications in Title 40, CFR, Part 60, and the Department's CEM Manual. All monitoring equipment shall be located, operated and maintained so as to accurately monitor emission levels, in order to demonstrate compliance with LRAPA Title 30.

Section 30-035 Reporting and Testing for Solid and Infectious Waste Incinerators

1. Reporting

A. Compliance test results shall be reported to ~~the Authority~~LRAPA within thirty (30) days of completion of the test.

B. All records associated with continuous monitoring data including, but not limited to, original data sheets, charts, calculations, calibration data, production records and final reports shall be maintained for a continuous period of at least two (2) years and shall be furnished to ~~the Authority~~LRAPA upon request.

2. Source Testing

A. Each solid or infectious waste incinerator must be tested to demonstrate compliance with the standards in these rules.

B. Compliance testing shall be conducted at the maximum design rate using waste that is representative of normal operation. If requested by the owner/ operator, compliance testing may be performed at a lower rate; however, permit limits will be established based on the lower rate of operation.

C. Unless otherwise specified by ~~the Authority~~LRAPA, each solid or infectious waste incinerator shall be tested at start-up for particulate matter, hydrogen chloride, sulfur dioxide, and carbon monoxide emissions. Solid and infectious waste incinerators with potential waste feed rates of 250 tons/day or more shall be tested for dioxin/furans and NO_x at startup.

3. Other air contaminant compliance testing. ~~The Authority~~LRAPA may, at any time after the effective date of this rule, conduct or require source testing and require access to information specific to the control, recovery, or release of other air contaminants.

Section 30-040 Compliance for Solid and Infectious Waste Incinerators

1. All ~~existing~~ solid and infectious waste incinerators constructed or modified before March 13, 1990 must demonstrate compliance with the applicable provisions of these rules one year after the effective date of this regulation. Subject to approval of ~~the Authority~~LRAPA, existing data such as that collected in accordance with the requirements of an Air Contaminant Discharge Permit may be used to demonstrate compliance.

2. Until compliance is demonstrated, existing solid and infectious waste incinerators shall continue to be subject to all applicable permit conditions.

3. ~~All new solid~~ Solid and infectious waste incinerators constructed or modified on or after March 13, 1990 must demonstrate compliance with the applicable provisions of these rules ~~as soon as possible, but not later than ninety (90) days after startup~~in accordance with a schedule established by LRAPA before commencing regular operation.

4. Compliance with these rules does not relieve the owner or operator of the solid or infectious waste incinerator from the responsibility to comply with requirements of the Department's Solid and Hazardous Waste rules (Oregon Administrative Rules, Chapter 340, Division ~~61~~93) regarding the disposal of ash generated from solid and infectious waste incinerators.

Section 30-045 Emission Limitations of Crematory Incinerators

1. No person shall cause to be emitted particulate matter from any crematory incinerator in excess of 0.080 grains per dry standard cubic foot of exhaust gases corrected to seven (7) percent 0_2 at standard conditions.

2. Opacity. No visible emissions shall be present except for a one 6 minute period ~~aggregating no more than three (3) minutes in any sixty (60) minute period~~ per hour of not more than 20% opacity, as measured by ~~an applicable~~ EPA Method 9. At no time shall visible emissions exceed an opacity of 10%.

3. Odors. In cases where crematory incinerator operation cause odors which interfere with the use and enjoyment of property, ~~the Authority~~LRAPA may require by permit the use of good practices and procedures to prevent or eliminate those odors.

Section 30-050 Design and Operation of Crematory Incinerators

1. Temperature and residence time. ~~The~~ During the course of cremation, the temperature in the final combustion cham~~-~~ber shall be 1800° F for ~~new~~ incinerators installed on or after

March 13, 1993, and 1600° F for existing crematory incinerators installed on or before March 12, 1993, with a residence time of at least 0.5 second. The temperature in the final chamber must be 1400°F prior to firing material in the primary combustion chamber. At no time while firing waste shall the temperature in the final chamber fall below 1400°□ F for incinerators installed on or after March 13, 1993, or 1200° F for incinerators installed on or after March 13, 1993.

2. Operator training and certification. Each crematory incinerator shall be operated at all times under the direction of individuals who have received training necessary for proper operation. A description of the training program shall be submitted to the Authority for LRAPA approval. Copies of the training certificates of the operators shall be maintained on site at all times and available to the AuthorityLRAPA for review.

3. As defined in Title 12 of these rules, crematory incinerators may only be used for incineration of human and animal bodies (together with associated coffins, caskets, combustible containers, wrappings or clothing). and appropriate containers. No other material, including infectious waste as defined by 30-010.10 of these rules, may be incinerated unless specifically authorized in the Authority'sLRAPA's Air Contaminant Discharge Permit. On a case-by-case basis, the AuthorityLRAPA may allow the cremation of human anatomical parts or fetal remains, upon request.

Section 30-055 Monitoring and Reporting for Crematory Incinerators

1. All crematory incinerators shall operate and maintain continuous monitoring for final combustion chamber exit temperature. Additional monitoring and reporting may be required by permit.

2. All records associated with continuous monitoring data including, but not limited to, original data sheets, charts, calculations, calibration data, production records and final reports shall be maintained for a continuous period of at least one two (2) years and shall be furnished to the AuthorityLRAPA upon request.

3. All crematory incinerators must conduct source testing to demonstrate compliance with these rules in accordance with a schedule specified by the AuthorityLRAPA. The test results shall be submitted to the AuthorityLRAPA no later than thirty (30) days after completion of the test.

Section 30-060 Compliance of Crematory Incinerators

1. A crematory incinerator installed on or after March 13, 1993, must demonstrate within 180 days of startup compliance with Section 30-045(1) by: All existing crematory incinerators must demonstrate compliance with the applicable provisions of these rules within one year after the effective date of the regulations. Subject to approval by the Authority, existing data such as that collected in accordance with the requirements of an Air Contaminant Discharge Permit or in response to regulatory requirements may be used to demonstrate compliance.

2. A. Conducting a source test for particulate matter emissions in accordance with Sections 35-0120 through 35-0140; orUntil compliance is demonstrated, existing crematory incinerators shall continue to be subject to all applicable permit conditions.

3B. Submitting the results of testing performed on a crematory incinerator that LRAPA agrees is comparable to the incinerator in question.

New crematory incinerators must demonstrate compliance with the emission limits and operating requirements of these rules before commencing regular operation.

Statutory Authority: ORS Chapters 183.341 and 468A.135

~~DEPARTMENT OF ENVIRONMENTAL QUALITY~~LANE REGIONAL AIR PROTECTION AGENCY

~~DIVISION 209~~TITLE 31
PUBLIC PARTICIPATION

Section 31-0010 Purpose

The purpose of this ~~Division~~ 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.

~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468 & ORS 468A~~
~~Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01~~

Section 31-0020 Applicability

This ~~Division~~ Title applies to permit actions requiring public notice as specified in OAR 340~~,~~ division~~s 216 and~~ 218 and LRAPA Title 37.

~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468 & ORS 468A~~
~~Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01~~

Section 31-0030 Public Notice Categories and Timing

1. ~~The Department~~LRAPA categorizes permit actions according to potential environmental and public health significance and the degree to which ~~the Department~~LRAPA has discretion for implementing the applicable regulations. Category I is for permit actions with low environmental and public health significance so they have less public notice and opportunity for public participation. Category IV is for permit actions with potentially high environmental and public health significance so they have the greatest level of public notice and opportunity for participation.

2. Permit actions are assigned to specific categories in OAR 340, division~~s 216 and~~ 218 and LRAPA Title 37. If a permit action is uncategorized, the permit action will be processed under Category III.

3. The following describes the public notice or participation requirements for each category:

   A. Category I -- No prior public notice or opportunity for participation. However, ~~the Department~~LRAPA will maintain a list of all permit actions processed under Category I and make the list available for public review.

   B. Category II -- ~~The Department~~LRAPA will provide public notice of the proposed permit action and a minimum of 30 days to submit written comments.

C. Category III -- ~~The Department~~LRAPA will provide notice of the proposed permit action and a minimum of 35 days to submit written comments. ~~The Department~~LRAPA will provide~~d~~ a minimum of 30 days notice for a hearing, if one is scheduled. ~~The Department~~ LRAPA will schedule a hearing to allow interested persons to submit oral or written comments if:

1) ~~The Department~~LRAPA determines that a hearing is necessary; or
2) Within 35 days of the mailing of the public notice, ~~the Department~~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 ~~OAR 340-216~~Section 37-0040, ~~the Department~~LRAPA will:

~~3)~~1) Provide notice of the completed application and requested permit action;
~~4)~~2) Schedule an informational meeting within the community where the facility will be or is located and provide public notice of the meeting;
~~5)~~3) Once a draft permit is completed, provide public notice of the proposed permit and a minimum of 40 days to submit written comments; and
~~6)~~4) Schedule a public hearing to allow interested persons to submit oral or written comments and provide a minimum of 30 days public notice for the hearing.

4. Except for title V permit actions, ~~the Department~~LRAPA may move a permit action to a higher category under section ~~(3)~~3 of this rule based on, but not limited to the following factors:

A. Anticipated public interest in the facility;

B. Compliance and enforcement history of the facility or owner; or

C. Potential for significant environmental or public harm due to location or type of facility.

~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468 & ORS 468A~~
~~Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01~~

Section 31-0040 Public Notice Information

1. The following information is required in public notices for all proposed ACDP and draft ~~Oregon~~ LRAPA Title V Operating Permit actions, except for General Permit actions:

A. Name of applicant and location of the facility;

B. Type of facility, including a description of the facility's processes subject to the permit;

C. Description of the air contaminant emissions including, the type of pollutants, quantity of emissions, and any decreases or increases since the last permit action for the facility;

D. Location and description of documents relied upon in preparing the draft permit;

E. Other permits required by ~~the Department~~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);~~Opportunity for public comment, whether in writing or in person~~;

H. Compliance, enforcement, and complaint history along with resolution of the same;

I. A summary of the discretionary decisions made by ~~the Department~~LRAPA in drafting the permit;

J. Type and duration of the proposed or draft permit action;

K. Basis of need for the proposed or draft permit action;

L. Any special conditions imposed in the proposed or draft permit action;

M. Whether each proposed permitted emission is a criteria pollutant and whether the area in which the source is located is designated as attainment or nonattainment for that pollutant;

N. If the proposed permit action is for a federal major source, whether the proposed permitted emission would have a significant impact on a Class I airshed;

O. If the proposed permit action is for a major source for which dispersion modeling has been performed, an indication of what impact each proposed permitted emission would have on the ambient air quality standard and PSD increment consumption within an attainment area;

P. Other available information relevant to the permitting action;

Q. The name and address of ~~the Department~~LRAPA office processing the permit;

R. The name, address, and telephone number and e-mail address of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including any

compliance plan, permit, and monitoring and compliance certification report, except for information that is exempt from disclosure, and all other materials available to ~~the Department~~ LRAPAthat are relevant to the permit decision; and

S. If applicable, a statement that an enhanced New Source Review process, under LRAPA Title 38, including the external review procedures required under OAR 340-218-0210 and 340-218-0230, is being used to allow for subsequent incorporation of the operating approval into an ~~Oregon~~ LRAPA Title V Operating Permit as an administrative amendment.

2. General Permit Actions. The following information is required for General ACDP and General ~~Oregon~~ 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 ~~the Department~~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);;~~Opportunity for public comment, whether in writing or in person~~;

H. Compliance, enforcement, and complaint history along with resolution of the same;

I. A summary of the discretionary decisions made by ~~the Department~~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 and address of the Department office processing the permit;~~

~~q.~~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 ~~the Department~~LRAPA that are relevant to the permit decision.

~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468 & ORS 468A~~
~~Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 13-1988, f. & cert. ef. 6-17-88; DEQ 34-1990, f. 8-20-90, cert. ef. 9-1-90; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0150; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1710; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbererd from 340-216-0050~~

Section 31-0050 Public Notice Procedures

1. All notices. ~~The Department~~LRAPA will mail a notice of proposed permit actions to the persons identified in ~~OAR 340-209~~Section 31-0060.

2. New Source Review, ~~Oregon~~ LRAPA Title V Operating Permit and General ACDP actions. In addition to section ~~(1)~~1 of this rule, ~~the Department~~LRAPA will provide notice of New Source Review, ~~Oregon~~ LRAPA Title V Operating Permit and General ACDP actions as follows:

   A. Advertisement in a newspaper of general circulation in the area where the source or sources are or will be located or ~~a Department~~LRAPA publication designed to give general public notice; and

   B. Other means, if necessary, to assure adequate notice to the affected public.

~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468 & ORS 468A~~
~~Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01~~

Section 31-0060 Persons Required to Be Notified

1. All notices. For all types of public notice, ~~the Department~~LRAPA will provide notice to the following persons:

   A. The applicant;

B. Persons on a mailing list maintained by ~~the Department~~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 ~~Oregon~~ LRAPA Title V Operating Permit actions. In addition to section ~~(1)~~1 of this rule, ~~the Department~~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. ~~Oregon~~LRAPA Title V Operating Permit actions. ~~The Department~~LRAPA will provide notice to affected states and the EPA in addition to the persons identified in sections (1) and (2) of this rule.

4. New Source Review actions. For New Source Review actions (~~OAR 340, division 224~~Title 38), ~~the Department~~LRAPA will provide notice to the following officials and agencies having jurisdiction over the location where the proposed construction would occur in addition to the persons identified in section ~~(1)~~1 of this rule:

A. The chief executives of the city and county where the source or modification would be located;

B. Any comprehensive regional land use planning agency;

C. Any state, federal land manager, or Indian governing body whose land may be affected by emissions from the source or modification; and

D. The EPA.

~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468 & ORS 468A~~
~~Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01~~

Section 31-0070 Hearing and Meeting Procedures

1. Informational Meeting. For category IV permit actions, ~~the Department~~LRAPA will provide an informational meeting at a reasonable place and time.

A. The meeting will be held after a complete application is received and before ~~the Department~~LRAPA makes a preliminary decision on the application.

B. Notice of the meeting will be provided at least 14 days before the meeting;

C. During the meeting, ~~the Department~~LRAPA will:

1) Describe the requested permit action; and
2) Accept comments from the public.

D. ~~The Department~~LRAPA will consider any information gathered during the meeting, but will not maintain an official record of the meeting and will not provide a written response to the comments.

2. Public Hearing. When a public hearing is required or requested, ~~the Department~~LRAPA will provide the hearing at a reasonable place and time before taking the final permit action.

A. Notice of the hearing may be given either in the notice accompanying the proposed or draft permit action or in such other manner as is reasonably calculated to inform interested persons. ~~The Department~~LRAPA will provide notice of the hearing at least 30 days before the hearing.

B. Presiding Officer. A Presiding Officer will preside over the public hearing and ensure that proper procedures are followed to allow for the public to comment on the proposed permit action.

1) Before accepting oral or written comments by members of the public, the Presiding Officer or ~~Department~~ LRAPA representative will present a summary of the proposed permit action and the ~~Department's~~ LRAPA's preliminary decision. During this period, there will be an opportunity to ask questions about the proposed or draft permit action.

2) The Presiding Office will then provide an opportunity for interested persons to submit oral or written comments regarding the proposed permit action. Interested persons are encouraged to submit written comments because time constraints may be imposed, depending on the level of participation. While public comment is being accepted, discussion of the proposed or draft permit action will not be allowed.

3) After the public hearing, the Presiding Officer will prepare a report of the hearing that includes the date and time of the hearing, the permit action, names of persons attending the hearing, written comments, and a summary of the oral comments. The Presiding Officer's report will be entered into the permit action record.

~~4) The applicant may submit a written response to any comments submitted by the public within 10 working days after the close of the public comment period. The Department will consider the applicant's response in making a final decision.~~

~~c.Following the public hearing, or within a reasonable time after receipt of the Presiding Officer's report, the Department will take action upon the matter. Before taking such action, the Department will prepare a written response to separately address each substantial, distinct issue raised in the hearing record.~~

~~d. The Department 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 are available to the public in the location(s) listed in OAR 340-209-0040. The public comment records may be in summary form rather than a verbatim transcript.~~

~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468 & ORS 468A~~
~~Hist.: Hist.: DEQ 78, f. 9-6-74, ef. 9-25-74; DEQ 122, f. & ef. 9-13-76; DEQ 7-1988, f. & cert. ef. 5-6-88 (and corrected 9-30-88); DEQ 34-1990, f. 8-20-90, cert. ef. 9-1-90; DEQ 9-1996, f. & cert. ef. 7-10-96; DEQ 15-2000, f. & cert. ef. 10-11-00, Renumbered from 340-011-0007; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; Renumbered from 340-014-0022~~

Section 31-0080 Issuance or Denial of a Permit

1. Following the public comment period and public hearing, if one is held, LRAPA will take action upon the matter as expeditiously as possible. Before taking such action, LRAPA will prepare a written response to separately address each substantial, distinct issue raised during the comment period and during the hearing record.~~The Department will take final action on the application as expeditiously as possible after the close of the public comment period.~~

2. LRAPA will make a record of the public comments, including the names and affiliation of persons who commented, and the issues raised during the public participation process. The public comment records may be in summary form rather than a verbatim transcript. The public comment records are available to the public in the location(s) listed in Section 31-0040.~~In making the final decision on the application, the Department will consider all relevant timely submitted comments.~~

3. The applicant may submit a written response to any comments submitted by the public within 10 working days after the close of the public comment period. LRAPA will consider the applicant's response in making a final decision.

~~3.~~4. After considering the comments, ~~the Department~~LRAPA may adopt or modify the provisions requested in the permit application.

~~4.~~5. Issuance of permit: ~~The Department~~LRAPA will promptly notify the applicant in writing of the final action as provided in ~~OAR 340-011~~Section 31-~~0097~~0085 and will include a copy of the permit. If the permit conditions are different from those contained in the proposed permit, the notification will identify the affected conditions and include the reasons for the changes.

~~5.~~6. Denial of a permit: ~~The Department~~LRAPA will promptly notify the applicant in writing of the final action as provided in ~~OAR 340-011~~Section 31-~~0097~~0085. If ~~the Department~~LRAPA denies a permit application, the notification will include the reasons for the denial.

~~6.~~7. ~~The Department's~~LRAPA's decision under ~~(4)~~4 and ~~(5)~~5 is effective 20 days from the date of service of the notice unless, within that time, ~~the Department~~LRAPA receives a

request for a hearing from the applicant. The request for a hearing must be in writing and state the grounds for the request. The hearing will be conducted as a contested case hearing in accordance with ORS 183.413 through 183.470 and ~~OAR 340 division 11~~LRAPA Title 31.

~~Stat. Auth.: ORS 183.335 $ ORS 468.020~~
~~Stats. Implemented: ORS 183.341, ORS 183.413, ORS 183.415, ORS 468 & ORS 468A~~
~~Hist.: DEQ 42, f. 4-5-72, ef. 4-15-72; DEQ 13-1988, f. & cert. ef. 6-17-88; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-014-0025 & 340-014-0035~~

~~340-011~~Section 31-~~0525-0085~~ Service of Documents

1. Service of a formal enforcement action or other document by ~~the department~~LRAPA ~~or commission~~ can be made either personally, by certified mail or by regular mail. Service is perfected when received by the respondent, if by personal service, or when mailed, if sent by mail. Service may be made upon:

   A. The respondent;
   B. Any other person designated by law as competent to receive service of a summons or notice for the respondent; or
   C. The respondent's attorney or other authorized representative.

2. A respondent holding a license or permit issued by ~~the department~~LRAPA ~~or commission~~, or who has submitted an application for a license or permit, will be conclusively presumed able to be served at the address given in the license or permit application, as it may be amended from time to time.
3. Service by regular mail may be proven by a certificate executed by the person effecting service.

4. Regardless of other provisions in this rule, documents sent by ~~the department~~LRAPA ~~or commission~~ through the U.S. Postal Service by regular mail to a person's last known address are presumed to have been received, subject to evidence to the contrary.

~~Stat. Auth.: ORS 183.341 & ORS 468.020~~
~~Stats. Implemented: ORS 183.413 & ORS 183.415~~
~~Hist.: DEQ 78, f. 9-6-74, ef. 9-25-74; DEQ 122, f. & ef. 9-13-76; DEQ 1-2000(Temp), f. 2-15-00, cert. ef. 2-15-00 thru 7-31-00; DEQ 9-2000, f. & cert. ef. 7-21-00; Renumbered from 340-011-0097 by DEQ 18-2003, f. & cert. ef. 12-12-03~~

LANE REGIONAL AIR ~~POLLUTION AUTHORITY~~PROTECTION AGENCY

TITLE 32

EMISSION STANDARDS

Section 32-001 Definitions

See Title 12, Definitions.

Section 32-005 Highest and Best Practicable Treatment and Control Required

1. As specified in 32-006 through 32-009 and subsections 2 through 6 of this section, the highest and best practicable treatment and control of air contaminant emissions shall in every case be provided so as to maintain overall air quality at the highest possible levels, and to maintain contaminant concentrations, visibility reduction, odors, soiling and other deleterious factors at the lowest possible levels. In the case of new sources of air contamination, particularly those located in areas with existing high-level air quality, the degree of treatment and control provided shall be such that degradation of existing air quality is minimized to the greatest extent possible.

2. A source shall be deemed to be in compliance with subsection 1 of this section if the source is in compliance with all other applicable emission standards and requirements contained in LRAPA Titles 32 through 51 and OAR Division~~s 28 and 32~~218, including but not limited to requirements applicable to:

   A. specific pollutants in Title 32;

   B. specific existing and new source categories in Title 33;

   C. hazardous air pollutants in ~~OAR 340-32;~~Title 44

   D. control requirements and operational and maintenance requirements in sections 32-007 through 32-009; and

   E. review of new major sources and major modifications in Title 38.

3. ~~The Authority~~LRAPA may adopt additional rules as necessary to ensure that the highest and best practicable treatment and control is provided as specified in subsection 1 of this section. Such rules may include, but are not limited to, the following requirements:

   A. Applicable to a source category, pollutant or geographic area of Lane County;

B. Necessary to protect public health and welfare for air contaminants that are not otherwise regulated by ~~the Authority~~LRAPA; or

C. Necessary to address the cumulative impact of sources on air quality.

4. ~~The Authority~~LRAPA encourages the owner or operator of a source to further reduce emissions from the source beyond applicable control requirements where feasible.

5. Nothing in sections 32-005 through 32-009 revokes or modifies any existing permit term or condition unless or until ~~the Authority~~LRAPA revokes or modifies the term or condition by a permit revision. Adoption of 32-005 is not intended to withdraw authority for application of any existing policy for new sources of toxic and hazardous air pollutants to a federal operating permit program source until the effective date of the program.

6. Compliance with a specific emission standard in these rules does not preclude the required compliance with any other applicable emission standard.

Section 32-006 Pollution Prevention

The owner or operator of a source is encouraged to take into account the overall impact of the control methods selected, considering risks to all environmental media and risks from all affected products and processes. The owner or operator of a source is encouraged, but not required, to utilize the following hierarchy in controlling air contaminant emissions:

1. Modify the process, raw materials or product to reduce the toxicity and/or quantity of air contaminants generated;

2. Capture and reuse air contaminants;

3. Treat to reduce the toxicity and/or quantity of air contaminants released; or

4. Otherwise control emissions of air contaminants.

Section 32-007 Operating and Maintenance Requirements

1. Operational, Maintenance and Work Practice Requirements:

A. Where ~~the Authority~~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, ~~the Authority~~LRAPA shall establish such requirements by permit condition or Notice of Construction (NOC) approval.

B. Operational, maintenance and work practice requirements include, but are not limited to:

(1) ~~flow~~ Flow rates, temperatures and other physical or chemical parameters related to the operation of air pollution control equipment and emission reduction processes;

(2) ~~monitoring~~Monitoring, record-keeping, testing and sampling requirements and schedules;

(3) ~~maintenance~~ Maintenance requirements and schedules; or

(4) ~~requirements~~ Requirements that components of air pollution control equipment be functioning properly.

2. Emission Action Levels

A. Where ~~the Authority~~LRAPA has determined that specific operational, maintenance, or work practice requirements considered or required under subsection 1 of this section are not sufficient to ensure that the owner or operator of a source is operating and maintaining air pollution control equipment and emission reduction processes at the highest reasonable efficiency and effectiveness, ~~the Authority~~LRAPA may establish, by permit or Notice of Construction (NOC) approval, specific emission action levels in addition to applicable emission standards. An emission action level shall be established at a level which ensures that air pollution control equipment or an emission reduction process is operated at the highest reasonable efficiency and effectiveness to minimize emissions.

B. If emissions from a source equal or exceed the applicable emission action level, the owner or operator of the source shall:

(1) ~~take~~ Take corrective action as expeditiously as practical to reduce emissions to below the emission action level;

(2) ~~maintain~~ Maintain records at the plant site for two (2) years which document the exceedance, the cause of the exceedance, and the corrective action taken;

(3) ~~make~~ Make such records available for inspection by ~~the Authority~~LRAPA during normal business hours; and

(4) ~~submit~~ Submit such records to ~~the Authority~~LRAPA upon request.

C. ~~The Authority~~LRAPA shall revise an emission action level if it finds that such level does not reflect the highest reasonable efficiency and effectiveness of air pollution control equipment and emission reduction processes.

D. An exceedance of an emission action level which is more stringent than an applicable emission standard shall not be a violation of such emission standard.

3. In determining the highest reasonable efficiency and effectiveness for purposes of this rule, ~~the Authority~~LRAPA shall take into consideration operational variability and the capability of air pollution control equipment and emission reduction processes. If the performance of air pollution control equipment and emission reduction processes during start-up or shut-down differs from the performance under normal operating conditions, ~~the Authority~~LRAPA shall determine the highest reasonable efficiency and effectiveness separately for these start-up and shut-down operating modes.

Section 32-008 Typically Achievable Control Technology (TACT)

1. Existing Sources. ~~The Authority shall require an~~An existing emissions unit ~~to~~ must meet TACT for existing sources if:

   A. ~~the~~ The emissions unit, for the pollutants emitted, is not subject to emissions standards under Title 30, Title 32, Title 33~~,~~, Title 38, Title 39 or Title 46 at the time TACT is required;

   B. ~~the~~ The source is required to have a permit;

   C. ~~the~~ 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. ~~The Authority~~LRAPA determines that air pollution control equipment 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. ~~The Authority shall require a~~A new or modified emissions unit ~~to~~ must meet TACT for new or modified sources if:

   A. ~~the~~ The new or modified emissions unit, for the pollutants to be emitted, is not subject to New Source Review requirements in Title 38, an applicable Standard of Performance for New Stationary Sources in Title 46, or any other standard applicable only to new or modified sources in Title 32, Title 33, or Title 39 at the time TACT is required;

   B. ~~the~~ The source is required to have a permit.

   C. ~~the~~ The emissions unit:

      (1) ~~if~~ If new, would have emissions of any criteria pollutant equal to or greater than 1 ton per year, or of PM_{10} equal to or greater than 500 pounds per year in a PM_{10} nonattainment area; or

      (2) ~~if~~ If modified, would have an increase in emissions from the permitted level for the emissions unit of any criteria pollutant equal to or greater than 1 ton per year, or of PM_{10} equal to or greater than 500 pounds per year in a PM_{10} nonattainment area; and

   D. ~~the Authority~~LRAPA determines that the proposed air pollution control equipment and emission reduction processes do not represent TACT.

3. Prior to making a TACT determination, ~~the Authority~~LRAPA shall notify the owner or operator of a source of its intent to make such determination utilizing information known to ~~the Authority~~LRAPA. The owner or operator of the source may supply ~~the~~

~~Authority~~LRAPA with additional information by a reasonable date set by ~~the Authority~~LRAPA for use in making the TACT determination.

4. The owner or operator of a source subject to TACT shall submit compliance plans and specifications by a reasonable date established by ~~the Authority~~LRAPA for approval by ~~the Authority~~LRAPA. The owner or operator of the source shall demonstrate compliance in accordance with a method and compliance schedule approved by ~~the Authority~~LRAPA.

Section 32-009 Additional Control Requirements for Stationary Sources of Air Contaminants

~~The Authority~~LRAPA shall establish control requirements in addition to otherwise applicable requirements by permit, if necessary, as specified in section 1 through 5 of this section.

1. Requirements shall be established to prevent violation of an Ambient Air Quality Standard caused or projected to be caused substantially by emissions from the source as determined by modeling, monitoring or a combination thereof. For existing sources, the violation of an Ambient Air Quality Standard shall be confirmed by monitoring conducted by ~~the Authority~~LRAPA.

2. Requirements shall be established to prevent significant impairment of visibility in Class I areas caused or projected to be caused substantially by a source as determined by modeling, monitoring or a combination thereof. For existing sources, the visibility impairment shall be confirmed by monitoring conducted by ~~the Authority~~LRAPA.

3. A requirement applicable to major source shall be established if it has been adopted by EPA but has not otherwise been adopted by the EQC or the LRAPA Board.

4. An additional control requirement shall be established if requested by the owner or operator of a source.

5. Additional controls may be required to achieve air contaminant reduction as part of a State Implementation Plan.

Section 32-010 Visible Air Contaminant Limitations

1. Except as provided in Subsection 2, ~~no person shall cause, suffer, allow, or permit the emission of any~~ air contaminant emissions ~~into the atmosphere~~ from any air contaminant source must not equal or exceed 20% opacity ~~for a period or periods aggregating more than three minutes in any one hour which is.:~~

   ~~A. As dark or darker in shade than that designated as No. 1 on the Ringelmann Chart; or~~

   ~~B~~A. ~~Equal to or greater than 20 percent opacity~~.

2. Existing Fuel Burning Equipment Utilizing Wood Wastes (any source installed, constructed or modified before June 1, 1970). ~~No person shall discharge into the atmosphere from any~~Air contaminant emissions from any single source must not equal or exceed 40% opacity ~~of emissions whatsoever any air contaminant~~ for a period or periods aggregating more than three minutes in any one hour ~~which is:~~.

~~a. As dark or darker in shade than that designated as No. 2 on the Ringelmann Chart; or~~

~~b. Equal to or greater than 40 percent opacity.~~

3. Exception--Visible Air Contaminant Standards. Uncombined Water. Where the presence of uncombined water is the only reason for failure of any emission to meet the requirements of Section 32-010-1 or -2, such section shall not apply.

~~4.~~ 4. Veneer Dryers (moved to Title 33, section 33.060-2.A)

~~4.~~5. Opacity is determined in accordance with the procedures specified in the definition of "opacity" in LRAPA Title 12.

Section 32-015 Particulate Matter Weight Standards

Notwithstanding emission limits of Sections 32-020 and 32-030, particulate emissions shall not exceed:

1. 0.2 grain per standard dry cubic foot for any air contaminant source constructed or modified prior to June 1, 1970; or

2. 0.1 grain per standard dry cubic foot for any air contaminant source installed, constructed or modified after June 1, 1970.

Section 32-020 Particulate Matter Weight Standards - Existing Combustion Sources

The maximum allowable emission of particulate matter from any existing combustion source (sources installed, constructed or modified prior to June 1, 1970) shall not exceed 0.2 grain per cubic foot of exhaust gas, adjusted to 50 percent excess air or calculated to 12 percent carbon dioxide.

Section 32-030 Particulate Matter Weight Standards - New Combustion Sources

The maximum allowable emission of particulate matter from any new combustion source (sources installed, constructed or modified after June 1, 1970) shall not exceed 0.1 grain per cubic foot of exhaust gas, adjusted to 50 percent excess air or calculated to 12 percent carbon dioxide.

Section 32-045 Process Weight Emission Limitations

A. The maximum allowable emissions of particulate matter for specific processes shall be a function of process weight and shall be determined from Table 1 of Title 32.

B. The maximum allowable emissions of particulate matter from hot mix asphalt plants shall be determined from Table 1 of Title 32 except that the maximum allowable particulate emissions from processes greater than 60,000 pounds per hour shall be limited to 40 pounds per hour.

Section 32-055 Particulate Matter Size Standard

No person shall cause or permit the emissions of any particulate matter which is greater than 250 microns in size if such particulate matter does or will deposit upon the real property of another person when notified by LRAPA that the deposition exists and must be controlled.

Section 32-060 Air Conveying Systems

1. Affected Sources

   Dry material air conveying systems located within the Eugene/Springfield PM_{10} Nonattainment Area which use a cyclone or other mechanical separating device and which have a baseline year emission rate of three (3) Metric Tons or more of particulate matter are affected sources.

2. Emission Limits for Affected Sources

   Notwithstanding the general and specific emission standards and regulations contained in these rules, affected sources shall not emit particulate matter to the atmosphere in excess of the following amounts:

   A. One (1) Metric Ton/year (1.10 Tons/year)

   B. 2.88 kg/day (6.24 lbs./day)

GASEOUS EMISSION LIMITATIONS

Section 32-065 Sulfur Content of Fuels

1. Residual Fuel Oils

   No person shall sell, distribute, use or make available for use, any residual fuel oil containing more than 1.75 percent sulfur by weight.

2. Distillate Fuel Oils

   No person shall 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

   C. ASTM Grade 4 fuel oil- 1.5 percent by weight

3. Coal

   A. Except as provided in sub-section B of this section, no person shall sell, distribute, use or make available for use, any coal containing greater than 1.0 percent sulfur by weight.

B. Except as provided for sub-subsections D and E of this subsection, no person shall sell, distribute, use or make available for use any coal or coal-containing fuel with greater than 0.3% sulfur and 5% volatile matter as defined in ASTM Method D3175 for direct space heating within the Eugene-Springfield or Oakridge PM10 Air Quality 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 shall keep records for a five-year period which shall be available for LRAPA inspection and which:

(1) specify quantities of coal or coal-containing fuels sold;

(2) contain name and address of customers who are sold coal or coal-containing fuels;

(3) specify the sulfur and volatile content of coal or the coal-containing fuel sold to residences in the Eugene-Springfield or Oakridge PM10 Air Quality Maintenance Areas.

D. Users of coal for direct residential space heating in 1980 who apply in writing by July 1, 1983 and receive written approval from ~~the Authority~~LRAPA shall be exempted from the requirement of sub-subsection B of this subsection provided they certify that they used more than one-half (1/2) ton of coal in 1980.

E. Distributors may sell coal not meeting specification in sub-subsection B of this subsection to those users who have applied for and received the exemption provided for in subsection D of this section.

4. Exemptions. Exempted from the requirements of 32-065.1-3, 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 ~~the Authority~~LRAPA, fuels used in such a manner or control provided such that sulfur dioxide emissions can be demonstrated to be equal to or less than those resulting from the combustion of fuels complying with the limitations of 32-065.

Section 32-070 Sulfur Dioxide Emission Limitations

Fuel Burning Equipment: The following emissions standards are applicable to new sources (any air contaminant source installed, constructed or modified after January 1, 1972) only:

1. For fuel burning equipment having more than 150 million BTU per hour heat input, but not more than 250 million BTU per hour input, no person shall cause, suffer, allow or permit the emission into the atmosphere of sulfur dioxide in excess of:

A. 1.4 lb. per million BTU heat input, maximum ~~2~~3-hour average, when liquid fuel is burned.

B. 1.6 lb. per million BTU heat input, maximum ~~2~~3-hour average, when solid fuel is burned.

2. For fuel burning equipment having more than 250 million BTU per hour heat input, no person shall cause, suffer, allow or permit the emission into the atmosphere of sulfur dioxide in excess of:

A. 0.8 lb. per million BTU heat input, maximum ~~2~~3-hour average, when liquid fuel is burned.

B. 1.2 lb. per million BTU heat input, maximum ~~2~~3-hour average, when solid fuel is burned.

Section 32-075 Federal Acid Rain Regulations Adopted by Reference

1. **40 CFR Part 72, 75, and 76 (July 1, ~~1994~~2000)** is by this reference adopted and incorporated herein, for purposes of implementing an acid rain program that meets the requirements of Title IV of the Clean Air Act. The term "permitting authority" shall mean the ~~Lane Regional Air Pollution Authority~~LRAPA, and the term "Administrator" shall mean the Administrator of the United States Environmental Protection Agency.

2. If the provisions or requirements of **40 CFR Part 72** conflict with or are not included in OAR ~~340-28-2100 through 340-28-2740~~Divisions 218 and 220, the **Part 72** provisions and requirements shall apply and take precedence.

Section 32-080 Control of Ozone-Depleting Chemicals

1. The purpose of Section 32-080 is to reduce the use of stratospheric ozone-depleting chemicals, to recycle those chemicals already in use, and to encourage the use of less dangerous chemicals. The LRAPA Board of Directors, having determined that equipment for the recovery and recycling of chlorofluorocarbons (CFC) from automobile air conditioners is affordable and available, intends that Section 32-080 apply to persons handling automobile air conditioners.

2. Requirement for recycling automobile air conditioning coolant are as follows:

A. Except as provided in sub-subsection B of this subsection, no person shall engage in the business of installing, servicing, repairing, disposing of, or otherwise treating automobile air conditioners without recovering and recycling CFC.

B. Any automobile repair shop that has:

(1) fewer than four employees; or

(2) fewer than three covered bays shall comply with the provisions of sub-subsection A of this subsection after August 10, 1992.

C. Only recovery and recycling equipment that is certified by Underwriters Laboratory (UL) as meeting the requirements and specifications of **UL1963** and the **Society of Automotive Engineers (SAE) Standards, J1990 and J1991**, or other requirements and specifications determined by ~~the Authority~~LRAPA as being equivalent, shall be used.

D. All recovery and recycling equipment shall be operated and maintained at full efficiency and effectiveness according to the manufacturer's directions and guidelines contained in **SAE Standard J1989**.

3. Except as provided in subsection 4 of this section, **40 CFR Part 82 (July 1, 1994)** is by this reference adopted and incorporated herein for major sources only, for purposes of implementing a stratospheric ozone protection program that meets the requirements of Title VI of the Clean Air Act.

4. Where "Administrator" or "EPA" appears in **40 CFR Part 82**, "~~Authority~~LRAPA" shall be substituted, except in any section of **40 CFR Part 82** for which a federal rule or delegation specifically indicates that authority will not be delegated to the state/local agency.

5. Where a discrepancy is determined to exist between LRAPA Section 32-080 and **40 CFR Part 82, 40 CFR Part 82** will apply.

Section 32-090 Other Emissions

1. No person shall discharge from any source whatsoever such quantities of air contaminants which cause injury or damage to any persons, the public, business or property. Such determination is to be made by ~~the Authority~~LRAPA.

2. No person shall cause or permit emission of water vapor if the water vapor causes or tends to cause detriment to the health, safety or welfare of any person or causes, or tends to cause damage to property or business.

Section 32-095 Fugitive Emissions

See LRAPA Title 48 for rules pertaining to fugitive emissions.

Section 32-100 Alternative Emission Controls (Bubble) [moved from 34-060(8)]

(1) Alternative emission controls for VOC and NOx emissions may be approved in a Standard ACDP or LRAPA Title V Operating Permit for use within a single source such that a specific emission limit is exceeded, provided that:

(A) Such alternatives are not specifically prohibited by a rule or permit condition.

(B) Net emissions for each pollutant are not increased above the PSEL.

(C) The net air quality impact is not increased as demonstrated by procedures required by Section 38-0090, Requirements for Net Air Quality Benefit.

(D) No other pollutants including malodorous, toxic or hazardous pollutants are substituted.

(E) BACT and LAER, where required by a previously issued permit pursuant to LRAPA Title 38, NSPS (LRAPA Title 46), and NESHAP (LRAPA Title 44), where required, are not relaxed.

(F) Specific emission limits are established for each emission unit involved such that compliance with the PSEL can be readily determined.

(G) Application is made for a permit modification and such modification is approved by LRAPA.

(H) The reducing emission source reduces its allowable emission rate. Merely reducing production, throughput, or hours of operation is insufficient.

(2) Total emissions from the emission sources under the bubble will be established in the permit.

~~(1)~~(3) Alternative emission controls, in addition to those allowed in (1) above, may be approved by LRAPA and EPA as a source specific SIP amendment.

~~Section 32-100 Plant Site Emission Limits Policy (Moved to Title 34, 11/10/04)~~

~~Section 32-101 Requirement for Plant Site Emission Limits (Moved to Title 34, 11/10/94)~~

~~Section 32-102 Criteria for Establishing Plant Site Emission Limits (Moved to Title 34, 11/10/94)~~

~~Section 32-103 Alternative Emission Controls (Bubble) (Moved to Title 34, 11/10/94)~~

~~Section 32-104 Temporary PSD Increment Allocation (Moved to Title 34, 11/10/94)~~

TABLE 1

Table of Allowable Rate of Particulate Emissions - Based on Process Weight

Process Lbs/Hr.	Emission Process Lbs/Hr.	Process Lbs/Hr.	Emission Lbs/Hr.	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	1.85	3300	5.36	15000
13.13				
600	2.01	3400	5.44	16000
13.74				
650	2.12	3500	5.52	17000
14.36				
700	2.24	3600	5.61	18000
14.97				
750	2.34	3700	5.69	19000
15.58				
800	2.43	3800	5.77	20000
16.19				
850	2.53	3900	5.85	30000
22.22				
900	2.62	4000	5.93	40000
28.30				
950	2.72	4100	6.01	50000
34.30				
1000	2.80	4200	6.08	60000
40.00				
1100	2.97	4300	6.15	70000
41.30				
1200	3.12	4400	6.22	80000
42.50				
1300	3.26	4500	6.30	90000
43.60				
1400	3.40	4600	6.37	100000
44.60				
1500	3.54	4700	6.45	120000
47.30				
1600	3.66	4800	6.52	140000
47.80				
1700	3.79	4900	6.60	160000
49.00				

1800	3.91	5000	6.67	200000
	51.20			
1900	4.03	5500	7.03	1000000
	69.00			
2000	4.14	6000	7.37	2000000
	77.60			
2100	4.24	6500	7.71	6000000
	92.70			
2200	4.34	7000	8.05	

Interpolation and extrapolation of emissions above a process weight of 60,000 pounds per hour shall be accomplished by use of this equation:

$E = (55.0 \times P^{0.11}) - 40$, where P = process weight in tons per hour and
E = emission rate in pounds per hour.

LANE REGIONAL AIR ~~POLLUTION AUTHORITY~~PROTECTION AGENCY

TITLE 33

PROHIBITED PRACTICES AND CONTROL OF SPECIAL CLASSES OF INDUSTRY

Section 33-005 Definitions (*See individual sections for applicable definitions*)

Section 33-020 Incinerator and Refuse Burning Equipment

Section 33-020 rescinded and new, separate incinerator rules adopted 03/08/94. See Title 30.

Section 33-030 Concealment and Masking of Emissions

1. No person shall willfully cause or permit the installation or use of any device or use of any means which, without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission of air contaminant which would otherwise violate these rules.

2. No person shall cause or permit the installation or use of any device or use of any means designed to mask the emission of an air contaminant which causes or tends to cause detriment to health, safety or welfare of any person.

Section 33-045 Gasoline Tanks

Gasoline tanks with a capacity of 1500 gallons or more may not be installed without a permanent submerged fill pipe or other adequate vapor loss control device in any control area.

Section 33-055 Sulfur Content of Fuels (*Moved to Title 32, Section 065, on 11/10/94*.)

Section 33-060 Board Products Industries (Hardwood, Particleboard, Plywood, Veneer)

1. **Definitions**

A. "Average Operating Opacity" means the opacity of emissions determined using EPA Method 9 on any three days within a 12-month period which are separated from each other by at least 30 days. A violation of the average operating opacity limitation is judged to have occurred if the opacity of emissions on each of the three days is greater than the specified average operating opacity limitation.

B. "Board Products" means hardwood, particleboard, plywood and veneer.

C. "EPA Method 9" means the method for Visual Determination of the Opacity of Emissions From Stationary Sources described as Method 9 (average of 24 consecutive observations) in the Department ***Source Sampling Manual*** (January, 1992).~~"EPA Method 9" means the method for Visual Determination of the Opacity of Emissions~~

~~From Stationary Sources as promulgated by the U.S. Environmental Protection Agency in~~ **~~Title 40 of the Code of Federal Regulations, Part 60, Appendix A, Method 9~~**~~.~~

D. "Fuel Moisture Content By Weight Greater Than 20 Percent" means bark, hogged wood waste, or other wood with an average moisture content of more than 20 percent by weight on a wet basis as used for fuel in the normal operation of a wood-fired veneer dryer as measured by ASTM D4442-84 during compliance source testing.

E. "Fuel Moisture Content By Weight Less Than 20 Percent" means pulverized ply trim, sanderdust, or other wood with an average moisture content of 20 percent or less by weight on a wet basis as used for fuel in the normal operation of a wood-fired veneer dryer as measured by ASTM D4442-84 during compliance source testing.

F. "Hardboard" means a flat panel made from wood that has been reduced to basic wood fibers and bonded by adhesive properties under pressure.

G. "Maximum Opacity" means the opacity as determined by EPA Method 9 (average of 24 consecutive observations).

H. "Particleboard" means matformed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.

I. "Particulate Matter" means all solid or liquid material, other than uncombined water, emitted to the ambient air as measured in accordance with the Department ***Source Sampling Manual***. Particulate matter emissions determinations shall consist of the average of three separate consecutive runs.

(1) For sources tested using DEQ Method 7, each run shall have a minimum sampling time of one hour, a maximum sampling time of eight hours, and a minimum sampling volume of 31.8 dscf. Veneer dryers, wood particle dryers, fiber dryers and press/cooling vents shall be tested with DEQ Method 7.

(2) For sources tested using DEQ Method 8, each run shall have a minimum sampling time of 15 minutes and shall collect a minimum particulate sample of 100 mg. Air conveying systems shall be tested with DEQ Method 8.

J. "Plywood" means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it.

K. "Tempering Oven" means any facility used to bake hardboard following an oil treatment process.

L. "Veneer" means a single flat panel of wood not exceeding 1/4 inch in thickness formed by slicing or peeling from a log.

M. "Wood-Fired Veneer Dryer" means a veneer dryer which is directly heated by the products of combustion of wood fuel in addition to or exclusive of steam of natural gas or propane combustion.

2. **General Provisions**

A. 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 LRAPA 33-060(3). ~~Emissions limitations established herein are in addition to, and not in lieu of, general emission standards for visible emissions, fuel burning equipment (Title 32), and refuse burning equipment (Title 30), except as provided for in subsection 33-060-3~~.

~~C. Emission limitations established herein and stated in terms of pounds per 1000 square feet of production shall be computed on an hourly basis using the maximum 8 hour production capacity of the plant.~~

~~D~~C. Each affected veneer, plywood, particleboard, and hardboard plant shall proceed with a progressive and timely program of air pollution control. Each plant shall, at the request of ~~the Authority~~LRAPA, submit periodic reports in such form and frequency as directed to demonstrate the progress being made toward full compliance with LRAPA 33-060-2 through 5.

3. **Veneer and Plywood Manufacturing Operations**

A. Veneer Dryers

(1) Consistent with Section 33-060-2, A-D, it is the objective of this section to control air contaminant emissions, including but not limited to condensible 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.

(2) No person shall operate any veneer dryer such that visible air contaminants emitted from any dryer stack or emission point exceed:

(a) an average operating opacity of 10%; and

(b) a maximum opacity of 20%.

Where the presence of uncombined water is the only reason for the failure to meet the above requirement, this requirement shall not apply.

(3) Particulate emissions from wood-fired veneer dryers shall not exceed:

(a) 0.75 pounds per 1000 square feet of veneer dried (3/8" basis) for units using fuel which has a moisture content by weight of 20% or less;

(b) 1.50 pounds per 1000 square feet of veneer dried (3/8" basis) for units using fuel which has a moisture content by weight of greater than 20%; and

(c) ~~in~~ In addition to paragraphs (a) and (b) of this subsection, 0.40 pounds per

1000 pounds of steam generated in boilers which exhaust gases to the veneer dryer.

(4) Exhaust gases from fuel-burning equipment vented to the veneer dryer are exempt from LRAPA 32-020 and 030.

(5) Each veneer dryer shall be maintained and operated at all times such that air contaminant generating processes and all contaminant control equipment shall be at full efficiency and effectiveness so that the emissions of air contaminants are kept at the lowest practicable levels.

(6) No person shall 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.

(7) Where effective measures are not taken to minimize fugitive emissions, ~~the Authority~~ 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.

(8) ~~The Authority~~LRAPA may require more restrictive emission limits than provided in Section 33-060-3.A(2) and (3) for an individual plant upon finding by the Board of Directors that the individual plant is located or is proposed to be located in a special problem area. The more restrictive emission limits for special problem areas may be established on the basis of allowable emission expressed in opacity, pounds per hour, or total maximum daily emissions to the atmosphere, or a combination thereof.

B. Other Sources: No person shall cause to be emitted particulate matter from veneer and plywood mill sources, including but not limited to, sanding machines, saws, presses, barkers, hogs, chippers and other material size reduction equipment, process or space ventilation systems, and truck loading and unloading facilities in excess of a total from all sources within the plant site of an average hourly emission rate (lbs/hr) based on the maximum hourly production capacity of the facility times one (1.0) pound per 1000 square feet of ~~plywood or veneer~~ production ~~on a 3/8 inch basis of finished product equivalent~~. 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. ~~C.~~ Excepted from subsection 33-060-3.B are veneer dryers, fuel burning equipment and refuse burning equipment.

~~C.~~D. Compliance with the average hourly emission rate is determined by summing the emissions from the affected sources as determined by emission factor calculations or actual emissions data for a twenty-four hour period divided by 24. ~~Subject to EPA approval during Title V permit review, LRAPA may approve longer averaging periods based on source specific considerations.~~(epa comment)

~~D~~E. ~~The Authority~~LRAPA may require any veneer dryer facility to establish an effective program for monitoring the visible air contaminant emissions from each veneer dryer emission point. The program shall be subject to review and approval by ~~the Authority~~LRAPA and shall consist of the following:

(1) A specified minimum frequency for performing visual opacity determinations on each dryer emission point;

(2) All data obtained shall be recorded on copies of a "Veneer Dryer Visual Emission Monitoring Form" which shall be provided by the Authority or on an alternate form which is approved by ~~the Authority~~LRAPA; and

(3) A specified period during which all records shall be maintained at the plant site for inspection by authorized representatives of ~~the Authority~~LRAPA.

~~E~~F. Open Burning

Upon the effective date of these regulations, no person shall cause or permit the open burning of wood residues or other refuse in conjunction with the operation of any veneer or plywood manufacturing mill and such acts are hereby prohibited.

4. **Particleboard Manufacturing Operations**

A. Every person operating or intending to operate a particleboard manufacturing plant shall cause all truck dump and storage areas holding or intended to hold raw materials to be enclosed to prevent windblown particle emissions from these areas to be deposited upon property not under the ownership of said person.

B. 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 ~~the Authority~~LRAPA and receives written approval for said storage:

(1) When authorized by ~~the Authority~~LRAPA, temporary storage areas shall be operated to prevent windblown particulate emissions from being deposited upon property not under the ownership of the person storing the raw materials.

(2) Any temporary storage areas authorized by ~~the Authority~~LRAPA shall 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 shall apply to ~~the Authority~~LRAPA for authorization to utilize alternative controls. The application shall be submitted pursuant to LRAPA 34-035 and shall describe in detail the plan proposed to control windblown particulate emissions and indicate on a plot plan the nearest location of property not under ownership of the applicant.

D. No person shall cause to be emitted particulate matter from particleboard plant sources including, but not limited to, hogs, chippers and other material size reduction equipment, process or space ventilation systems, particle dryers, classifiers, presses, sanding machines and materials handling systems, in excess of total from all sources

within the plant site of ~~three (3.0) pounds per 1000 square feet of particleboard produced on a 3/4 inch basis of finished product equivalent.~~ an average hourly emission rate (lbs/hr) based on the maximum hourly production capacity of the facility times three (3.0) pounds per 1,000 square feet of production. Production is expressed in terms of 1000 square feet of particleboard production on a ¾ 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.

E. ~~E.~~ Excepted from subsection 33-060 C.4 are truck dump and storage areas, fuel burning equipment and refuse burning equipment.

~~D.~~F. Compliance with the average hourly emission rate is determined by summing the emissions from the affected sources as determined by emission factor calculations or actual emissions data for a twenty-four hour period divided by 24. ~~Subject to EPA approval during Title V permit review, LRAPA may approve longer averaging periods based on source specific considerations.~~(epa comment)

~~F~~G. Open Burning

Upon the effective date of these regulations, no person shall cause or permit the open burning of wood residues or other refuse in conjunction with the operation of any particleboard manufacturing plant and such acts are hereby prohibited.

5. Hardboard Manufacturing Operations

A. Every person operating or intending to operate a hardboard manufacturing plant shall cause all truck dump and storage areas holding or intended to hold raw materials to be enclosed to prevent windblown particle emissions from these areas to be deposited upon property not under the ownership of said person.

B. 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 ~~the Authority~~LRAPA and receives written approval.

(1) When authorized by ~~the Authority~~LRAPA, temporary storage areas shall be operated to prevent windblown particulate emissions from being deposited upon property not under the ownership of the person storing the raw materials.

(2) Any temporary storage areas authorized by ~~the Authority~~LRAPA shall 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 shall first apply to ~~the Authority~~LRAPA for authorization to utilize alternative controls. The application shall be submitted ~~pursuant to~~pursuant to LRAPA 34-035 and shall describe in detail the plan proposed to control windblown particulate emissions and indicate on a plot plan the nearest location of property not under ownership of the applicant.

D. No person shall cause to be emitted particulate matter from hardboard plant sources including, but not limited to hogs, chippers and other material size reduction equipment, process or space ventilation systems, particle dryers, classifiers, presses, sanding machines, and materials handling systems, in excess of a total from all sources within the plant site of ~~one (1.0) pound per 1000 square feet of hardboard produced on a 1/8 inch basis of finished product equivalent.~~ an average hourly emission rate (lbs/hr) based on the maximum hourly production capacity of the facility times one (1.0) pound per 1,000 square feet of production. Production is expressed in terms of 1000 square feet of hardboard production on a 1/8 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

E. ~~E.~~ Excepted from subsections 33-060-3.D(4) are truck dump and storage areas, fuel burning equipment and refuse burning equipment.

~~E.~~F. Compliance with the average hourly emission rate is determined by summing the emissions from the affected sources as determined by emission factor calculations or actual emissions data for a twenty-four hour period divided by 24. ~~Subject to EPA approval during Title V permit review, LRAPA may approve longer averaging periods based on source specific considerations.~~(epa comment)

~~F~~G. No person shall operate any hardboard tempering oven unless all gases and vapors emitted from said oven are treated in a fume incinerator capable of raising the temperature of said gases and vapors to at least 1500°~~□~~F for 0.3 seconds or longer. Specific operating temperatures lower than 1500°~~□~~F may be approved by ~~the Authority~~LRAPA upon application, provided that information is supplied to show that operation of said temperatures provides sufficient treatment to prevent odors from being perceived on property not under the ownership of the person operating the hardboard plant. In no case shall fume incinerators installed pursuant to this section be operated at temperatures less than 1000°~~□~~F.

~~G~~H. Any person who proposes to control emissions from hardboard tempering ovens by means other than fume incineration shall apply to ~~the Authority~~LRAPA for authorization to utilize alternative controls. The application shall be submitted pursuant to LRAPA 34-035 and shall describe in detail the plan proposed to control odorous emissions and indicate on a plot plan the location of the nearest property not under ownership of the applicant.

~~H~~I. Open Burning

Upon the effective date of these regulations, no person shall cause or permit the open burning of wood residues or other refuse in conjunction with the operating of any hardboard manufacturing plant and such acts are hereby prohibited.

Section 33-065 Charcoal Producing Plants

1. No person shall cause or permit the emission of particulate matter from charcoal producing

plant sources including, but not limited to, charcoal furnaces (retorts), heat recovery boilers, after combustion chambers, and wood dryers using any portion of the charcoal furnace off-gases as a heat source, in excess of a total from all sources within the plant site of 10.0 pounds per ton of charcoal produced (as determined from the retort process) as an annual average.

2. Emissions from char storage, briquette making (excluding dryers using furnace off-gases), boilers not using charcoal furnace off-gases, and fugitive sources are excluded in determining compliance with subsection (~~A~~1) of Section 33-065.

3. Charcoal producing plants as described in (~~A~~1) above shall be exempt from the limitations of Section~~s~~ 32-030~~, 32-035, 32-040 and 32-045~~ which concern particulate emission concentrations ~~and process weight~~.

4. ~~The Agency~~LRAPA may require the installation and operation of instruments and recorders for measuring emissions and/or parameters which affect the emission of air contaminants from sources covered by this rule to ensure that the sources and the air pollution control equipment are operated at all times at their full efficiency and effectiveness so that the emission of air contaminants is kept at the lowest practicable level. The instruments and recorders shall be periodically calibrated. The method and frequency of calibration shall be approved in writing by ~~the Agency~~LRAPA. The recorded information shall be kept for a period of at least one year and shall be made available to ~~the Agency~~LRAPA upon request.

5. The person responsible for the sources of particulate emissions shall make or have made tests once every year to determine the type, quantity, quality and duration of emissions, and process parameters affecting emissions, in conformance with test methods of file with ~~the Agency~~LRAPA. If this test exceeds the annual emission limitation then three (3) additional tests shall be required at three (3) month intervals with all four (4) tests being averaged to determine compliance with the annual standard. No single test shall be greater than twice the annual average emission limitation for that source.

   A. Source testing shall begin within 90 days of the date by which compliance is to be achieved for each individual emission source.

   B. These source testing requirements shall remain in effect unless waived in writing by ~~the Agency~~LRAPA upon adequate demonstration that the source is consistently operating at lowest practicable levels.

Section 33-070 Kraft Pulp Mills

1. Definitions

   • ~~$~~ "BLS" means Black Liquor Solids, dry weight.

   •~~$~~ "Continual Monitoring" means sampling and analysis, in a timed sequence, using techniques which will adequately reflect actual emission levels or concentrations on an ongoing basis.

   •~~$~~ "Continuous Monitoring" means instrumental sampling of a gas stream on a

continuous basis, excluding periods of calibration.

•$ "Daily Arithmetic Average" means the average concentration over the twenty-four hour period in a calendar day, or ~~Authority~~LRAPA-approved equivalent period, as determined by continuous monitoring equipment or reference method testing. Any equivalent period must be approved first by EPA. Determinations based on EPA reference methods or equivalent methods in accordance with the Department ***Source Test Manual*** (January 1992) consist of three (3) separate consecutive runs having a minimum sampling time of sixty (60) minutes each and a maximum sampling time of eight (8) hours each. The three values for concentration (ppm or grains/dscf) are averaged and expressed as the daily arithmetic average which is used to determine compliance with process weight limitations, grain loading or volumetric concentration limitations and to determine daily emission rate.

•$ "Kraft Mill" or "Mill" means any industrial operation which uses for a cooking liquor an alkaline sulfide solution containing sodium hydroxide and sodium sulfide in its pulping process.

•$ "Lime Kiln" means any production device in which calcium carbonate is thermally converted to calcium oxide.

•$ "Non-Condensibles" means gases and vapors, contaminated with TRS compounds, from the digestion and multiple-effect evaporation processes of a mill.

•$ "Other Sources" means sources of TRS emissions in a kraft mill other than recovery furnaces ~~and ,~~lime kilns smelt dissolving tanks, sewers, drains, and wastewater treatment facilities, including but not limited to:

~~A.~~ Vents from knotters, brown stock washing systems, evaporators, blow tanks, blow heat accumulators, black liquor storage tanks, black liquor oxidation system, pre-steaming vessels, tall oil recovery operation; and

Categorically insignificant and aggregate insignificant activities; and

~~B~~C. Any vent which is shown to contribute to an identified nuisance condition.

•$ "Particulate Matter" means all solid or liquid material, other than uncombined water, emitted to the ambient air, as measured by EPA Method 5 or an equivalent test method in accordance with the Department ***Source Test Manual***. Particulate matter emission determinations by EPA Method 5 shall use water as the cleanup solvent instead of acetone, and consist of the average of three (3) separate consecutive runs having a minimum sampling time of 60 minutes each, a maximum sampling time of eight (8) hours each, and a minimum sampling volume of 31.8 dscf each.

•$ "Parts Per Million (ppm)" means parts of a contaminant per million parts of gas by volume on a dry-gas basis (1 ppm equals 0.0001% by volume).

•$ "Production" means the daily amount of air-dried unbleached pulp, or equivalent, produced during the 24-hour period each calendar day, or Authority-approved equivalent period, and expressed in air-dried metric tons (admt) per day. The

corresponding English unit is air-dried tons (adt) per day.

•$ "Recovery Furnace" means the combustion device in which dissolved wood solids are incinerated and pulping chemicals recovered from the molten smelt. For these regulations, and where present, this term shall include the direct contact evaporator.

•$ "Significant Upgrading of Pollution Control Equipment" means a modification or a rebuild of an existing pollution control device for which a capital expenditure of 50 percent or more of the replacement cost of the existing device is required, other than ongoing routine maintenance.

•$ "Smelt dissolving tank vent" means the vent serving the vessel used to dissolve the molten smelt produced by the recovery furnace.

•$ "Standard Dry Cubic Meter" means the amount of gas that would occupy a volume of one cubic meter, if the gas were free of uncombined water, at a temperature of 20°~~□~~ C. (68°~~□~~ F.) and a pressure of 760 mm of Mercury (29.92 inches of Mercury). The corresponding English unit is standard dry cubic foot. When applied to recovery furnace gases, "standard dry cubic meter" requires adjustment of the gas volume to that which would result in a concentration of 8% oxygen if the oxygen concentration exceeds 8%. When applied to lime kiln gases, "standard dry cubic meter" requires adjustment of the gas volume to that which would result in a concentration of 10% oxygen if the oxygen concentration exceeds 10%. The mill shall demonstrate that oxygen concentrations are below noted values or furnish oxygen levels and corrected pollutant data.

•$ "Total Reduced Sulfur (TRS) means the sum of the sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide, and any other organic sulfides present, expressed as hydrogen sulfide (H_2S).

2. ~~Statement of Policy~~ Applicability: Section 33-070 applies to all existing and new kraft pulp mills.

~~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 the Authority 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. The Authority 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):

(1) Recovery Furnaces:

(a) The emissions of TRS from each recovery furnace placed in operation before January 1, 1969, shall not exceed 10 ppm and 0.15 Kg/metric ton (0.30 lb/ton) of production as daily arithmetic averages.

(b) TRS emissions from each recovery furnace placed in operation after January 1, 1969, and before September 25, 1976, or any recovery furnace modified significantly after January 1, 1969, and before September 25, 1976, to expand production, shall be controlled such that the emissions of TRS shall not exceed 5 ppm and 0.075 Kg/metric ton (0.150 lb/ton) production as daily arithmetic averages. This rule does not apply to recovery furnaces that are subject to 40 CFR Part 60, Subpart BB – Standards of Performance for Kraft Pulp Mills.

(2) Lime Kilns. Lime kilns shall be operated and controlled such that emission of TRS shall not exceed 20 ppm as a daily arithmetic average and 0.05 Kg/metric ton (0.10 lb/ton) of production as a daily arithmetic average. This paragraph applies to those sources where construction was initiated prior to September 25, 1976. This rule does not apply to recovery furnaces that are subject to 40 CFR Part 60, Subpart BB – Standards of Performance for Kraft Pulp Mills.

(3) Smelt Dissolving Tanks.

(a) TRS emissions from each smelt dissolving tank shall not exceed 0.0165 gram/Kg BLS (0.033 lb/ton BLS) as a daily arithmetic average~~, except as provided in paragraph (b) below~~. This rule does not apply to smelt dissolving tanks that are subject to 40 CFR Part 60, Subpart BB - Standards of Performance for Kraft Pulp Mills.

~~(b) Where an explosion hazard, which was in existence on March 26, 1989, exists and control is not practical or economically not feasible and adequate documentation of these conditions is provided to the Authority, the affected smelt dissolving tank shall not exceed 0.033 gram/Kg BLS (0.066 lb/ton BLS) as a daily average.~~

(4) Non-Condensibles.

Non-condensibles from digesters, multiple-effect evaporators and contaminated condensate stripping shall be continuously treated to destroy TRS gases by thermal incineration in a lime kiln or incineration device capable of subjecting the non-condensibles to a temperature of not less than 650°C. (1200°F.) for not less than 0.3 second. An alternate device meeting the above requirements shall be available in the event adequate incineration in the primary device cannot be accomplished. Venting of TRS gases during changeover shall be minimized but in no case shall the time exceed one hour.

(5) Other Sources:

(a) The total emissions of TRS from other sources ~~including, but not limited to, knotters and brown stock washer vents, brown stock washer filtrate tank vents, and black liquor oxidation vents~~ shall not exceed 0.078 Kg/metric ton (0.156 lb/ton) of production as a daily arithmetic average.

(b) Miscellaneous Sources and Practices. If it is determined that sewers, drains, and anaerobic lagoons significantly contribute to an odor problem, a program for control shall be required.

B. Particulate Matter:

(1) Recovery Furnaces. The emissions of particulate matter from each recovery furnace stack shall not exceed:

(a) 2.0 kilograms per metric ton (4.0 pounds per ton) of production as a daily arithmetic average;

(b) 0.30 gram per dry standard cubic meter (0.13 grain per dry standard cubic foot) as a daily arithmetic average; and

(c) 35 percent opacity for a period or periods aggregating more than thirty (30) minutes in any one hundred and eighty (180) consecutive minutes or more than sixty (60) minutes in any twenty four (24) consecutive hours (excluding periods when the facility is not operating).

(2). Lime Kilns. The emissions of particulate matter from each lime kiln stack shall not exceed:

(a) 0.50 kilogram per metric ton (1.00 pound per ton) of production as a daily arithmetic average;

(b) 0.46 gram per dry standard cubic meter (0.20 grain per dry standard cubic foot) as a daily arithmetic average; and

(c) The visible emission limitations in LRAPA section 33-070-3.D.

(3) Smelt Dissolving Tanks. The emission of particulate matter from each smelt dissolving tank stack shall not exceed:

(a) A daily arithmetic average of 0.25 kilogram per metric ton (0.50 pound per ton) of production; and

(b) The visible emission limitations in LRAPA section 33-070-3.D.

(4) Replacement or Significant Upgrading of existing particulate pollution control equipment after July 1, 1988 shall result in more restrictive standards as follows:

(a) Recovery Furnaces.

(i) The emission of particulate matter from each affected recovery furnace stack shall not exceed 1.00 kilogram per metric ton (2.00 pounds per ton) of production as a daily arithmetic average; and

(ii) 0.10 gram per dry standard cubic meter (0.044 grain per dry standard cubic foot) as a daily arithmetic average.

(b) Lime Kilns.

(i) The emission of particulate matter from each affected lime kiln stack shall 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.

(c) Smelt Dissolving Tanks. The emissions of particulate matter from each smelt dissolving tank vent stack shall 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 shall not exceed a 3-hour arithmetic average of 300 ppm on a dry-gas basis except when burning fuel oil. The sulfur content of fuel oil used shall not exceed the sulfur content of residual and distillate oil established in LRAPA section 32-065-1 and 2, respectively.

D. All kraft mill sources with the exception of recovery furnaces shall not exceed an opacity equal to or greater than 20 percent for a period exceeding three (3) minutes in any one (1) hour.

E. New Source Performance Standards. New or modified sources that commenced

construction after September 24, 1976, are subject to each provision of this section and the New Source Performance Standards, LRAPA section 46-630, whichever is more stringent.

4. More Restrictive Emission Limits

~~The Authority~~LRAPA may establish more restrictive emission limits than the numerical emission standards contained in rule 33-070-3. and maximum allowable daily mill site emission limits in kilograms per day for an individual mill upon a finding by ~~the Authority~~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 air quality 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 and odor emission reduction study program; or

C. Other rules which are more stringent apply.

5. ~~Plans and Specifications~~

~~Prior to construction of new kraft mills or modification of facilities affecting emissions at existing kraft mills, complete and detailed engineering plans and specifications for air pollution control devices and facilities, and such other data as may be required to evaluate projected emissions and potential effects on air quality, shall be submitted to and approved by the Authority. All construction shall be in accordance with plans as approved in writing by the Authority.~~ (Reserved)

6. Monitoring

A. ~~General:~~

~~(1) The details of the monitoring program for each mill shall be submitted to and approved by the Authority. This submittal shall include diagrams and descriptions of all monitoring systems, monitoring frequencies, calibration schedules, descriptions of all sampling sites, data reporting formats and duration of maintenance of all data and reports. Any changes that are subsequently made in the approved monitoring program shall be submitted in writing to the Authority for review and approved in writing prior to change.~~

~~(2) All records associated with the approved monitoring program including, but not limited to, original data sheets, charts, calculations, calibration data, production records and final reports shall be maintained for a continuous period of at least two (2) calendar years and shall be furnished to the Authority upon request.~~

~~(3) All source test data; TRS and SO_2 concentrations (ppm), corrected for oxygen content, if required, that are determined by continuous monitoring equipment; and~~

~~opacity as determined by continuous monitoring equipment or EPA Method 9 will be used to determine compliance with applicable emission standards.~~

~~All continuous monitoring data, excluding the above, will be used to evaluate performance of emitting processes and associated control systems, and for the qualitative determination of plant site emissions.~~(Reserved)

B. Total Reduced Sulfur (TRS). Each mill shall monitor TRS continuously in accordance with the following:

(1) The monitoring equipment shall determine compliance with the emission limits and reporting requirements established by these regulations, and shall continuously sample and record concentrations of TRS.

(2) The sources monitored shall include, but are not limited to, individual recovery furnaces and lime kilns. All sources shall be monitored downstream of their respective control equipment, in either the ductwork or the stack, in accordance with the Department ***Continuous Emissions Monitoring (CEM~~S~~) Manual***.

(3) Unless otherwise authorized or required by permit, ~~At~~ at least once per year, vents from other sources as required in subsection 33-070-3.A(5), Other Sources, shall be sampled to demonstrate the representativeness of the emissions of TRS using EPA Method 16, 16A, 16B or continuous emissions monitors. EPA methods shall consist of three (3) separate consecutive runs of one hour each, in accordance with the Department ***Source Test Manual***. Continuous emissions monitors shall be operated for three consecutive hours in accordance with the Department ***~~Continuous Emissions Monitoring~~ CEM Manual***. All results shall be reported to ~~the Authority~~LRAPA.

(4) Smelt dissolving tank vents shall be sampled for TRS quarterly except that testing may be semi-annual when the preceding six source tests were less than 0.0124 gram/Kg Bls (0.025 lb/ton Bls) using EPA Method 16, 16A, 16B or continuous emission monitors. EPA methods shall consist of three (3) separate consecutive runs of one hour each, in accordance with the Department ***Source Test Manual***.

C. Particulate Matter.

(1) Each mill shall sample the recovery furnace(s), lime kiln(s) and smelt dissolving tank vent(s) for particulate emissions, in accordance with the Department ***Source Test Manual***.

(2) Each mill shall provide continuous monitoring of opacity of emissions discharged to the atmosphere from each recovery furnace stack or particulate matter from the recovery furnace(s) in a manner approved in writing by ~~the Authority~~LRAPA. (or)

(3) ~~Where monitoring of opacity from each recovery furnace is not feasible, provide continuous monitoring of particulate matter from each recovery furnace using sodium ion probes in accordance with the Department Continuous Emissions Monitoring Manual.~~(Reserved)

(4) Recovery furnace particulate source tests shall be performed quarterly except that testing may be semi-annual when the preceding six (6) source tests were less than 0.225 gram/dscm (0.097 grain/dscf) for furnaces subject to LRAPA section 33-070-3.B(1)(a) or 0.075 gram/dscm (0.033 grain/dscf) for furnaces subject to LRAPA section 33-070-3.B(4)(a)(i).

(5) Lime kiln source tests shall be performed semi-annually.

(6) Smelt dissolving tank vent source tests shall 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 shall be determined at least once each month by the average of three (3) one-hour source tests in accordance with the Department ***Source Test Manual*** or from continuous emission monitors. If continuous emission monitors are used, the monitors shall be operated for three consecutive hours, in accordance with the Department ~~Continuous Emissions Monitoring~~***CEM Manual***.

E. ~~E.~~ Combined Monitoring. ~~The Authority~~LRAPA may allow the monitoring for opacity of a combination of more than one emission stream if each individual emission stream has been demonstrated (with the exception of opacity) to be in compliance with all the emission limits of rule 33-070-3. ~~The Authority~~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, shall conduct monitoring or source testing as required by Subpart BB. In addition, when it is more stringent than Subpart BB, LRAPA may require some or all of the relevant monitoring in this section.

7. Reporting

~~Unless otherwise authorized~~If required by LRAPA or required by permit, data shall be reported by each mill for each calendar month by the ~~fifteenth~~ thirtieth 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 ~~in one sampling period~~ from the recovery furnace(s), 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 exceeds 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. Where transmissometers are not feasible, the mass emission rate shall be determined by alternative sampling ~~conducted in accordance with Section 33-070-6.C(3)~~approved by LRAPA.

~~G. The results of each recovery furnace particulate source test in grams per standard cubic meter (grains per dry standard cubic foot) and for the same source test period the hourly average opacity, where transmissometers are used, and the particulate monitoring record obtained in accordance with the approved or the alternate monitoring program noted in Section 33-070-6.C(3).~~

~~H~~G. Unless otherwise approved in writing, all periods of non-condensible gas bypass shall be reported.

~~I. Upset conditions shall be reported in accordance with Section 33-070-8.C.~~

~~J~~H. Each ~~kraft~~ Kraft mill shall furnish, upon request of ~~the Authority~~LRAPA, such other pertinent data as ~~the Authority~~LRAPA may require to evaluate the mill's emission control program.

~~K~~I. Monitoring data reported shall reflect actual observed levels corrected for oxygen, if required, and analyzer calibration.

~~L~~J. Oxygen concentrations used to correct pollutant data shall reflect oxygen concentrations at the point of measurement of pollutants.

~~M. The Authority shall be notified at least fifteen (15) days in advance of all scheduled reference method testing including all scheduled changes.~~

~~8. Upset Conditions~~

~~A. Each mill shall report to the Authority abnormal mill operations including control and process equipment maintenance, or unexpected upsets that result in emissions in excess of the regulatory or air contaminant discharge permit limits within one hour or, when conditions prevent prompt notice, as soon as possible but no later than one hour after the start of the next working day. The mill shall also take immediate corrective action to reduce emission levels to regulatory or permit levels.~~

~~B. Upsets shall be reported in writing within five (5) working days of each incident, with an accompanying report on measures taken or to be taken to correct the condition and prevent its reoccurrence.~~

~~C. Each mill shall report the cumulative duration in hours each month of the upsets~~

~~reported in section (4) of this rule and classified as to:~~

~~(1) Recovery Furnace:~~

~~(a) TRS;~~
~~(b) Particulate.~~

~~(2) Lime Kiln:~~

~~(a) TRS;~~
~~(b) Particulate~~

~~(3) Smelt Tank Particulate.~~(Reserved)

~~98.~~ ~~Chronic Upset Conditions~~

~~If the Authority~~LRAPA ~~determines that an upset condition is chronic and correctable by installing new or modified process or control procedures or equipment, a program and schedule to effectively eliminate the deficiencies causing the upset conditions shall be submitted. Such reoccurring upset conditions causing emissions in excess of applicable limits may be subject to civil penalty or other appropriate action.~~(EPA comment…covered in Title 36)

Section 33-075 Hot Mix Asphalt Plants

1. Definitions

A. "Collection Efficiency" means the overall performance of the air cleaning device in terms of ratio of material collected to total input to the collector unless specific size fractions of the contaminant are stated or required.~~"Collection efficiency" means the overall performance of the air cleaning device in terms of ratio of material collected to total input to the collector, unless specific size fractions of the contaminant are stated or required.~~

B. "Dusts" means minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, or sweeping.

C. "Hot mix asphalt plants" means those facilities and equipment which convey or batch load proportioned quantities of cold aggregate to a drier, and heat, dry, screen, classify, measure, and mix the aggregate with asphalt for purposes of paving, construction, industrial, residential, or commercial use.

D. "Particulate matter" means any matter except uncombined water, which exists as a liquid or solid at standard conditions.

E. "Portable hot mix asphalt plants" means those hot mix asphalt plants which are designed to be dismantled and are transported from one job site to another job site.

F. "Process weight by hour" means the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid

fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "process weight per hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

G. "Special control areas" means any location within:

(1) Benton, Clackamas, Columbia, Lane, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties;

(2) Any incorporated city or within six (6) miles of the city limits of said incorporate city;

(3) Any area of Lane County within one (1) mile of any structure or building used for a residence;

(4) 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. Hot mix asphalt plants are subject to the emission limitations in Sections 32-010, 32-015, and 46-535, as applicable. ~~No person shall 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 plant are subjected to air cleaning device or devices having a particulate collection efficiency of at least 80 percent by weight.~~

~~B. No person shall operate any hot mix asphalt plant, either portable or stationary, located within any special control area of Lane County without installing and operating systems or processes for the control of particulate emissions so as to comply with the emission limits established by the process weight table, Table 1, attached herewith and by reference made a part of this rule and the emission limitations Section 32-010-1 and 3 and 32-015.~~

3. Other Established Air Quality Limitations

The emission limits established under Section 33-075 are in addition to visible emission and other ambient air standards, established or to be established by the LRAPA Board of Directors, unless otherwise provided by rule or regulation.

4. Portable Hot Mix Asphalt Plants

Portable hot mix asphalt plants may apply for air contaminant discharge permits within the area of ~~Authority~~ LRAPA jurisdiction without indicating specific site locations. As a

condition of said permit, the permittee will be required to obtain approval from ~~the Authority~~LRAPA for the air pollution controls to be installed at each site location or set-up at least ten (10) days prior to operating at each site location or set-up.

5. Ancillary Sources of Emission--Housekeeping of Plant Facilities

A. Ancillary air contamination sources from the plant and its facilities which emit air contaminants into the atmosphere such as, but not limited to, the drier openings, screening and classifying system, hot rock elevator, bins, hoppers, and pug mill mixer, shall 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 traffic shall be conducted at all times so as to minimize emissions into the atmosphere.

Section 33-080 Reduction of Animal Matter

1. Control Facilities Required

A. No person shall operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such article, machine, equipment or other contrivance are:

(1) ~~incinerated~~ Incinerated at temperatures of not less than 1200°F for a period of not less than 0.3 seconds; or

(2) ~~processed~~ Processed in such a manner determined by ~~the Authority~~LRAPA to be equally, or more, effective for the purpose of air pollution control than sub-subsection (1) of this subsection.

B. Any person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this section shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified by ~~the Authority~~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 shall not apply to any article, machine, equipment, or other contrivance used exclusively for the processing of food for human consumption.

2. Monitoring of Reduction Facilities

A. When requested by ~~the Authority~~LRAPA for the purpose of formulating plans in conjunction with industries who are or may be sources of air pollution, and to investigate sources of air pollution, monitoring data shall be submitted for plant operational periods and shall include:

(1) ~~continuous~~ Continuous or at least hourly influent and effluent temperature readings

on the condenser;

(2) ~~continuous~~ Continuous or at least hourly temperature readings on the after-burner;

(3) ~~estimated~~ Estimated weights of finished products processed in pounds per hour;

(4) ~~hours~~ Hours of operation per day; and

(5) ~~a~~ A narrative description to accurately portray control practices, including the housekeeping measures employed.

B. When requested by the plant manager any information relating to processing or production shall be kept confidential by ~~the Authority~~LRAPA and shall 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, ~~the Authority~~LRAPA shall be immediately notified.

3. Housekeeping of Plant and Plant Area. The plant facilities and premises are to be kept clean and free of accumulated raw material, products, and waste materials. The methods used for housekeeping shall include, but not be limited to:

A. ~~a~~ A washdown, at least once each working day, of equipment, facilities and building interiors that come in contact with raw or partially processed material, with steam or hot water and detergent or equivalent additive;

B. ~~storage~~ Storage of all solid wastes in covered containers, and daily disposal in an incinerator or fill, approved by ~~the Authority~~LRAPA, or by contract with a company or municipal department providing such service; and

C. ~~disposal~~ Disposal of liquid and liquid-borne waste in a manner approved by ~~the Authority~~LRAPA.

4. Applicability. Section 33-080 shall apply in all areas of Lane County which are within city limits or within two miles of the boundaries of incorporated cities.

LANE REGIONAL AIR ~~POLLUTION AUTHORITY~~PROTECTION AGENCY

TITLE 34

Stationary Source ~~Rules and Permitting Procedures~~Notification Requirements

~~Section 34-001 General Policy and Rule Organization~~

~~In order to restore and maintain Lane County air quality in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the county, it is the policy of the Lane Regional Air Pollution Authority to require a permit to discharge air contaminants from certain sources. As a result, LRAPA has set forth in this title the air pollution control rules and permitting procedures which apply to all stationary sources regulated by the Authority in Lane County.~~

~~This title is organized as follows:~~

~~34-010 Rules applicable to all stationary sources, including:~~

~~34-015 Request for Information~~
~~34-020 Information Exempt from Disclosure~~
~~34-025 Highest and Best Practicable Treatment and Control (HBPT)~~
~~34-030 Source Registration~~
~~34-035 Requirements for Construction~~
~~34-040 Compliance Schedules~~

~~34-050 Rules applicable to sources required to have Air Contaminant Discharge Permits (ACDP) or Title V Operating Permits, including:~~

~~34-060 Plant Site Emission Limits (PSEL) Rules~~
~~34-070 Sampling, Testing, Monitoring and Reporting~~
~~34-080 Excess Emissions~~

~~34-090 Rules applicable to sources required to have Air Contaminant Discharge Permits (ACDP), including:~~

~~34-100 Permit Categories~~
~~34-110 Requirements to Obtain Permit~~
~~34-120 Synthetic Minor Permitting Procedures~~
~~34-130 General Procedures for ACD Permits~~
~~34-140 Permit Duration~~

~~34-150 ACDP Fees~~
~~34-160 New Source Review~~

~~34-170 Rules applicable to sources required to have Title V Operating Permits, as specified by OAR 340 Divisions 218, 220 and 244 in their entirety, including:~~

~~34-180 Authority to Implement~~
~~34-190 Definitions~~
~~34-200 Title V Operating Permitting Program Requirements and Procedures~~

~~34-210 Rules Applicable to Sources Desiring Green Permits~~

~~34-220 Authority to Implement~~
~~34-230 Green Permits Permitting Program Requirements and Procedures~~

~~*Section 34-001 Amended 06/13/00.*~~

Section 34-005 Definitions

All relevant definitions for this title can be found with the general definitions listed in Title 12, with the following exceptions:

1. Plant Site Emission Limit (PSEL) definitions, which may be found in ~~Section 34-060~~Title 42; and

2. Definitions pertaining to Title V Operating Permits, which may be found in OAR 340-200-0020.

Section 34-005 Amended 06/13/00

RULES APPLICABLE TO ALL STATIONARY SOURCES

Section 34-010 Applicability

Except as provided in section (2) of this rule, Title 34 applies to:

All stationary sources; and

All air pollution control equipment used to comply with emissions limits or used to avoid LRAPA Title V Operating Permits (OAR 340 division 218) or New Source Review (LRAPA Title 38) requirements, or MACT standards (LRAPA Title 44).

Section 34-0200 through 34-0250 do not apply to the following stationary sources:

Equipment used in agricultural operations and the growing or harvesting of crops or the raising of fowls or animals;

Agricultural land clearing operations or land grading;

~~Heating equipment in or~~ used in connection with residences used exclusively as dwellings for not more than four families;

Other activities associated with residences used exclusively as dwellings for not more than four families, including, but not limit to barbecues, house painting, maintenance, and groundskeeping; and

Categorically insignificant activities as defined in LRAPA Title 12 that are not subject to NESHAP or NSPS requirements. This exemption applies to all categorically insignificant activities whether or not they are located at major or non-major sources.~~Unless specified elsewhere, 34-015 through 34-040 shall apply to all stationary sources in Lane County.~~

Section 34-015 Request for Information

All sources subject to Title 34 shall provide in a reasonably timely manner any and all information that ~~the Authority~~LRAPA may reasonably require for the purpose of regulating stationary sources. Such information may be required on a one-time, periodic, or continuous basis and may include, but is not limited to, information necessary to:

1. issue a permit and ascertain compliance or noncompliance with the permit terms and conditions;

2. ascertain applicability of any requirement;

3. ascertain compliance or noncompliance with any applicable requirement; and

4. incorporate monitoring, recordkeeping, reporting, and compliance certification requirements into a permit.

Compliance with this section may require the installation and maintenance of continuous monitors and electronic data handling systems.

Section 34-020 Information Exempt from Disclosure

1. Pursuant to the provisions of ORS 192.410 to 192.505, all information submitted to ~~the Authority~~ LRAPA under Title 34 shall be presumed to be subject to inspection upon request by any person unless such information is determined to be exempt from disclosure pursuant to subsections 2 or 3 of this section.

2. If an owner or operator claims that any writing, as that term is defined in ORS 192.410(5), is confidential or otherwise exempt from disclosure, in whole or in part, the owner or operator shall comply with the following procedures:

   A. The writing shall be clearly marked with a request for exemption from disclosure. For a multi-page writing, each page shall be so marked.

   B. The owner or operator shall state the specific statutory provision under which it claims exemption from disclosure and explain why the writing meets the requirements of that provision.

C. For writings that contain both exempt and non-exempt material, the proposed exempt material shall be clearly distinguishable from the non-exempt material. If possible, the exempt material shall be arranged so that it is placed on separate pages from the non-exempt material.

3. For a writing to be considered exempt from disclosure as a "trade secret," it shall meet all of the following criteria:

A. the information shall not be patented;

B. it shall be known only to a limited number of individuals within a commercial concern who have made efforts to maintain the secrecy of the information;

C. it shall be information which derives actual or potential economic value from not being disclosed to other persons; and

D. it shall give its users the chance to obtain a business advantage over competitors not having the information.

Section 34-025 Highest and Best Practicable Treatment and Control Requirements

See Title 32, Section 32-005-1 through 9 (11/10/94).

Section 34-025 Amended 09/09/97

Section 34-030 Source Registration

Any air contaminant source which is not subject to the ACDP rules (34-090 through 34-160) or the Title V Operating Permit program rules (~~34-170 through 34-200~~OAR Division 218) shall register with ~~the Authority~~ LRAPA upon request pursuant to 34-030-1 through 4.

1. Registration shall be completed within thirty (30) days following the mailing date of the request by ~~the Authority~~LRAPA.

2. Registration shall be made on forms furnished by ~~the Authority~~LRAPA and completed by the owner, lessee of the source, or agent.

3. The following information shall be reported by registrants:

A. name, address, and nature of business;

B. name of local person responsible for compliance with these rules;

C. name of person authorized to receive requests for data and information;

D. a description of the production processes and a related flow chart;

E. a plot plan showing the location and height of all air contaminant sources (the plot plan shall also indicate the nearest residential or commercial property);

F. type and quantity of fuels used;

G. amount, nature, and duration of air contaminant emissions;

H. estimated efficiency of air pollution control equipment under present or anticipated operating conditions; and

I. any other information requested by ~~the Authority~~LRAPA.

4. Once a year, upon the annual date of registration, a person responsible for an air contaminant source shall reaffirm in writing the correctness and current status of the information furnished to ~~the Authority~~LRAPA. Any changes in any of the factual data reported under subsection 3 of this section shall be reported to ~~the Authority~~LRAPA, at which time re-registration may be required on forms furnished by ~~the Authority~~LRAPA.

Section 34-030 Amended 06/13/00; Section 34-030 Amended 09/09/97

Section 34-03~~45~~ Requirements for Construction ~~(or Non-Major Modification) (Major Modification Requirements are Contained in Title 38)~~

1. New Stationary Sources. No person is allowed to construct, install, or establish a new stationary source that will cause an increase in any regulated pollutant emissions without first notifying LRAPA in writing.~~Notification: No person shall commence construction of a new source or modification of an existing air contaminant source without first notifying the Authority, on a form supplied by the Authority, and obtaining an Authority to Construct if required under (2) below. Section 34-035 shall not apply to Oregon Title V Operating Permit Program sources. Sections 34-035(1) and (2) do not apply to construction or modification projects subject to the provisions of Section 34-110.~~

2. Modifications to Stationary Sources. No person is allowed to make a physical change or change in operation of an existing stationary source that will cause an increase, on an hourly basis at full production, in any regulated pollutant emissions without first notifying LRAPA in writing.

3. Air Pollution Control Equipment. No person is allowed to construct or modify any air pollution control equipment without first notifying LRAPA in writing.

Section 34-035 Types of Construction/Modification Changes

For the purpose of Section 34-0200 through 34-0250, changes that involve new construction or modifications of stationary sources or air pollution control equipment are divided into the following Types:

1. Type 1 changes include construction or modification of stationary sources or air pollution control equipment where such a change:

A. Would not increase emissions above the Plant Site Emission Limit by more than the deminimis levels defined in LRAPA Title 12 for sources required to have a permit;

B. Would not increase emissions above the netting basis by more than or equal to the significant emissions rate;

C. Would not increase emissions from any stationary source or combination of stationary sources by more than the deminimis levels defined in LRAPA Title 12;

D. Would not be used to establish a federally enforceable limit on the potential to emit; and

E. Would not require a TACT determination under Section 32-008 or a MACT determination under Section 44-0200.

2. Type 2 changes include construction or modification of stationary sources or air pollution control equipment where such a change:

A. Would meet the criteria of sub-sections (1)(a), (1)(b), (1)(d), and (1)(e) of this Section; and

B. Would not increase emissions from any stationary source or combination of stationary sources by more than or equal to the significant emission rate;

3. Type 3 changes include construction or modification of stationary sources or air pollution control equipment where such a change:

A. Would increase emissions above the Plant Site Emission Limit by more than the deminimis levels defined in LRAPA Title 12 but less than the significant emission rate for sources required to have a permit;

B. Would increase emissions from any stationary source or combination of stationary sources by more than the significant emission rate but are not subject to Section 42-0041(3)(b) or LRAPA Title 38 (NSR rules);

C. Would be used to establish a federally enforceable limit on the potential to emit; or

D. Would require a TACT determination under Section 32-008 or a MACT determination under Section 44-130.

4. Type 4 changes include construction or modification of stationary sources or air pollution control equipment where such a change or changes would increase emissions above the PSEL or Netting Basis of the source by more than the significant emission rate.

Section 34-036 Notice to Construct

1. Any person proposing a Type 1 or 2 change must provide notice to LRAPA before constructing or modifying a stationary source or air pollution control equipment. The notice must be in writing on a form supplied by LRAPA and include the following information as applicable: ~~Authority to Construct: Any person planning construction of a new source; or a modification project which would result in an increase of emissions above permit limits and/or which would trigger new applicable requirements shall submit to the Director a construction review fee and a Notice of Construction which includes all information necessary to perform any analysis or make any determination required by these rules. Such information shall include the following:~~

A. ~~name~~Name, address, and nature of business;

B. ~~name~~ Name of local person responsible for compliance with these rules;

C. ~~name~~ Name of person authorized to receive requests for data and information;

D. The type of construction or modification as defined in Section 34-035;

E. A description of the constructed or modified source;

~~D~~F. ~~a~~ A description of the production processes and a related flow chart;

~~E~~G. ~~a~~ A plot plan showing the location and height of all air contaminant sources and indicating the nearest residential or commercial property;

~~F~~H. ~~type~~ Type and quantity of fuels used;

~~G~~I. Change in a~~A~~mount, nature and duration of air contaminant emissions;

~~H~~J. Plans and specifications for air pollution control equipment and facilities and their relationship to the production process;

~~I~~K. ~~estimated~~ Estimated efficiency of air pollution control equipment under present or anticipated operating conditions;

~~J~~L. ~~any~~ Any information on pollution prevention measures and cross-media impacts desired to be considered in determining applicable control requirements and evaluating compliance methods;

M. A list of any requirements applicable to the new construction or modification;

~~K~~N. ~~where~~ Where the operation or maintenance of air pollution control equipment and emission reduction processes can be adjusted or varied from the highest reasonable efficiency and effectiveness, information necessary for ~~the Authority~~LRAPA to establish operational and maintenance requirements under subsections 32-007-1 and 2-;

O. ~~amount~~ Amount and method of refuse disposal; and

P. Land Use Compatibility Statement signed by a local (city or county) planner either approving or disapproving construction or modification to the source if required by the local planning agency.

~~M. corrections and revisions to the plans and specifications to ensure compliance with applicable rules, orders and statutes.~~

2. Any person proposing a Type 3 or 4 change must submit an application for either a construction ACDP, new permit, or permit modification, whichever is appropriate.

3. LRAPA must be notified of any corrections and revisions to the plans and specifications upon becoming aware of the changes.

4. Where a permit issued in accordance with LRAPA Title 37 or OAR 340 218 includes construction approval for future changes for operational flexibility, the notice requirements in this rule are waived for the approved changes.

Section 34-037 Construction Approval

1. Approval to Construct:

A. For Type 1 changes, the owner or operator may proceed with construction or modification 10 days after LRAPA receives the notice required in Section 34-0230, unless LRAPA notifies the owner or operator in writing that the proposed construction or modification is not a Type 1 change.

B. For Type 2 changes, the owner or operator may proceed with the construction or modification 60 days after LRAPA receives the notice required in Section 34-0230 or on the date that LRAPA approves the proposed construction in writing, whichever is sooner.

C. For Type 3 changes, the owner or operator must obtain either a Construction ACDP or a new or modified Standard ACDP in accordance with LRAPA Title 37 before proceeding with the construction or modification.

D. For Type 4 changes, the owner or operator must obtain a new or modified Standard ACDP before proceeding with the construction or modification.

[Note: In non-attainment areas and maintenance areas, Type 4 changes may be subject to LRAPA Title 38, New Source Review. In attainment areas, Type 4 changes may be subject to Section 38-0070, Prevention of Significant Deterioration, only if the source would be a federal major source after making the change.]

2. Approval to construct does not relieve the owner of the obligation of complying with applicable requirements.

3. Notice of Completion. Unless otherwise specified in the construction ACDP or approval, the

owner or operator must notify LRAPA in writing that the construction or modification has been completed using a form furnished by LRAPA. Unless otherwise specified, the notice is due 30 days after completing the construction or modification. The notice of completion must include the following:

The date of completion of construction or modification; and

The date the stationary source or air pollution control equipment was or will be put in operation.

4. Order Prohibiting Construction or Modification. If at any time, LRAPA determines that the proposed construction is not in accordance with applicable statutes, rules, regulations, and orders, LRAPA will issue an order prohibiting the construction or modification. The order prohibiting construction or modification will be forwarded to the owner or operator by certified mail.

5. Hearing. A person against whom an order prohibiting construction or modification is directed may demand a hearing within 20 days from the date of mailing the order. The demand must be in writing, state the grounds for hearing, and be mailed to the Director of LRAPA. The hearing will be conducted pursuant to the applicable provisions in LRAPA Title 14.

~~3. Construction review by the Authority is subject to applicable fees listed in Table A Part I of this title. Construction review fees are assessed based on the review levels defined below:~~

~~A. Level I review applies to construction projects which meet all of the following criteria:~~

~~(1) do not result in an increase in emissions or production over permitted limits;~~
~~(2) do not require ACDP modification prior to the ACDP renewal date;~~
~~(3) add a single piece of air pollution control equipment or replace an existing emission or process unit with a device of equivalent capacity; and~~
~~(4) require minimal review by the Authority.~~

~~B. Level II review applies to construction projects which:~~

~~(1) trigger an applicable requirement but do not result in an increase in emissions over permitted limits; or~~
~~(2) result in changes in emissions or throughputs to multiple emission points from those identified in the ACDP permit application; and~~
~~(3) require a moderate amount of review by the Authority.~~

~~C. Level III review applies to construction projects which:~~

~~(1) result in net emission increases which are less than the Significant Emission Rate (SER) as defined in LRAPA Title 38 (New Source Review), subsection 005-12; and~~
~~(2) require a substantial amount of review and analysis by the Authority.~~

~~D. Level IV review applies to construction projects which:~~

(1) result in a net emission increase which is greater than or equal to the SER and are therefore subject to New Source Review/Prevention of Significant Deterioration review; or

(2) require extensive review and analysis by the Authority.

E. For construction projects which do not clearly fit any of the levels described in subsections A through D of this section, the Authority shall assign a review level based on an estimate of the review time required and the level which most closely fits the construction project. The Authority may waive construction fees for sources with minimal or letter permits as defined in 34-100-5 and 6.

4. Within sixty (60) days of receipt of all required information, the Authority shall make a determination as to whether the proposed construction or non-major modification is in accordance with the provisions of these rules. Modifications which increase emissions above baseline emission rates shall require a 30-day public notice period.

A. If the proposed construction is found to be in accordance with the provisions of these rules, the Authority shall issue a "Notice of Authority to Construct." This issuance shall not relieve the owner or operator of the obligation of complying with all other titles of these rules.

B. If the proposed construction is found not to be in accordance with the provisions of these rules, the Director may issue an order prohibiting construction. Failure to issue the order within the sixty (60) day period shall be considered a determination that the construction may proceed in accordance with the information provided in the application.

C. Any person against whom an order prohibiting construction is issued may, within twenty (20) days from the date of mailing of the order, demand a hearing. The demand shall be in writing, shall state the grounds for a hearing, and shall be submitted to the Director. Any hearing shall be conducted as a contested case pursuant to Title 14.

D. Deviation from approved plans or specifications, without the written permission of the Director, shall constitute a violation of these rules.

E. The Authority may require any order or other notice to be displayed on the premises designated. No person shall mutilate, alter, or remove such order or notice unless authorized to do so by the Authority.

5. Notice shall be provided in writing to the Authority of the completion of construction and the date when operation will commence. Such notice will be provided within thirty (30) days of completion of the construction project on forms provided by the Authority. The Authority, following receipt of the notice of completion, shall inspect the premises.

Section 30-035 Amended 06/13/00; Section 34-035 Amended 09/09/97

Section 34-038 Approval to Operate

1. The approval to construct does not provide approval to operate the constructed or modified stationary source or air pollution control equipment unless otherwise allowed by either the

ACDP or LRAPA Title V Operating Permit programs (LRAPA Title 37 and OAR 340 division 218).

2. Type 1 and 2 changes:

A. For sources that are not required to obtain a permit in accordance with Section 37-0020, Type 1 and 2 changes may be operated without further approval.

B. For new sources that are required to obtain an ACDP in accordance with Section 37-0020, the ACDP, which allows operation, is required before operating Type 1 or 2 changes.

C. For sources currently operating under an ACDP, Type 1 and 2 changes may be operated without further approval unless the ACDP specifically prohibits the operation.

D. For sources currently operating under an LRAPA Title V Operating Permit, Type 1 and 2 changes may only be operated in accordance with OAR 340-218-0190(2).

3. Type 3 and 4 changes:

A. For new sources, Type 3 or 4 changes require a standard ACDP before operation of the changes.

B. For sources currently operating under an ACDP, approval to operate Type 3 or 4 changes will require a new or modified standard ACDP. All ACDP terms and conditions remain in effect until the ACDP is modified.

C. For sources currently operating under an LRAPA Title V Operating Permit, approval to operate Type 3 or 4 changes must be in accordance with OAR 340-218-0190(2).

Section 34-040 Compliance Schedules for Existing Sources Affected by New Rules

1. No existing source of air contaminant emissions will be allowed to operate out of compliance with the provisions of new rules, unless the owner or operator of that source first obtains a Board-approved compliance schedule which lists the steps being taken to achieve compliance and the final date when compliance will be achieved. Approval of a reasonable time to achieve compliance shall be at the discretion of the Board.

2. The owner or operator of any existing air contaminant source found by the Director to be in non-compliance with the provisions of new rules shall submit to the Board for approval a proposed schedule of compliance to meet those provisions. This schedule shall be in accordance with timetables contained in the new rules or in accordance with an administrative order by the Director. This schedule shall contain, as necessary, reasonable time milestones for engineering, procurement, fabrication, equipment installation and process refinement. This request shall also contain documentation of the need for the time extension to achieve compliance and the justification for each of the milestones indicated in the schedule.

3. Within one hundred and twenty (120) days of the submittal date of the request, the Board shall act to either approve or disapprove the request. A schedule for compliance becomes effective upon the date of the written order of the Board.

4. Compliance schedules of longer than eighteen (18) months' duration shall contain requirements for periodic reporting of progress toward compliance.

5. An owner or operator of an air contaminant source operating in non-compliance with these rules, but under an approved compliance schedule, who fails to meet that schedule or make reasonable progress toward completion of that schedule, shall be subject to enforcement procedures in accordance with these rules.

~~RULES APPLICABLE TO SOURCES REQUIRED TO HAVE ACDP OR TITLE V OPERATING PERMITS~~

~~Section 34-050 Applicability~~

~~Sections 34-060 through 34-080 shall apply to all stationary sources required to obtain ACDP's under 34-090 through 34-160 or Title V Operating Permits under 34-170 through 34-200.~~

~~Section 34-060 Plant Site Emission Limit Rules~~

~~1. Policy. The Authority recognizes the need to establish a more definitive method for regulating increases and decreases in air emissions of permit holders as contained in Section 34-060. However, by the adoption of these rules, the Authority does not intend to:~~

~~A. Limit the use of existing production capacity of any air quality permittee (except for synthetic minor source permittees);~~

~~B. Cause any undue hardship or expense to any permittee due to the utilization of existing unused productive capacity; or,~~

~~C. Create inequity within any class of permittees subject to specific industrial standards which are based on emissions related to production.~~

~~2. Plant Site Emission Limits (PSEL) may be established at levels higher than baseline if a demonstrated need exists to emit at a higher level, PSD increments and air quality standards would not be violated, and reasonable further progress in implementing control strategies would not be impeded.~~

~~3. Definitions~~

~~$ "Actual Emissions" means the mass rate of emissions of a pollutant from an emissions source during a specified time period. Actual emissions shall be directly measured~~

with a continuous monitoring system or calculated using a material balance or verified emission factor in combination with the source's actual operating hours, production rates, or types of materials processed, stored, or combusted during the specified time period.

A. For purposes of determining actual emissions as of the baseline period:

(1) Except as provided in paragraph (2) of this subsection, actual emissions shall equal the average rate at which the source actually emitted the pollutant during a baseline period and which is representative of normal source operation;

(2) The Authority may assume the source-specific mass emissions limit included in the permit for a source that was effective on September 8, 1981 is equivalent to the actual emissions of the source during the baseline period if it is within 10 percent of the actual emissions calculated under paragraph (1) of this subsection.

B. For any source which had not yet begun normal operation in the specified time period, actual emissions shall equal the potential to emit of the source.

C. For purposes of determining actual emissions for emission statements for Major Source Interim Emission Fees under LRAPA Title 35 and for [Federal] Title V Operating Permit Fees under OAR 340 Division 220, actual emissions include, but are not limited to, routine process emissions, fugitive emissions, excess emissions from maintenance, startups and shutdowns, equipment malfunction, and other activities.

$ "Aggregate Insignificant Emissions" means the annual actual emissions of any regulated air pollutant as defined in OAR 340-200-0020, for any Title V Operating Permit program source, including the usage of exempt mixtures, up to the lowest of the following applicable level:

A. one ton for each criteria pollutant;

B. 500 pounds for PM10 in a PM10 nonattainment area;

C. 120 pounds for lead;

D. the lesser of the amount established in OAR 340-244-0230, Table 3, or 1,000 pounds for each Hazardous Air Pollutant;

E. an aggregate of 5,000 pounds for all Hazardous Air Pollutants.

$ "Baseline Emission Rate" means the average actual emission rate during the baseline period. Baseline emission rate shall not include increases due to voluntary fuel switches or increased hours of operation that have occurred after the baseline period.

$ "Baseline Period" means either calendar years 1977 or 1978. The Authority shall allow the use of a prior time period upon a determination that it is more representative of normal source operation.

$ "Categorically Insignificant Activity" means any of the following listed pollutant emitting activities principally supporting the source or the major industrial group. Categorically insignificant activities must comply with all applicable requirements.

A. constituents of a chemical mixture present at less than 1% by weight of any chemical or compound regulated under OAR Chapter 340, Divisions 200 through 268, or less than 0.1% by weight of any carcinogen listed in the U. S. Department of Health and Human Service's Annual Report on Carcinogens when usage of the chemical mixture is less than 100,000 pounds/year.

B. evaporative and tail pipe emissions from on-site motor vehicle operation;

C. distillate oil, kerosene, and gasoline fuel burning equipment rated at less than or equal to 0.4 million Btu/hr;

D. natural gas and propane burning equipment rated at less than or equal to 2.0 million Btu/hr;

E. office activities;

F. food service activities;

G. janitorial activities;

H. personal care activities;

I. groundskeeping activities including, but not limited to building painting and road and parking lot maintenance;

J. on-site laundry activities;

K. on-site recreation facilities;

L. instrument calibration;

M. maintenance and repair shop;

N. automotive repair shops or storage garages;

O. air cooling or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;

P. refrigeration systems with less than 50 pounds of charge of ozone depleting substances regulated under Title VI, including pressure tanks used in refrigeration systems but excluding any combustion equipment associated with such systems;

~~Q. bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated vacuum producing devices but excluding research and development facilities;~~

~~R. temporary construction activities;~~

~~S. warehouse activities;~~

~~T. accidental fires;~~

~~U. air vents from air compressors;~~

~~V. air purification systems;~~

~~W. continuous emissions monitoring vent lines;~~

~~X. demineralized water tanks;~~

~~Y. pre-treatment of municipal water, including use of deionzed water purification systems;~~

~~Z. electrical charging stations;~~

~~AA. fire brigade training;~~

~~BB. instrument air dryers and distribution;~~

~~CC. process raw water filtration systems;~~

~~DD. pharmaceutical packaging;~~

~~EE. fire suppression;~~

~~FF. blueprint making;~~

~~GG. routine maintenance, repair, and replacement such as anticipated activities most often associated with and performed during regularly scheduled equipment outages to maintain a plant and its equipment in good operating condition, including but not limited to steam cleaning, abrasive use, and woodworking;~~

~~HH. electric motors;~~

~~II. storage tanks, reservoirs, transfer and lubricating equipment used for ASTM grade distillate or residual fuels, lubricants, and hydraulic fluids;~~

~~JJ. on-site storage tanks not subject to any New Source Performance Standards (NSPS), including underground storage tanks (UST), storing gasoline or diesel used exclusively for fueling of the facility's fleet of vehicles;~~

~~KK. natural gas, propane, and liquefied petroleum gas (LPG) storage tanks and transfer equipment;~~

~~LL. pressurized tanks containing gaseous compounds;~~

~~MM. vacuum sheet stacker vents;~~

~~NN. emissions from wastewater discharges to publicly owned treatment works (POTW) provided the source is authorized to discharge to the POTW, not including on-site wastewater treatment and/or holding facilities;~~

~~OO. log ponds;~~

~~PP. storm water settling basins;~~

~~QQ. fire suppression and training;~~

~~RR. paved roads and paved parking lots within an urban growth boundary;~~

~~SS. hazardous air pollutant emissions of fugitive dust from paved and unpaved roads except for those sources that have processes or activities that contribute to the deposition and entrainment of hazardous air pollutants from surface soils;~~

~~TT. health, safety, and emergency response activities;~~

~~UU. emergency generators and pumps used only during loss of primary equipment or utility service;~~

~~VV. non-contact steam vents and leaks and safety and relief valves for boiler steam distribution systems;~~

~~WW. non-contact steam condensate flash tanks;~~

~~XX. non-contact steam vents on condensate receivers, deaerators and similar equipment;~~

~~YY. boiler blowdown tanks;~~

~~ZZ. industrial cooling towers that do not use chromium-based water treatment chemicals;~~

~~AAA. ash piles maintained in a wetted condition and associated handling systems and activities;~~

~~BBB. oil/water separators in effluent treatment systems;~~

~~CCC. combustion source flame safety purging on startup;~~

~~DDD. broke beaters, pulp and repulping tanks, stock chests and pulp handling equipment, excluding thickening equipment and repulpers;~~

~~EEE. stock cleaning and pressurized pulp washing, excluding open stock washing systems; and~~

~~FFF. white water storage tanks.~~

~~$ "Normal Source Operation" means operations which do not include such conditions as forced fuel substitution, equipment malfunction, or highly abnormal market conditions.~~

~~$ "Plant Site Emission Limit (PSEL)" means the total mass emissions per unit time of an individual air pollutant specified in a permit for a source. The PSEL may consist of more than one assessable emission.~~

~~$ "Significant Emission Rate (SER)" means~~

~~A. Emission rates equal to or greater than the following for air pollutants regulated under the Clean Air Act:~~

~~Significant Emission Rates for Pollutants Regulated Under the Clean Air Act~~

~~Significant Pollutant~~	~~Emission Rate~~
~~1. Carbon Monoxide~~	~~100.00 Tons/Year~~
~~2. Nitrogen Oxides~~	~~40.0 Tons/Year~~
~~3. Particulate Matter~~	~~25.0 Tons/Year~~
~~4. PM_{10}~~	~~15.0 Tons/Year~~
~~5. Sulfur Dioxide~~	~~40.0 Tons/Year~~
~~6. VOCs~~	~~40.0 Tons/Year~~
~~7. Lead~~	~~0.60 Tons/Year~~
~~8. Mercury~~	~~0.10 Tons/Year~~
~~9. Beryllium~~	~~0.0004 Tons/Year~~
~~10. Asbestos~~	~~0.007 Tons/Year~~
~~11. Vinyl Chloride~~	~~1.0 Tons/Year~~
~~12. Fluorides~~	~~3.0 Tons/Year~~
~~13. Sulfuric Acid Mist~~	~~7.0 Tons/Year~~
~~14. Hydrogen Sulfide~~	~~10.0 Tons/Year~~
~~15. Total Reduced Sulfur (including hydrogen sulfide)~~	~~10.0 Tons/Year~~
~~16. Reduced Sulfur Compounds (including hydrogen sulfide)~~	~~10.0 Tons/Year~~

B. For pollutants not listed above, the Authority shall determine the rate that constitutes a significant emission rate.

C. Any emissions increase less than these rates associated with a new source or modification which would construct within 10 kilometers of a Class I area, and would have an impact on such area equal to or greater than 1 □ g/m^3 (24-hour average) shall be deemed to be emitting at a significant emission rate.

4. Requirements for Plant Site Emission Limits

A. Plant Site Emission Limits (PSEL) shall be incorporated in all Air Contaminant Discharge Permits (ACDPs) and Title V Operating Permits, except minimal source permits and special letter permits, as a means of managing airshed capacity. Except as provided for in 34-060-6 and 7, all sources subject to regular permit requirements shall be subject to PSELs for all regulated pollutants. PSELs will be incorporated in permits when permits are renewed, modified, or newly issued.

B. The emissions limits established by PSELs shall provide the basis for:

(1) assuring reasonable further progress toward attaining compliance with ambient air standards;
(2) assuring that compliance with ambient air standards and Prevention of Significant Deterioration increments are being maintained;
(3) administering offset, banking and bubble programs; and
(4) establishing the baseline for tracking consumption of Prevention of Significant Deterioration increments.

5. Criteria for Establishing Plant Site Emission Limits

A. For existing sources, PSELs shall be based on the baseline emission rate for a particular pollutant at a source and shall be adjusted upward or downward pursuant to Authority rules.

B. If an applicant requests that the PSEL be established at a rate higher than the baseline emission rate, the applicant shall:

(1) demonstrate that the requested increase is less than the significant emission rate increase defined in Section 34-060-3; or
(2) provide an assessment of the air quality impact pursuant to procedures specified in Section 38-015 to Section 38-020. A demonstration that no air quality standards of or PSD increment will be violated in an attainment area or that a growth increment or offset is available in a non-attainment area shall be sufficient to allow an increase in the PSEL to an amount not greater than the plant's demonstrated need to emit as long as no physical modification of an emissions unit is involved.

C. Increases above baseline emission rates shall be subject to public notice and opportunity for public hearing pursuant to applicable permit requirements.

D. PSELs shall be established on at least an annual emission basis and a short- term period emission basis that is compatible with source operation and air quality standards.

E. Mass emission limits may be established separately within a particular source for process emissions, combustion emissions, and fugitive emissions.

F. Documentation of PSEL calculations shall be available to the permittee.

G. For new sources, PSELs shall be based on application of applicable control equipment requirements and projected operating conditions.

H. PSELs shall not be established which allow emissions in excess of those allowed by any applicable federal or state regulation or by any specific permit condition unless specific provisions of Section 34-060-8 are met.

I. PSELs may be changed pursuant to Authority rules when:

(1) Errors are found or better data is available for calculating PSELs.
(2) More stringent control is required by a rule adopted by the Environmental Quality Commission or the Authority.
(3) An application is made for a permit modification pursuant to the Air Contaminant Discharge Permit requirements (34-090 through 34-160) and the New Source Review requirements (Title 38), or Rules Applicable to Sources Required to Have Title V Operating Permits (34-170 through 34-200). Approval may be granted based on growth increments, offsets, or available Prevention of Significant Deterioration increments.
(4) The Authority finds it necessary to initiate modifications of a permit pursuant to Section 34-130-15 or OAR 340-218-0200, Reopenings.

6. Plant Site Emission Limits for Sources of Hazardous Air Pollutants

A. For purposes of establishing PSELs, hazardous air pollutants listed under OAR 340-244-0040 or OAR 340-244-0230 shall not be considered regulated pollutants under Section 34-060-4.A until such time as the Authority determines otherwise.

B. The Authority may establish PSELs for hazardous air pollutants for the following causes:

(1) An owner or operator elects to establish a PSEL for any hazardous air pollutant emitted for purposes of determining emission fees as prescribed in Title 35; or
(2) The source is subject to a hazardous air pollutant emission standard, limitation, or control requirement other than Plant Site Emission Limits.

C. Procedures for establishing and modifying PSELs for hazardous air pollutant emissions shall be consistent with Section 34-060-5, except for the following:

(1) a baseline emission rate shall not apply; and
(2) the provisions of Section 34-060-8 shall not apply.

D. PSELs established for hazardous air pollutants shall not be used for any provisions other than those prescribed in subsection B of this section.

7. Plant Site Emission Limits for Insignificant Activities

A. For purposes of establishing PSELs, emissions from categorically insignificant activities listed in Subsection 34-060-3 shall not be considered regulated air pollutants under Section 34-060-4 until such time as the Authority determines otherwise, except as provided in subsection C of this section.

B. For purposes of establishing PSELs, emissions from non-exempt insignificant mixture usage and aggregate insignificant emissions listed in Subsection 34-060-3 shall be considered regulated air pollutants under Section 34-060-4.

C. For purposes of determining New Source Review or Prevention of Significant Deterioration applicability, Title 38, emissions from insignificant activities shall be considered.

8. Alternative Emission Controls (Bubble)

A. Alternative emission controls may be approved for use within a plant site such that specific mass emission limit rules are exceeded if:

(1) such alternatives are not specifically prohibited by a permit condition;
(2) net emissions for each pollutant are not increased above the PSEL;
(3) The net air quality impact is not increased as demonstrated by procedures required by Section 38-035 (Requirements for Net Air Quality Benefit);
(4) No other pollutants including malodorous, toxic or hazardous pollutants are substituted;
(5) Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER), where required by a previously issued permit, and New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP), where required, are not relaxed;
(6) specific mass emission limits are established for each emission unit involved such that compliance with the PSEL can be readily determined; or
(7) application is made for a permit modification and such modification is approved by the Authority.

B. Operators of existing sources requesting alternative emission controls shall, at the time of application, pay the following fees:

(1) a filing fee as listed in Table A, Part I, item J of this rule; and
(2) an application processing fee as listed in Table A, Part I, item D of this rule.

9. Temporary PSD Increment Allocation

A. On demonstration to the Authority, PSELs may include a temporary or time-limited allocation against an otherwise unused PSD increment in order to accommodate voluntary fuel switching or other cost or energy saving proposals if:

(1) no ambient air quality standard is exceeded;
(2) no applicable PSD increment is exceeded;
(3) no nuisance condition is created; and
(4) the applicant's proposed and approved objective continues to be realized.

B. When such demonstration is being made for changes to the PSEL, it shall be presumed that ambient air quality monitoring shall not be required of the applicant for changes in hours of operation, changes in production levels, voluntary fuel switching or for cogeneration projects unless, in the opinion of the Authority, extraordinary circumstances exist.

C. Such temporary allocation of a PSD increment shall be set forth in a specific permit condition issued pursuant to the Authority's notice and permit issuance or modification procedures.

D. Such temporary allocations are for a specific time period and may be recalled with proper notice.

Section 34-060 Amended 06/13/00; Section 34-060 Amended 06/13/00; Section 34-060 Amended 05/12/98.

Section 34-070 Sampling, Testing and Monitoring of Air Contaminant EmissionsRecords

1. Program

A. As part of its coordinated program of air quality control and preventing and abating air pollution, the Authority may:

(1) require any person responsible for emissions of air contaminants to make or have made tests to determine the type, quantity, quality, and duration of the emissions from any air contamination source;
(2) require full reporting of all test procedures and results furnished to the Authority in writing and signed by the person or persons responsible for conducting the tests; and
(3) require continuous monitoring of specified air contaminant emissions and periodic regular reporting of the results of such monitoring.

B. At the request of the Authority, an owner or operator of a source required to conduct emissions tests may be required to provide emission testing facilities as follows:

(1) sampling ports, safe sampling platforms, and access to sampling platforms adequate for test methods applicable to such source; and
(2) utilities for sampling and testing equipment.

C. Testing shall be conducted in accordance with the Department's Source Sampling Manual (January, 1992), the Department's Continuous Monitoring Manual (January, 1992), or an applicable EPA Reference Method unless the Authority, where allowed under applicable federal requirements:

(1) specifies or approves, in specific cases, minor changes in methodology;

(2) approves the use of an equivalent method or alternative method which will provide adequate results;

(3) waives the requirement for tests because the owner or operator of a source has demonstrated by other means to the Authority's satisfaction that the affected facility is in compliance with applicable requirements; or

(4) approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors.

2. Stack Heights and Dispersion Techniques

A. **40 CFR, Parts 51.100 (ff) through 51.100(kk), 51.118, 51.160 through 51.166 (July 1, 1993)** are by this reference adopted and incorporated herein, concerning stack heights and dispersion techniques.

B. In general, the rule prohibits the use of excessive stack height and certain dispersion techniques when calculating compliance with ambient air quality standards. The rule does not forbid the construction and actual use of excessively tall stacks, nor use of dispersion techniques; it only forbids their use in calculations as noted above.

C. This section has the following general applicability:

(1) With respect to the use of excessive stack height, stacks 65 meters high or greater, constructed after December 31, 1970, and major modifications to existing plants after December 31, 1970 with stacks 65 meters high or greater which were constructed before that date, are subject to this section, with the exception that certain stacks at federally owned, coal-fired steam electric generating units constructed under a contract awarded before February 8, 1974, are exempt.

(2) With respect to the use of dispersion techniques, any technique implemented after December 31, 1970, at any plant, is subject to this section. However, if the plant's total allowable emissions of sulfur dioxide are less than 5,000 tons per year, then certain dispersion techniques to increase final exhaust gas plume rise are permitted to be used when calculating compliance with ambient air quality standards for sulfur dioxide.

D. Definitions:

(1) Where found in the federal rule, the term "reviewing agency" means the Authority, the Department, or the EPA, as applicable;

(2) Where found in the federal rule, the term "authority administering the State Implementation Plan" means the Authority, the Department, or the EPA;

(3) The "procedures" referred to in **40 CFR 51.164** are the New Source Review procedures at the Department (OAR 340 Division 224) or at the Authority (Title 38); and the review procedures for new, or modifications to, minor sources, at the Department (OAR 340-0200 to 0220, 340 Division 216) or at the Authority (34-035).

(4) Where "the state" or "state, or local control agency" is referred to in **40 CFR 51.118**, it means the Department or the Authority.

(5) Where found in the federal rule, the terms "applicable state implementation plan" and "plan" refer to the programs and rules of the Department or the Authority, as

approved by the EPA, or any EPA-promulgated regulations (see **40 CFR Part 52, Subpart MM**).

3. Methods

A. Any sampling, testing, or measurement performed under this regulation shall conform to methods contained in the Department's Source Sampling Manual or to recognized applicable standard methods approved in advance by the Authority.

B. The Authority may approve any alternative method of sampling provided it finds that the proposed method is satisfactory and complies with the intent of these regulations and is at least equivalent to the uniform recognized procedures in objectivity and reliability, and is demonstrated to be reproducible, selective, sensitive, accurate and applicable to the program.

4. Authority Testing. The Authority, instead of requesting tests and sampling of emissions from the person responsible for an air contamination source, may conduct such tests alone or in conjunction with said person. If the testing or sampling is performed by the Authority, a copy of the results shall be provided to the person responsible for the air contamination source.

Section 34-060 Records for PSELs

51. Records--Maintaining and Reporting

A. Upon notification from the Director, all persons owning or operating a source within Lane County shall keep and maintain written records of the nature, type and amounts of emissions from such source and other information as may be required by the Director to determine whether the source is in compliance with applicable emission rules, limitations or other control measures.

B. The records shall be submitted to the AuthorityLRAPA on an annual basis, or more frequently if requested in writing by the AuthorityLRAPA. They shall be submitted using an Emissions Inventory Questionnaire form provided by the AuthorityLRAPA. Except as may be otherwise provided by rule, annual periods are January 1 through December 31. A more frequent basis for reporting may be required due to noncompliance or to protect human health or the environment.

C. The reports required by this rule shall be completed on forms approved by LRAPA and submitted by the end of the first calendar quarter of the next year (March 31).within 30 days after the end of the reporting period, unless otherwise authorized by permit.

C. All reports and certifications submitted to LRAPA under LRAPA's Rules and Regulations must accurately reflect the monitoring, record keeping and other documentation held or performed by the owner or operator.

Section 34-070 Amended 06/13/00.

Section 34-080 Excess Emissions

See Title 36, Section 36-001 through 36-030.

RULES APPLICABLE TO SOURCES REQUIRED TO HAVE AIR CONTAMINANT DISCHARGE PERMITS (ACDP)

Section 34-090 Purpose and Applicability

1. In order to restore and maintain Lane County air quality in a condition as free from air pollution as is practicable, it is the policy of the Lane Regional Air Pollution Authority to require a permit to discharge air contaminants from certain sources. As a result, no person shall construct, install, establish, modify, enlarge, develop or operate an air contaminant source listed in Table A Part II, without first obtaining an Air Contaminant Discharge Permit (ACDP) from the Authority.

2. The purpose of Sections 34-090 through 34-160 is to prescribe the requirements and procedures for obtaining ACDP's for stationary sources listed in Table A Part II. Sections 34-090 through 34-160 shall not apply to Title V Operating Permit program sources unless an ACDP is required by 34-110(2), 34-110(4), 34-120 or 38-001.

3. Sources not listed in Table A Part II are subject to requirements for construction (34-035) and may be subject to registration requirements (34-030).

Section 34-090 Amended 06/13/00.

Section 34-100 Permit Categories

The following list delineates the types of permit which may apply to a stationary source:

1. Title V Operating Permit, for major stationary sources as defined by OAR 340-200-0020-63(b). Permitting requirements for Title V Operating Permit program sources are prescribed in Sections 34-110-2 and 4, and Sections 34-170 through 34-200.

2. Regular ACDP, for stationary sources listed in Table A Part II. Permitting requirements for regular ACD permits are prescribed in Sections 34-110 through 34-160.

3. Synthetic Minor ACDP, for stationary sources defined by OAR 340-200-0020. Permitting procedures for Synthetic Minor ACDP's are prescribed in Sections 34-110-2, 4 and 5, and 34-120 through 34-160.

4. Multiple Source Permit. When a single site includes more than one air contaminant source, a single ACDP may be issued including all sources located at the site. For uniformity such applications shall separately identify, by subsection, each air contaminant source included from Table A Part II. Permitting procedures for multiple source permits are the same as for regular ACDP's and are prescribed in Sections 34-130 through 34-160.

   A. When a single air contaminant source which is included in a multiple-source ACDP is subject to permit modification, revocation, suspension, or denial, such action by the Authority shall only affect that individual source without thereby affecting any other source subject to the permit.

B. When a multiple-source ACDP includes air contaminant sources subject to the jurisdictions of both the Department and the Authority, the Department may require that it shall be the permit issuing agency. In such cases, the Department and the Authority shall otherwise maintain and exercise all other aspects of their respective jurisdictions over the permittee.

5. Minimal Source Permit

A. The Lane Regional Air Pollution Authority may designate any source as a "minimal source" based upon the following criteria:

(1) quantity and quality of emissions;
(2) type of operation;
(3) compliance with Authority regulations;
(4) minimal impact on the air quality of the surrounding region.

B. If a source is designated as a minimal source, the compliance determination fee, provided by Section 34-150 (ACDP Permits) will be collected no less frequently than every five (5) years.

6. Letter Permits

A. Any source listed in Table A, Part II, with no, or insignificant, air contaminant discharges may apply to the Authority for a letter permit.

B. The determination of applicability of this letter permit shall be made solely by the Authority.

C. If issued a letter permit, the application processing fee and/or annual compliance determination fee, provided by Section 34-150 (ACDP Fees) may be waived by the Authority.

Section 34-100 Amended 06/13/00.

Section 34-110 Permit Required

1. No person shall construct, install, establish, develop or operate any air contaminant source which is referred to in Table A Part II, appended hereto and incorporated herein by reference, without first obtaining an Air Contaminant Discharge Permit (ACDP) from the Authority.

2. No person shall construct, install, establish, or develop any major source, as defined by OAR 340-200-0020 that will be subject to the Title V Operating Permit program without first obtaining an ACDP from the Authority. Any Title V Operating Permit program source required to have obtained an ACDP prior to construction shall:

A. choose to become a synthetic minor source, Section 34-120, and remain in the ACDP program; or

B. file a complete application to obtain the Title V Operating Permit within twelve (12) months after initial startup.

3. No person shall modify any source covered by an ACDP under 34-100 through 34-160 such that the emissions are significantly increased without first applying for and obtaining a permit modification.

4. No person shall modify any source required to be covered by an ACDP under 34-100 through 34-160 such that the source becomes subject to the Title V Operating Permit program, 34-170 through 34-200 without first applying for and obtaining a modified ACDP. Any Title V Operating Permit program source required to have obtained an ACDP prior to modification shall:

A. choose to become a synthetic minor source, 34-120, and remain in the ACDP program;

B. choose to remain a synthetic minor source, 34-120, and remain in the ACDP program; or

C. file a complete application to obtain the Title V Operating Permit within twelve (12) months after initial startup of the modification.

5. No person shall increase emissions above the PSEL or operate in excess of the enforceable condition to limit potential to emit and remain a synthetic minor source without first applying for and obtaining a modified ACDP.

6. No person shall modify any source covered by an ACDP under 34-100 through 34-160 and not required to obtain a Title V Operating Permit such that:

A. the process equipment is substantially changed or added to; or

B. the emissions are significantly changed, without first notifying the Authority.

Section 34-110 Amended 06/13/00.

Section 34-120 Synthetic Minor Sources

1. Enforceable conditions to limit a source's potential to emit shall be included in the ACDP for a synthetic minor source. Enforceable conditions, in addition to the PSEL established under 34-060, shall include one or more of the following physical or operational limitations, but in no case shall exceed the conditions used to establish the PSEL:

A. restrictions on hours of operation;

B. restrictions on levels of production;

C. restrictions on the type or amount of material combusted, stored, or processed;

D. additional air pollution control equipment; or

E. other limitations on the capacity of a source to emit air pollutants.

2. The reporting and monitoring requirements of the conditions which limit the potential to emit contained in the ACDP of synthetic minor sources shall meet the requirements of 34-070.

3. To avoid being required to submit an application for a Title V Operating Permit, the owner or operator of a major source shall obtain an ACDP or a modification to an ACDP containing conditions that would qualify the source as a synthetic minor source prior to the time the owner or operator would be required to submit a Title V Operating Permit application.

4. Applications for synthetic minor source status shall be subject to notice procedures of 34-130-5.

5. Synthetic minor source owners or operators who cause their source to be subject to the Title V Operating Permit program by requesting an increase in the source's potential to emit, when that increase uses the source's existing capacity and does not result from construction or modification, shall:

   A. become subject to 34-170 through 34-200 (OAR 340 Division 218);

   B. submit a Title V Operating Permit application pursuant to OAR 340-218-0040; and

   C. receive a Title V Operating Permit before commencing operation in excess of the enforceable conditions to limit potential to emit.

6. Synthetic minor source owners or operators who cause their source to be subject to the Title V Operating Permit program by requesting an increase in the source's potential to emit, when that increase is the result of construction or modification, shall:

   A. submit an application for the modification of the existing ACDP;

   B. receive the modified ACDP before beginning construction or modification;

   C. become subject to 34-170 through 34-200 (OAR 340 Division 218); and

   D. submit a Title V Operating Permit application under OAR 340-218-0040 to obtain a Title V Operating Permit within twelve (12) months after initial startup of the construction or modification.

7. Synthetic minor sources that exceed the limitations on potential to emit are in violation of OAR 340-218-0020(1)(a).

Section 34-120 Amended 06/13/00.

Section 34-130 General Procedures for Obtaining ACDP Permits *(Note: Procedures for reviewing new major sources or major modifications are contained in Title 38, New Source Review.)*

1. No person shall commence construction, installation or modification of an air contaminant discharge source prior to obtaining an Air Contaminant Discharge Permit. The Director

may allow commencement of construction prior to obtaining an ACDP, if applicant demonstrates no emissions increase of any regulated pollutant.

2. Any person intending to construct, install or establish a new source or renew an existing permit shall submit a complete permit application on forms provided by the Authority and containing the following information:

   A. name, address and nature of business;

   B. a description of the production processes and a related flow chart;

   C. a plot plan showing location of all air contaminant sources, all discharge points and the surrounding residential and commercial property;

   D. type and quantity of fuels used;

   E. amount, nature and duration of all emissions of air contaminants;

   F. plans and specifications for air pollution control equipment and facilities and their relationship to the production process;

   G. estimated efficiency of air pollution control equipment;

   H. any information on pollution prevention measures and cross-media impacts the person wants the Authority to consider in determining applicable control requirements and evaluating compliance methods;

   I. where the operation or maintenance of air pollution control equipment and emission reduction processes can be adjusted or varied from the highest reasonable efficiency and effectiveness, information necessary for the Authority to establish operational and maintenance requirements under 32-007-1 and 2; and

   J. other pertinent information required by the Authority.

3. Unless otherwise specified, within fifteen (15) days after receiving the permit application the Authority will review the application to determine the adequacy of the information submitted.

   A. If the Authority determines that additional information is needed, it will promptly request the needed information from the applicant. The permit application will not be considered complete for processing until the requested information is received. The application will be considered to be withdrawn if the applicant fails to submit the requested information within ninety (90) days of the request.

   B. If, in the opinion of the Director, additional measures are necessary to gather facts regarding the permit application, the Director will notify the applicant of his intent to institute said measures and the timetable and procedures to be followed. The application will not be considered complete for processing until the necessary additional fact-finding measures are completed.

C. When the information in the permit application is deemed adequate, the applicant will be notified that the application is complete for processing.

D. Following determination that it is complete for processing, each permit application will be reviewed on its own merit, in accordance with the provisions of all applicable statutes, rules and regulations of the State of Oregon and the Lane Regional Air Pollution Authority.

E. If, upon review of the permit application, the Authority determines that a permit is not required, the Authority shall notify the applicant in writing of this determination. Such notification shall constitute final action by the Authority on the permit application. *(NOTE: Upon notification by the Authority, a registered source may be required to obtain a permit.)*

4. In the event the Authority is unable to complete action on a permit application within forty-five (45) days of closing of the public comment period or hearing record under subsection 5 of this section, the applicant shall be deemed to have received a temporary or conditional permit. Caution should be exercised by the applicant under a temporary or conditional permit, since it will expire upon final action by the Authority to grant or deny the original application, and since such temporary or conditional permit does not authorize any construction activity, operation or discharge which will violate any of the laws, rules or regulations of the State of Oregon or the Lane Regional Air Pollution Authority.

5. Public Notice. If the Authority proposes to issue a permit, public notice of proposed provisions prepared by the Authority will be forwarded to the applicant and other interested persons, at the discretion of the Authority, for comment. The public notice shall allow thirty (30) days for written comment from the applicant, the public and the interested local, state and federal agencies prior to issuance of the permit. Public notice shall include the names and quantities of new or increased emissions for which permit limits are proposed or new or increased emissions which exceed Significant Emission Rates established by the Authority. If, within fourteen (14) days after commencement of the public notice period, the Authority receives written requests from ten (10) persons, or from an organization or organizations representing at least ten persons, for a public hearing to allow interested persons to appear and submit oral or written comments on the proposed provisions, the Authority shall provide such a hearing before taking final action on the application, at a reasonable place and time and on reasonable notice. Notice of such a hearing may be given, at the Authority's discretion, either in the notice accompanying the proposed provisions or in such other manner as is reasonably calculated to inform interested persons. The Authority shall take final action on the permit application within forty-five (45) days of the closing of the public comment period or the hearing record.

6. The Authority may adopt or modify the proposed provisions or recommend denial of a permit. In taking such action, the Authority shall consider the comments received regarding the proposed provisions and any other information obtained which may be pertinent to the application being considered.

7. The Authority shall promptly notify the applicant in writing of the final action taken on the application. If the conditions of the permit issued are different from the proposed provisions forwarded to the applicant for review, the notification shall include the reasons for the changes made. A copy of the permit issued shall be attached to the notification.

8. If the applicant is dissatisfied with the conditions or limitations of any permit issued by the Authority, the applicant may request a hearing before the Board of Directors or its authorized representative. Such a request for hearing shall be made in writing to the Director within twenty (20) days of the date of mailing of the notification of issuance of the permit. Any hearing held shall be conducted pursuant to the rules of the Authority.

9. If the Authority proposes to deny issuance of a permit, it shall notify the applicant by registered or certified mail of the intent to deny and the reasons for denial. The denial shall become effective twenty (20) days from the date of mailing of such notice unless, within that time, the applicant requests a hearing. Any hearing held shall be conducted pursuant to the rules of the Authority.

10. Permits issued by the Authority will specify those activities, operations, emissions and discharges which are permitted, as well as requirements, limitations and conditions which must be met.

11. No permit will be issued to an air contaminant source which is not in compliance with applicable rules, unless a compliance schedule is made a condition of the permit.

12. Each permit proposed to be issued or revised by the Authority shall be submitted to the Department of Environmental Quality at least thirty (30) days prior to the proposed issuance date.

13. A copy of each permit issued, modified or revoked by the Authority pursuant to this section shall be promptly submitted to the Department.

14. The Authority may waive the procedures prescribed in these rules and issue special permits of duration not to exceed sixty (60) days from the date of issuance for unexpected or emergency activities, operations, emissions or discharges. Said permits shall be properly conditioned to insure adequate protection of property and preservation of public health, welfare and resources and shall include provisions for compliance with applicable emissions standards of the Authority. Application for such permits shall be in writing and may be in the form of a letter which fully describes the emergency and the proposed activities, operations, emissions or discharges, as described in subsection 2 of this section.

15. The Authority may institute modification of a permit due to changing conditions or standards, receipt of additional information or other reason, by notifying the permittee by registered or certified mail of its intention to modify the permit. Such notification shall include the proposed modification and the reasons for modification. The modifications shall become effective twenty (20) days from the date of mailing of such notice unless, within that time, the permittee requests a hearing. Such a request for hearing shall be made in writing, and the hearing shall be conducted pursuant to the rules of the Authority. A copy of the modified permit shall be forwarded to the permittee as soon as the modification becomes effective. The existing permit shall remain in effect until the modified permit is issued.

16. The procedure for issuance of a permit shall apply to renewal of a permit. If a completed application for renewal of a permit is filed with the Authority in a timely manner prior to the

~~expiration date of the permit, the permit shall not be deemed to expire until final action has been taken on the renewal application to issue or deny a permit.~~

~~*Section 34-130 Amended 06/13/00; Section 34-130 Amended 09/09/97*~~

~~Section 34-140 Permit Duration~~

~~1. The duration of permits may vary but shall not exceed ten (10) years, except that Synthetic Minor Permits shall not be issued for more than five (5) years. The expiration date will be recorded on each permit issued.~~

~~2. Air Contaminant Discharge Permits issued by the Authority shall be automatically terminated:~~

~~A. Within sixty (60) days after sale or exchange of the activity or facility which requires a permit;~~

~~B. Upon change in the nature of activities, operations, emissions or discharges from those of record in the last application;~~

~~C. Within one (1) year after a plant closure lasting continuously for one (1) or more years.~~

~~D. Upon issuance of a new, renewal or modified permit for the same operation; or~~

~~E. Upon written request of the permittee.~~

~~3. In the event that it becomes necessary to suspend or terminate a permit due to non-compliance with the terms of the permit, unapproved changes in operation, false information submitted in the application or any other cause, the Authority shall notify the permittee by registered or certified mail of its intent to suspend or revoke the permit. Such notification shall include the reasons for the suspension or revocation. The suspension or revocation shall become effective twenty (20) days from the date of mailing of such notice unless, within that time, the permittee requests hearing. Such a request for hearing shall be made in writing and shall state the grounds for the request.~~

~~4. Termination of a permit resulting from continuous plant closure shall subject the source to review as a new non-permitted source upon application to operate the facility.~~

~~5. If the Authority finds that there is a serious danger to the public health or safety or that irreparable damage to a resource will occur, it may suspend or terminate a permit, effective immediately. Notice of such suspension or termination must state the reasons for action and advise the permittee that he may request a hearing. Such a request for hearing shall be made in writing within ninety (90) days of the date of suspension and shall state the grounds for the request.~~

~~6. Any hearing requested under this Section shall be conducted pursuant to the rules of the Authority.~~

~~*Section 34-140 Amended 06/13/00.*~~

~~Section 34-150 ACDP Fees~~

1. All persons applying for an ACD permit for a new source, a source operating without a permit, or a renewal of an existing ACDP shall at the time of application pay the following fees:

   A. a filing fee as listed in Table A Part I, item J, of this rule;

   B. an application processing fee as listed in Table A Part II of this rule; and

   C. an annual compliance determination fee as listed in Table A Part II of this rule.
   D. New and previously unpermitted sources are also subject to initial construction review (Table A, Part I).

   Both the application processing fee and the annual compliance fee may be waived when applying for letter permits (see Section 34-100-6, Permit Categories).

2. All persons applying for a modification of an existing ACDP shall at the time of application pay the following fees:

   A. a filing fee as listed in Table A Part I, Item J, of this rule; and

   B. an application processing fee as listed in Table A Part II of this rule.

   The application processing fee may be waived when applying for letter permits (see Section 34-100-6, Permit Categories). Modifications subject to the requirements of Section 34-035, Requirements for Construction, may be subject to the fees of Table A Part I, in addition to the fees of Table A Part II.

3. All persons applying for a Synthetic Minor ACDP (34-120) shall at the time of application pay the following fees:

   A. a filing fee as listed in OAR 340-216-0090 Table 1, Part I;

   B. an application processing fee as listed in OAR 340-216-0090 Table 1, Part I;

   C. an annual compliance determination fee as listed in OAR 340-216-0090 Table 1, Part I; and

   D. all of the applicable fees of LRAPA Title 34, Table A Part I.

4. The fee schedule contained in Table A Part II shall be applied to determine the ACDP fees on a standard industrial classification (SIC) basis.

5. Applications for multiple source permits received pursuant to Section 34-100-4 (Permit Categories) shall be subject to a single filing fee. The application processing fee and annual compliance determination fee for multiple-source permits shall be equal to the total amounts required by the individual sources involved, as listed in Table A Part II.

~~6. In addition to the fees mentioned above, sources may be subject to the fees of Table A Part I. The fees for construction review shall be based on the definitions of review levels in Section 34-035-3.~~

~~7. Modifications of existing, unexpired permits, which are instituted by the Authority due to changing conditions or standards, receipt of additional information or any other reason pursuant to applicable statutes and which do not require refiling or review of an application or plans and specifications, shall not require submittal of the filing fee or the application processing fee.~~

~~8. The annual compliance determination fee shall be paid at least thirty (30) days prior to the start of each subsequent permit year. Failure to remit the annual compliance determination fee on time shall be considered grounds for not issuing a permit or for terminating an existing permit. Also, such a failure is, in and of itself, a violation and may subject the permittee to enforcement procedures as defined in Title 15 of LRAPA Rules and Regulations.~~

~~9. If a permit is issued for a period of less than one year, the applicable annual compliance determination fee shall be equal to the full annual fee. If a permit is issued for a period greater than twelve (12) months, the applicable annual compliance determination fee shall be prorated by multiplying the annual compliance fee by the number of months covered by the permit and dividing by twelve (12).~~

~~10. If a temporary or conditional permit is issued in accordance with adopted procedure, fees submitted with the application shall be applied to the regular permit when it is granted or denied.~~

~~11. All fees shall be made payable to the Authority.~~

~~12. Table A Part II of this Title lists all air contaminant sources required to have a permit and the associated fee schedule.~~

~~13. The fees in LRAPA 34, Table A will increase by four (4) percent on July 1 of each year, beginning on July 1, 2001.~~

~~*Section 34-150 Amended 06/13/00; Section 34-150 Amended 05/12/98.*~~

Section 34-160 New Source Review

New Source Review requirements are contained in LRAPA Title 38, Sections 38-001 through 38-050.

RULES APPLICABLE TO SOURCES REQUIRED TO HAVE TITLE V OPERATING PERMITS

Section 34-170 Applicability

Sections 34-180 through 34-200 apply to any stationary source defined under OAR 340-218-0020.

Section 34-170 Amended 06/13/00.

Section 34-180 Authority to Implement

In accordance with OAR 340-218-0010, OAR 340-218-0010, and OAR 340-244-0020, ~~the Authority~~LRAPA is authorized to implement all Oregon Administrative Rules, Divisions 218, 220, and 244, which apply to sources subject to the Title V Operating Permit program in Lane County. LRAPA shall implement Division 218, 220, and 244 rules as they pertain to Title V Operating Permit Program sources until such time as it adopts its own Title V Permit Program rules.

Section 34-180 Amended 06/13/00.

Section 34-190 Definitions

All definitions relevant to Title V Operating Permit Program rules are contained in OAR 340-200-0020 and are adopted here by reference in their entirety.

Section 34-190 Amended 06/13/00.

Section 34-200 Title V Operating Permitting Program Requirements and Procedures

All rules pertaining to permitting of sources subject to Title V Operating Permit program are contained in OAR 340-218-0020 through 220-0190 and OAR Division 244 and 248, and shall be implemented by ~~the Authority~~LRAPA in accordance with Section 34-180.

Section 34-200 Amended 06/13/00.

~~RULES APPLICABLE TO SOURCES DESIRING GREEN PERMITS~~

~~Section 34-210 Applicability~~

~~Sections 34-220 through 34-230 apply to stationary sources regulated by the Authority=s rules who voluntarily wish to obtain a Green Permit as defined under OAR 340-014-0105.~~

~~*Section 34-210 is not included in Oregon's SIP. Original adoption of this section 09/14/99.*~~

~~Section 34-220 Authority to Implement~~

~~In accordance with OAR 340-104-0100, the Authority is authorized to implement all Oregon Administrative Rules in Division 14 that apply to Green Permits.~~

~~*Section 34-220 is not included in Oregon=s SIP. Original adoption of this section 09/14/99.*~~

~~Section 34-230 Green Permits Permitting Program Requirements and Procedures~~

~~All rules and definitions pertaining to requirements and procedures for obtaining Green Permits are contained in OAR 340-014-0100 through OAR 340-014-0165 and are adopted here by reference in their entirety.~~
~~*Section 34-230 is not included in Oregon=s SIP. Original adoption of this section 09/14/99.*~~

~~DIVISION 212~~TITLE 35

STATIONARY SOURCE TESTING AND MONITORING

~~340-212~~Section 35-0010
Definitions

The definitions in ~~OAR 340-200-0020~~LRAPA Title 12 and this rule apply to this ~~division~~title. If the same term is defined in this rule and ~~OAR 340-200-0020~~LRAPA Title 12, the definition in this rule applies to this ~~division~~title.

~~[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]~~
~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468A.025~~
~~Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99~~

Sampling, Testing and Measurement

Section 35~~340-212~~-0110
Applicability

~~OAR 340-212~~ Section 35-0110 through ~~340-212~~35-0160 apply to all stationary sources in ~~the state~~Lane County.

~~[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~
~~Stat. Auth.: ORS 468 & ORS 468A~~
~~Stats. Implemented: ORS 468 & ORS 468A~~
~~Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. &cert. ef. 10-6-95; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0900~~

Section 35~~340-212~~-0120
Program

(1) As part of its coordinated program of air quality control and preventing and abating air pollution, ~~the Department~~LRAPA may:
  (a) Require the owner or operator of a stationary source to determine the type, quantity, quality, and duration of the emissions from any air contamination source;
  (b) Require full reporting in writing of all test procedures and signed by the person or persons responsible for conducting the tests;
  (c) Require continuous monitoring of specified air contaminant emissions or parameters and periodic regular reporting of the results of such monitoring.

(2) ~~The Department~~LRAPA may require an owner or operator of a source to provide emission testing facilities as follows:
  (a) Sampling ports, safe sampling platforms, and access to sampling platforms adequate for test methods applicable to such source; and
  (b) Utilities for sampling and testing equipment.

(3) Testing must be conducted in accordance with the ~~Department's~~ ODEQ's **Source Sampling Manual (January 1992)**, the ~~Department's~~ ODEQ's **Continuous Monitoring Manual (January 1992)**, or an applicable EPA Reference Method unless ~~the Department~~LRAPA, if allowed under applicable federal requirements:
  (a) Specifies or approves minor changes in methodology in specific cases;

(b) Approves the use of an equivalent method or alternative method that will provide adequate results;

(c) Waives the testing requirement because the owner or has satisfied ~~the Department~~LRAPA that the affected facility is in compliance with applicable requirements; or

(d) Approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors.

~~[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~

~~[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]~~

~~Stat. Auth.: ORS 468 & ORS 468A~~

~~Stats. Implemented: ORS 468 & ORS 468A~~

~~Hist.: DEQ 15, f. 6-12-70, ef. 9-1-70; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0035; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1100~~

Section 35~~340-212~~-0130

Stack Heights and Dispersion Techniques

(1) **40 CFR Parts 51.100(ff)** through **51.100(kk), 51.118, 51.160** through **51.166 (July 1, 2000)**, concerning stack heights and dispersion techniques, are adopted and incorporated herein.

the federal rule generally prohibits the use of excessive stack height and certain dispersion techniques when calculating compliance with ambient air quality standards. The rule forbids neither the construction and actual use of excessively tall stacks, nor the use of dispersion techniques. It only forbids their use in noted calculations.

The rule generally applies as follows: Stacks 65 meters high or greater that were constructed after December 31, 1970, and major modifications made after December 31, 1970 to existing plants with stacks 65 meters high or greater which were constructed before that date are subject to this rule. Certain stacks at federally owned, coal-fired steam electric generating units constructed under a contract awarded before February 8, 1974 are exempt. Any dispersion technique implemented after December 31, 1970 at any plant is subject to this rule. However, if the plant's total allowable emissions of sulfur dioxide are less than 5,000 tons per year, then certain dispersion techniques to increase final exhaust gas plume rise may be used when calculating compliance with ambient air quality standards for sulfur dioxide:

(2) Where found in the federal rule, the following terms apply

(a) "Reviewing agency" means the Department, LRAPA, or the EPA, as applicable;

(b) "Authority administering the State Implementation Plan" means Department, LRAPA, or EPA;

(c) The "procedures" referred to in **40 CFR 51.164** are the ~~Department's~~ LRAPA's New Source Review procedures (~~OAR 340 division 224 or~~ Title 38 of LRAPA rules), and the review procedures for new, or modifications to, minor sources, at ~~the Department's~~LRAPA's review procedures for new or modified minor sources (~~OAR 340-210~~Section 34-0200 to ~~340-210~~34-0220, ~~OAR 340 division 216~~ or LRAPA Title ~~34~~37).

(d) "The state" or "state, or local control agency" as referred to in **40 CFR 51.118**, means the Department or LRAPA;

(e) "Applicable state implementation plan" and "plan" refer to the Department's or LRAPA's programs and rules, as approved by the EPA, or any regulations promulgated by EPA (see **40 CFR Part 52**, **Subpart MM**).

~~[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~
~~[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]~~
~~Stat. Auth.: ORS 468 & ORS 468A~~
~~Stats. Implemented: ORS 468 & ORS 468A~~
~~Hist.: DEQ 11-1986, f. & ef. 5-12-86; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0037; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1110~~

Section 35~~340-212~~-0140

Methods

(1) Any sampling, testing, or measurement performed pursuant to this ~~division~~ title must conform to methods contained in ~~the **Department's**~~ODEQ's **Source Sampling Manual (January 1992)** or to recognized applicable standard methods approved in advance by ~~the Department~~LRAPA.

(2) ~~The Department~~LRAPA may approve any alternative method of sampling if it finds that the proposed method is satisfactory and complies with the intent of these rules, is at least equivalent to the uniform recognized procedures in objectivity and reliability, and is demonstrated to be reproducible, selective, sensitive, accurate, and applicable to the program.

~~[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~
~~[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]~~
~~Stat. Auth.: ORS 468.020 & ORS 468A.310~~
~~Stats. Implemented: ORS 468 & ORS 468A~~
~~Hist.: DEQ 15, f. 6-12-70, ef. 9-11-70; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0040; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1120~~

Section 35~~340-212~~-0150

~~Department~~ LRAPA Testing

Instead of asking for tests and sampling of emissions from the owner or operator of a source ~~the Department~~ LRAPA may conduct such tests alone or in conjunction with the owner or operator. If ~~the Department~~LRAPA conducts the testing or sampling, the agency will provide a copy of the results to the owner or operator.

~~[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~
~~Stat. Auth.: ORS 468.020 & ORS 468A.310~~
~~Stats. Implemented: ORS 468 & ORS 468A~~
~~Hist.: DEQ 15, f. 6-12-70, ef. 9-1-70; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0045; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1130~~

~~**340-212-0160**~~
~~**Records; Maintaining and Reporting**~~
~~Renumbered to 340-214-0114~~
~~Hist.: DEQ 44(Temp), f. & ef. 5-5-72; DEQ 48, f. 9-20-72, ef. 10-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0046; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1140, Renumbered to 340-214-0114~~

Compliance Assurance Monitoring

Section 35~~340-212~~-0200
Purpose and Applicability

(1) The purpose of ~~OAR 340-212~~ Section 35-0200 through ~~340-212~~35-0280 is to require, as part of the issuance of a permit under title V of the Act, improved or new monitoring at those emissions units where monitoring requirements do not exist or are inadequate to meet the requirements of Section 35~~OAR 340-212~~-0200 through ~~340-212~~35-0280. Except for backup utility units that are exempt under subsection (2)(b) of this ~~rule~~section, the requirements of Section 35~~OAR 340-212~~-0200 through ~~340-212~~35-0280 apply to a pollutant-specific emissions unit at a major source that is required to obtain an ~~Oregon~~ LRAPA Title V Operating Permit if the unit meets all of the following criteria:

(a) The unit is subject to an emission limitation or standard for the applicable regulated air pollutant (or a surrogate thereof), other than an emission limitation or standard that is exempt under subsection (2)(a);

(b) The unit uses a control device to achieve compliance with any such emission limitation or standard; and

(c) The unit has potential pre-control device emissions of the applicable regulated air pollutant that are equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source. For purposes of this subsection, "potential pre-control device emissions" has the same meaning as "potential to emit," as defined in ~~340-200-0020~~LRAPA Title 12, except that emission reductions achieved by the applicable control device are not taken into account.

(2) Exemptions:

(a) Exempt emission limitations or standards. The requirements of Section 35~~OAR 340-212~~-0200 through ~~340-212~~35-0280 do not apply to any of the following emission limitations or standards:

(A) Emission limitations or standards proposed by the Administrator after November 15, 1990 pursuant to section 111 or 112 of the Act;

(B) Stratospheric ozone protection requirements under title VI of the Act;

(C) Acid Rain Program requirements pursuant to sections 404, 405, 406, 407(a), 407(b), or 410 of the Act;

(D) Emission limitations or standards or other applicable requirements that apply solely under an emissions trading program approved or promulgated by the Administrator under the Act that allows for trading emissions within a source or between sources;

(E) An emissions cap that meets the requirements specified in 40 CFR 70.4(b)(12), 71.6(a)(13)(iii) (July 2000), or ~~OAR 340 division 222~~LRAPA Title 42 (Plant Site Emission Limits);

(F) Emission limitations or standards for which an ~~Oregon~~ LRAPA Title V Operating Permit specifies a continuous compliance determination method, as defined in

~~OAR 340-200-0020~~LRAPA Title 12. The exemption does not apply if the applicable compliance method includes an assumed control device emission reduction factor that could be affected by the actual operation and maintenance of the control device. For example a certain surface coating line is controlled by an incinerator whose continuous compliance is determined by calculating emissions on the basis of coating records and an assumed control device efficiency factor based on an initial performance test. In this example, Section 35~~OAR 340-212~~-0200 through ~~212~~35-0280 apply to the control device and capture system, but not to the remaining elements of the coating line, such as raw material usage.

(b) Exemption for backup utility power emissions units. The requirements of Section 35~~OAR 340-212~~-0200 through ~~212~~35-0280 do not apply to a utility unit, as defined in 40 CFR 72.2 (July 2000), that is municipally owned if the owner or operator provides documentation in an ~~Oregon~~ LRAPA Title V Operating Permit application that:

(A) The utility unit is exempt from all monitoring requirements in 40 CFR part 75 (July 2000) (including the appendices thereto);

(B) The utility unit is operated solely for providing electricity during periods of peak electrical demand or emergency situations and will be operated consistent with that purpose throughout the ~~Oregon~~ LRAPA Title V Operating Permit term. The owner or operator must provide historical operating data and relevant contractual obligations to document that this criterion is satisfied; and

(C) The actual emissions from the utility unit, based on the average annual emissions over the last three calendar years of operation (or such shorter time period that is available for units with fewer than three years of operation) are less than 50 percent of the amount in tons per year required for a source to be classified as a major source and are expected to remain so.

~~[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]~~
~~Stat. Auth.: ORS 468.020 & ORS 468A.310~~
~~Stats. Implemented: ORS 468.020 & ORS 468A.310~~
~~Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1200~~

Section 35~~340-212~~-0210

Monitoring Design Criteria

(1) General criteria. To provide a reasonable assurance of compliance with emission limitations or standards for the anticipated range of operations at a pollutant-specific emissions unit, monitoring under Section 35~~OAR 340-212~~-0200 through ~~340-212~~35-0280 must meet the following general criteria:

(a) The owner or operator must design the monitoring to obtain data for one or more indicators of emission control performance for the control device, any associated capture system and, if necessary to satisfy subsection (1)(b) of this ~~rule~~section, processes at a pollutant-specific emissions unit. Indicators of performance may include, but are not limited to, direct or predicted emissions (including visible emissions or opacity), process and control device parameters that affect control device (and capture system) efficiency or emission rates, or recorded findings of inspection and maintenance activities conducted by the owner or operator;

(b) The owner or operator must establish an appropriate range(s) or designated condition(s) for the selected indicator(s) such that operation within the ranges

provides a reasonable assurance of ongoing compliance with emission limitations or standards for the anticipated range of operating conditions. Such range(s) or condition(s) must reflect the proper operation and maintenance of the control device (and associated capture system), in accordance with applicable design properties, for minimizing emissions over the anticipated range of operating conditions at least to the level required to achieve compliance with the applicable requirements. The reasonable assurance of compliance will be assessed by maintaining performance within the indicator range(s) or designated condition(s). The ranges must be established in accordance with the design and performance requirements in this rule and documented in accordance with the requirements in Section 35~~OAR 340-212~~-0220. If necessary to assure that the control device and associated capture system can satisfy this criterion, the owner or operator must monitor appropriate process operational parameters (such as total throughput where necessary to stay within the rated capacity for a control device). In addition, unless specifically stated otherwise by an applicable requirement, the owner or operator must monitor indicators to detect any bypass of the control device (or capture system) to the atmosphere, if such bypass can occur based on the design of the pollutant-specific emissions unit;

(c) The design of indicator ranges or designated conditions may be:

(A) Based on a single maximum or minimum value if appropriate (e.g., maintaining condenser temperatures a certain number of degrees below the condensation temperature of the applicable compound(s) being processed) or at multiple levels that are relevant to distinctly different operating conditions (e.g., high versus low load levels);

(B) Expressed as a function of process variables (e.g., an indicator range expressed as minimum to maximum pressure drop across a venturi throat in a particulate control scrubber);

(C) Expressed as maintaining the applicable parameter in a particular operational status or designated condition (e.g., position of a damper controlling gas flow to the atmosphere through a by-pass duct);

(D) Established as interdependent between more than one indicator.

(2) Performance criteria. The owner or operator must design the monitoring to meet the following performance criteria:

(a) Specifications that provide for obtaining data that are representative of the emissions or parameters being monitored (such as detector location and installation specifications, if applicable);

(b) For new or modified monitoring equipment, verification procedures to confirm the operational status of the monitoring prior to the date by which the owner or operator must conduct monitoring under Section 35~~OAR 340-212~~-0200 through ~~340-212~~35-0280 as specified in Section 35~~OAR 340-212~~-0250(1). The owner or operator must consider the monitoring equipment manufacturer's requirements or recommendations for installation, calibration, and start-up operation;

(c) Quality assurance and control practices that are adequate to ensure the continuing validity of the data. The owner or operator must consider manufacturer recommendations or requirements applicable to the monitoring in developing appropriate quality assurance and control practices;

(d) Specifications for the frequency of the monitoring, the data collection procedures that will be used (e.g., computerized data acquisition and handling, alarm sensor, or manual log entries based on gauge readings), and, if applicable, the period over which

discrete data points will be averaged for the purpose of determining whether an excursion or exceedance has occurred:

(A) At a minimum, the owner or operator must design the period over which data are obtained and, if applicable, averaged consistent with the characteristics and typical variability of the pollutant-specific emissions unit (including the control device and associated capture system). Such intervals must be commensurate with the time period over which a change in control device performance that would require actions by owner or operator to return operations within normal ranges or designated conditions is likely to be observed;

(B) For all pollutant-specific emissions units with the potential to emit, calculated including the effect of control devices, the applicable regulated air pollutant in an amount equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source, for each parameter monitored, the owner or operator must collect four or more data values equally spaced over each hour and average the values, as applicable, over the applicable averaging period as determined in accordance with paragraph (2)(d)(A). ~~The Department~~LRAPA may approve a reduced data collection frequency based on information presented by the owner or operator concerning the data collection mechanisms available for a particular parameter for the particular pollutant-specific emissions unit (e.g., integrated raw material or fuel analysis data, noninstrumental measurement of waste feed rate or visible emissions, use of a portable analyzer or an alarm sensor);

(C) For other pollutant-specific emissions units, the frequency of data collection may be less than the frequency specified in paragraph (2)(d)(B) of this ~~rule~~section, but the monitoring must include some data collection at least once per 24-hour period (e.g., a daily inspection of a carbon adsorber operation in conjunction with a weekly or monthly check of emissions with a portable analyzer).

(3) Evaluation factors. In designing monitoring to meet the requirements in sections (1) and (2) of this ~~rule~~section, the owner or operator must take into account site-specific factors including the applicability of existing monitoring equipment and procedures, the ability of the monitoring to account for process and control device operational variability, the reliability and latitude built into the control technology, and the level of actual emissions relative to the compliance limitation.

(4) Special criteria for the use of continuous emission, opacity or predictive monitoring systems:

(a) If a continuous emission monitoring system (CEMS), continuous opacity monitoring system (COMS), or predictive emission monitoring system (PEMS) is required by other authority under the Act or state or local law, the owner or operator must use such system to satisfy the requirements of ~~OAR 340-212~~Section 35-0200 through ~~340-212~~35-0280;

(b) The use of a CEMS, COMS, or PEMS that satisfies any of the following monitoring requirements satisfies the general design criteria in sections (1) and (2) of this ~~rule~~section. However, a COMS may be subject to the criteria for establishing indicator ranges under section (1) of this ~~rule~~section:

(A) Section 51.214 and Appendix P of 40 CFR part 51 (July 1, 2000);

(B) Section 60.13 and Appendix B of 40 CFR part 60 (July 1, 2001);

(C) Section 63.8 and any applicable performance specifications required pursuant to the applicable subpart of 40 CFR part 63 (July 1, 2000);

(D) 40 CFR part 75 (July 1, 2000);

(E) Subpart H and Appendix IX of 40 CFR part 266 July 1, 2000); or

(F) If an applicable requirement does not otherwise require compliance with the requirements listed in paragraphs (4)(b)(A) through (E), comparable requirements and specifications established by ~~the Department~~LRAPA.

(c) The owner or operator must design the monitoring system subject to section (4) to:

(A) Allow for reporting exceedances (or excursions if applicable to a COMS used to assure compliance with a particulate matter standard), consistent with any period for reporting of exceedances in an underlying requirement. If an underlying requirement does not contain a provision for establishing an averaging period for the reporting of exceedances or excursions, the criteria used to develop an averaging period in section (2)(d) applies; and

(B) Provide an indicator range consistent with section (1) for a COMS used to assure compliance with a particulate matter standard. If an opacity standard applies to the pollutant-specific emissions unit, such limit may be used as the appropriate indicator range unless the opacity limit fails to meet the criteria in section (1) after considering the type of control device and other site-specific factors applicable to the pollutant-specific emissions unit.

~~[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]~~

~~Stat. Auth.: ORS 468.020 & ORS 468A.310~~

~~Stats. Implemented: ORS 468.020 & ORS 468A.310~~

~~Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1210~~

Section 35~~340-212~~-0220

Submittal Requirements

(1) The owner or operator must submit to ~~the Department~~LRAPA monitoring plans that satisfy the design requirements in Section 35~~OAR 340-212~~-0210. The submission must include the following information:

(a) The indicators to be monitored to satisfy Section 35~~OAR 340-212~~-0210(1)(a) and (b);

(b) The ranges or designated conditions for such indicators, or the process by which such indicator ranges or designated conditions will be established;

(c) The performance criteria for the monitoring to satisfy Section 35~~OAR 340-212~~-0210(2); and

(d) If applicable, the indicator ranges and performance criteria for a CEMS, COMS or PEMS pursuant to Section 35~~OAR 340-212~~-0210(4).

(2) As part of the information submitted, the owner or operator must submit a justification for the proposed elements of the monitoring plans. If the performance specifications proposed to satisfy Section 35~~OAR 340-212~~-0210(2)(b) or (c) include differences from manufacturer recommendations, the owner or operator must explain the reasons for the differences. The owner or operator also must submit any data supporting the justification and may refer to generally available sources of information used to support the justification (such as generally available air pollution engineering manuals, or EPA or ~~Department~~ LRAPA publications on appropriate monitoring for various types of control devices or capture systems). To justify the appropriateness of the monitoring elements proposed, the owner or operator may rely in part on existing applicable requirements that establish the monitoring for the applicable pollutant-specific emissions unit or a similar

unit. If an owner or operator relies on presumptively acceptable monitoring, no further justification for the appropriateness of that monitoring should be necessary other than an explanation of the applicability of such monitoring to the unit in question, unless data or information is brought forward to rebut the assumption. Presumptively acceptable monitoring includes:

(a) Presumptively acceptable or required monitoring approaches, established by ~~the Department~~LRAPA in a rule that constitutes part of the applicable implementation plan required pursuant to title I of the Act, that are designed to achieve compliance with Section 35~~OAR 340-212~~-0200 through ~~340-212~~35-0280 for particular pollutant-specific emissions units;

(b) Continuous emission, opacity, or predictive emission monitoring systems that satisfy applicable monitoring requirements and performance specifications contained in Section 35~~OAR 340-212~~-0210(d);

(c) Excepted or alternative monitoring methods allowed or approved pursuant to **40 CFR part 75 (July 1, 2000)**;

(d) Monitoring included for standards exempt from Section 35~~OAR 340-212~~-0200 through ~~340-212~~35-0280 pursuant to Section 35~~OAR 340-212~~-0200(2)(a)(A) through (F) to the extent such monitoring is applicable to the performance of the control device (and associated capture system) for the pollutant-specific emissions unit; and

(e) Presumptively acceptable monitoring methods identified in guidance by EPA.

(3)(a) Except as provided in section (4), the owner or operator must submit control device (and process and capture system, if applicable) operating parameter data obtained during the conduct of the applicable compliance or performance test conducted under conditions specified by the applicable rule. If the applicable rule does not specify testing conditions or only partially specifies test conditions, the performance test generally must be conducted under conditions representative of maximum emissions potential under anticipated operating conditions at the pollutant-specific emissions unit. Such data may be supplemented by engineering assessments and manufacturer's recommendations to justify the indicator ranges (or, if applicable, the procedures for establishing such indicator ranges). Emission testing is not required to be conducted over the entire indicator range or range of potential emissions;

(b) The owner or operator must document that no changes to the pollutant-specific emissions unit, including the control device and capture system, have taken place that could result in a significant change in the control system performance or the selected ranges or designated conditions for the indicators to be monitored since the performance or compliance tests were conducted.

(4) If existing data from unit-specific compliance or performance testing specified in section (3) are unavailable, the owner or operator:

(a) Must submit a test plan and schedule for obtaining such data in accordance with section (5); or

(b) May submit indicator ranges (or procedures for establishing indicator ranges) that rely on engineering assessments and other data, if the owner or operator demonstrates that factors specific to the type of monitoring, control device, or pollutant-specific emissions unit make compliance or performance testing unnecessary to establish indicator ranges at levels that satisfy the criteria in Section 35~~OAR 340-212~~-0210(1).

(5) If the monitoring plans submitted by the owner or operator requires installation, testing, or other necessary activities before conducting the monitoring for purposes of Section 35~~OAR 340-212~~-0200 through ~~340-212~~35-0280, the owner or operator must include an

implementation plan and schedule for installing, testing and performing any other appropriate activities before conducting the monitoring. The implementation plan and schedule must provide for conducting the monitoring as expeditiously as practicable after ~~the Department~~LRAPA approves the monitoring plans in the ~~Oregon~~ LRAPA Title V Operating Permit pursuant to Section 35~~OAR 340-212~~-0240. In no case may the schedule for completing installation and beginning operation of the monitoring exceed 180 days after approval of the permit.

(6) If a control device is common to more than one pollutant-specific emissions unit, the owner or operator may submit monitoring plans for the control device and identify the pollutant-specific emissions units affected and any process or associated capture device conditions that must be maintained or monitored in accordance with Section 35~~OAR 340-212~~-0210(1) rather than submit separate monitoring plans for each pollutant-specific emissions unit.

(7) If a single pollutant-specific emissions unit is controlled by more than one control device that is similar in design and operation, the owner or operator may submit monitoring plans that apply to all the control devices and identify the control devices affected and any process or associated capture device conditions that must be maintained or monitored in accordance with Section 35~~OAR 340-212~~-0210(1) rather than submit a separate description for each control device.

~~[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]~~
~~Stat. Auth.: ORS 468.020 & ORS 468A.310~~
~~Stats. Implemented: ORS 468.020 & ORS 468A.310~~
~~Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1220~~

Section 35~~340-212~~-0230
Deadlines for Submittals

(1) Large pollutant-specific emissions units. For all pollutant-specific emissions units with the potential to emit the applicable regulated air pollutant in an amount equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source, the owner or operator must submit the information required under Section 35~~OAR 340-212~~-0220 at the following times:

(a) The owner or operator must submit information as part of an application for an initial ~~Oregon~~ LRAPA Title V Operating Permit if, by that date, the application either:

(A) Has not been filed, or

(B) Has not yet been determined to be complete by ~~the Department~~LRAPA.

(b) The owner or operator must submit information as part of an application for a significant permit revision under OAR 340-218-0080, but only with respect to those pollutant-specific emissions units for which the proposed permit revision applies;

(c) The owner or operator must submit any information not submitted under the deadlines set forth in subsections (1)(a) and (b) of this ~~rule~~ section as part of the application for the renewal of an ~~Oregon~~ LRAPA Title V Operating Permit.

(2) Other pollutant-specific emissions units. For all other pollutant-specific emissions units subject to Section 35~~OAR 340-212~~-0220 through ~~340-212~~35-0280 and not subject to section (1) of this rule, the owner or operator must submit the information required under Section 35~~OAR 340-212~~-0220 as part of an application for a renewal of an ~~Oregon~~ LRAPA Title V Operating Permit.

(3) A permit reopening to require the submittal of information under this rule is not required by OAR 340-218-0200(1)(a)(A).If, however, an ~~Oregon~~ LRAPA Title V Operating Permit is reopened for cause by EPA or ~~the Department~~LRAPA pursuant to OAR 340-218-0200(1)(a)(C), (D), or (E), the applicable agency may require the submittal of information under this rule for those pollutant-specific emissions units that are subject to Section 35~~OAR 340-212~~-0200 through ~~340-212~~35-0280 and that are affected by the permit reopening.

(4) Until ~~the Department~~LRAPA approves monitoring plans that satisfy the requirements of Section 35~~OAR 340-212~~-0200 through ~~340-212~~35-0280, the owner or operator is subject to the requirements of OAR 340-218-0050(3)(a)(C).

~~Stat. Auth.: ORS 468.020 & ORS 468A.310~~
~~Stats. Implemented: ORS 468.020 & ORS 468A.310~~
~~Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ14-1999, f. & cert. ef. 10-14-99,~~ ~~Renumbered from 340-028-1230~~

Section 35~~340-212~~-0240
Approval of Monitoring plans

(1) Based on an application that includes the information submitted in accordance with Section 35~~OAR 340-212~~-0230, ~~the Department~~LRAPA will approve the monitoring plans submitted by the owner or operator by confirming that the plans satisfy the requirements in Section 35~~OAR 340-212~~-0210.

(2) ~~The Department~~LRAPA may condition its approval on the owner or operator collecting additional data on the indicators to be monitored for a pollutant-specific emissions unit, including required compliance or performance testing, to confirm that the monitoring will provide data sufficient to satisfy the requirements of Section 35~~OAR 340-212~~-0200 through ~~340-212~~35-0280 and to confirm the appropriateness of an indicator range(s) or designated condition(s) proposed to satisfy Section 35~~OAR 340-212~~-0210(1)(b) and (c) and consistent with the schedule in Section 35~~OAR 340-212~~-0220(4).

(3) If ~~the Department~~LRAPA approves the proposed monitoring, ~~the Department~~LRAPA will establish one or more permit terms or conditions that specify the required monitoring in accordance with OAR 340-218-0050(3)(a). At a minimum, the permit will specify:

(a) The approved monitoring approach that includes all of the following:

(A) The indicator(s) to be monitored (such as temperature, pressure drop, emissions, or similar parameter);

(B) The means or device to be used to measure the indicator(s) (such as temperature measurement device, visual observation, or CEMS); and

(C) The performance requirements established to satisfy Section 35~~OAR 340-212~~-0210(2) or (4), as applicable.

(b) The means by which the owner or operator will define an exceedance or excursion for purposes of responding to and reporting exceedances or excursions under Section 35~~OAR 340-212~~-0250 and ~~340-212~~35-0260. The permit will specify the level at which an excursion or exceedance will be deemed to occur, including the appropriate averaging period associated with such exceedance or excursion. For defining an excursion from an indicator range or designated condition, the permit may either include the specific value(s) or condition(s) at which an excursion occurs, or the specific procedures that will be used to establish that value or condition. If the latter, the permit will specify appropriate notice procedures for the owner or operator to

notify ~~the Department~~LRAPA upon any establishment or reestablishment of the value;

(c) The obligation to conduct the monitoring and fulfill the other obligations specified in Section 35~~OAR 340-212~~-0250 through ~~340-212~~35-0270;

(d) If appropriate, a minimum data availability requirement for valid data collection for each averaging period, and, if appropriate, a minimum data availability requirement for the averaging periods in a reporting period.

(4) If the monitoring proposed by the owner or operator requires installation, testing or final verification of operational status, the ~~Oregon~~ LRAPA Title V Operating Permit will include an enforceable schedule with appropriate milestones for completing such installation, testing, or final verification consistent with the requirements in Section 35~~OAR 340-212~~-0220(5).

(5) If ~~the Department~~LRAPA disapproves the proposed monitoring, the following applies:

(a) The draft or final permit will include, at a minimum, monitoring that satisfies the requirements of OAR 340-218-0050(3)(a)(C);

(b) The draft or final permit will include a compliance schedule for the owner or operator to submit monitoring plans that satisfy Section 35~~OAR 340-212~~-0210 and ~~340-212~~35-0220. In no case may the owner or operator submit revised monitoring more than 180 days from the date of issuance of the draft or final permit; and

(c) If the owner or operator does not submit the monitoring plans in accordance with the compliance schedule contained in the draft of final permit or if ~~the Department~~LRAPA disapproves the proposed monitoring plans, the owner or operator is not in compliance with Section 35~~OAR 340-212~~-0200 through ~~340-212~~35-0280, unless the source owner or operator successfully challenges the disapproval.

~~Stat. Auth.: ORS 468.020 & ORS 468A.310~~
~~Stats. Implemented: ORS 468.020 & ORS 468A.310~~
~~Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ14-1999, f. & cert. ef. 10-14-99,~~
~~Renumbered from 340-028-1240~~

Section 35~~340-212~~-0250
Operation of Approved Monitoring

(1) Commencement of operation. The owner or operator must conduct the monitoring required under Section 35~~OAR 340-212~~-0200 through ~~340-212~~35-0280 upon issuance of an ~~Oregon~~ LRAPA Title V Operating Permit that includes such monitoring, or by any later date specified in the permit pursuant to Section 35~~OAR 340-212~~-0240(4).

(2) Proper maintenance. The owner or operator must at all times maintain the monitoring equipment, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.

(3) Continued operation. Except for monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the owner or operator must conduct all monitoring in continuous operation (or must collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities can not be used for purposes of Section 35~~OAR 340-212~~-0200 through ~~340-212~~35-0280, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The owner or operator must use all the data collected during all other periods in assessing the operation of the control device and

associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.

(4) Response to excursions or exceedances:

(a) Upon detecting an excursion or exceedance, the owner or operator must restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response must include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable;

(b) Determination of whether the owner or operator has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process;

(c) Documentation of need for improved monitoring. After ~~the Department~~LRAPA approves the monitoring plans under Section 35~~OAR 340-212~~-0200 through ~~340-212~~35-0280, if the owner or operator identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not indicate an excursion or exceedance while providing valid data, or if the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the owner or operator must promptly notify ~~the Department~~ LRAPAand, if necessary, submit a proposed modification to the ~~Oregon~~ LRAPA Title V Operating Permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.

~~Stat. Auth.: ORS 468.020 & ORS 468A.310~~
~~Stats. Implemented: ORS 468.020 & ORS 468A.310~~
~~Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ14-1999, f. & cert. ef. 10-14-99,~~ ~~Renumbered from 340-028-1250~~

~~340-212~~Section 35-0260

Quality Improvement Plan (QIP) Requirements

(1) Based on the results of a determination made under ~~OAR 340-212~~Section 25-0250(4)(b), the Administrator or ~~the Department~~LRAPA may require the owner or operator to develop and implement a QIP. Consistent with ~~OAR 340-212~~Section 35-0240(3)(c), the ~~Oregon~~ LRAPA Title V Operating Permit may specify an appropriate threshold, such as an accumulation of exceedances or excursions exceeding 5 percent duration of a pollutant-specific emissions unit's operating time for a reporting period, for requiring the

implementation of a QIP. The threshold may be set at a higher or lower percent or may rely on other criteria for purposes of indicating whether a pollutant-specific emissions unit is being maintained and operated in a manner consistent with good air pollution control practices.

(2) Elements of a QIP:

(a) The owner or operator must maintain a written QIP, if required, and have it available for inspection;

(b) The plan initially must include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the owner or operator must modify the plan to include procedures for conducting one or more of the following actions, as appropriate:

(A) Improved preventive maintenance practices;

(B) Process operation changes;

(C) Appropriate improvements to control methods;

(D) Other steps appropriate to correct control performance;

(E) More frequent or improved monitoring (only in conjunction with one or more steps under paragraphs (A) through (D) above).

(3) If a QIP is required, the owner or operator must develop and implement a QIP as expeditiously as practicable and notify ~~the Department~~LRAPA if the period for completing the improvements contained in the QIP exceeds 180 days from the date on which the need to implement the QIP was determined.

(4) Following implementation of a QIP, upon any subsequent determination pursuant to ~~OAR 340-212~~Section 35-0250(4)(b) the Administrator or ~~the Department~~LRAPA may require that an owner or operator make reasonable changes to the QIP if the QIP is found to have:

(a) Failed to address the cause of the control device performance problems; or

(b) Failed to provide adequate procedures for correcting control device performance problems as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.

(5) Implementation of a QIP does not excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the Act.

~~Stat. Auth.: ORS 468.020 & ORS 468A.310~~
~~Stats. Implemented: ORS 468.020 & ORS 468A.310~~
~~Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1260~~

~~340-212~~Setion 35-0270
Reporting and Recordkeeping Requirements

(1) General reporting requirements:

(a) On and after the date specified in ~~OAR 340-212~~Section 35-0250(1) by which the owner or operator must conduct monitoring that meets the requirements of ~~OAR 340-212~~Section 35-0200 through ~~340-212~~35-0280, the owner or operator must submit monitoring reports to ~~the Department~~LRAPA in accordance with OAR 340-218-0050(3)(c);

(b) A report for monitoring under OAR 340-~~212~~218-0200 through 340-218-0280 must include, at a minimum, the information required under OAR 340-218-0050(3)(c) and the following information, as applicable:

(A) Summary information on the number, duration and cause (including unknown cause) of excursions or exceedances, as applicable, and the corrective actions taken;

(B) Summary information on the number, duration and cause (including unknown cause) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks); and

(C) A description of the actions taken to implement a QIP during the reporting period as specified in ~~OAR 340-212~~Section 35-0260. Upon completion of a QIP, the owner or operator must include in the next summary report documentation that the implementation of the plan has been completed and has reduced the likelihood of similar levels of excursions or exceedances occurring.

(2) General recordkeeping requirements:

(a) The owner or operator must comply with the recordkeeping requirements specified in OAR 340-218-0050(3)(b). The owner or operator must maintain records of monitoring data, performance data, corrective actions taken, any written quality improvement plan required pursuant to ~~OAR 340-212~~Section 35-0260 and any activities undertaken to implement a quality improvement plan, and other supporting information required by ~~OAR 340-212~~Section 35-0200 through ~~340-212~~35-0280 (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions);

(b) Instead of paper records, the owner or operator may maintain records on alternative media, such as microfilm, computer files, magnetic tape disks, or microfiche, if the use of such alternative media allows for expeditious inspection and review and does not conflict with other applicable recordkeeping requirements.

~~Stat. Auth.: ORS 468.020 & ORS 468A.310~~
~~Stats. Implemented: ORS 468.020 & ORS 468A.310~~
~~Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ14-1999, f. & cert. ef. 10-14-99,~~
~~Renumbered from 340-028-1270~~

~~340-212~~Section 35-0280
Savings Provisions

Nothing in ~~OAR 340-212~~Section 35-0200 through ~~340-212~~35-0280:

(1) Excuses the owner or operator of a source from compling with any existing emission limitation or standard, or with any existing monitoring, testing, reporting, or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the Act. The requirements of ~~OAR 340-212~~Section 35-0200 through ~~340-212~~35-0280 may not be used to justify the approval of monitoring less stringent than the monitoring required under separate legal authority. Nor are they intended to establish minimum requirements for the purpose of determining the monitoring to be imposed under separate authority under the Act, including monitoring in permits issued pursuant to title I of the Act.;

(2) Restricts or abrogates the authority of the Administrator or ~~the Department~~LRAPA to impose additional or more stringent monitoring, recordkeeping, testing, or reporting requirements on any owner or operator of a source under any provision of the Act, including but not limited to sections 114(a)(1) and 504(b), or state law, as applicable;

(3) Restricts or abrogates the authority of the Administrator ~~or Department~~LRAPA to take any enforcement action under the Act for any violation of an applicable requirement or of any person to take action under section 304 of the Act.

~~Stat. Auth.: ORS 468.020 & ORS 468A.310~~

~~Stats. Implemented: ORS 468.020 & ORS 468A.310~~

~~Hist.: DEQ 21-1998, f. & cert. ef. 10-14-98; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1280~~

LANE REGIONAL AIR ~~POLLUTION AUTHORITY~~PROTECTION AGENCY

TITLE 36

Excess Emissions

Following the reporting and recordkeeping prescribed herein or approval of procedures for startup, shutdown or maintenance shall not absolve permittees 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 ~~considered~~ unauthorized and are subject to enforcement action, pursuant to sections 36-010 through 36-030. These rules apply to any ~~permittee operating a~~ source which emits air contaminants in violation of any applicable air quality rule or permit condition, including but not limited to excess emissions resulting from the breakdown of air pollution control equipment or operating equipment, process upset, startup, shutdown, or scheduled maintenance. Sources that do not emit air contaminants in excess of any applicable air quality rule or permit condition are not subject to the recordkeeping and reporting requirements in LRAPA Title 36.

2. The purpose of these rules is to:

   A. ~~require~~ Require that, where applicable, all excess emissions be reported by sources to ~~the Authority~~LRAPA immediately;

   B. ~~require~~ Require ~~permittees~~ owner or operator to submit information and data regarding conditions which resulted or could result in excess emissions; ~~[and]~~

   C. ~~identify~~ Identify criteria to be used by ~~the Authority~~LRAPA for determining whether penalty~~enforcement~~ action will be taken against ~~a permittee~~an owner or operator for excess emissions; and

   D. ~~and provide~~ Provide ~~sources~~ owners and operators an affirmative defense to a penalty action~~enforcement~~ when noncompliance with technology-based limits is due to an emergency pursuant to LRAPA 36-040.

Section 36-005 Definitions

The following definitions are relevant for the purposes of Title 36, only. Additional definitions can be found in Title 12, "Definitions."

1. "Event" means ~~any period of~~ excess emissions that arise from the same condition and occur during a single calendar day or continue into subsequent calendar days.

2. "Excess Emissions" means emissions which are in excess of a ~~Title V or Air Contaminant Discharge Permit condition~~permit limit or any applicable air quality rule~~. Excess emissions also represent violations and, for major sources (Title V permit holders), permit deviations that must be reported as required in the Title V permit.~~

3. "Immediately" means one of the following:

   A. ~~during~~ During LRAPA's normal work hours, 8:00 a.m. to 5:00 p.m. Monday through Friday, report is to be made as soon as possible but no more than one (1) hour after the beginning of the excess emissions; or

   B. ~~during~~ During LRAPA's off-duty hours or on weekends or holidays, report is to be made as soon as possible but no more than one (1) hour after the beginning of the excess emissions, using LRAPA's electronic telephone answering equipment. If the person reporting the incident is unable to access the telephone answering equipment because of overloaded telephone circuits or telephone equipment malfunction, the report must be made to the LRAPA business office at the beginning of the next working day.

4. "Large Source", as used in this title, means any station source whose actual emissions or potential controlled emissions while operating full time at the design capacity are equal to or exceed 100 tons per year of any regulated air pollutant, or which is subject to a National Emissions Standard for Hazardous Air Pollutants (NESHAP). Where PSELs have been incorporated into the ACDP, the PSEL will be used to determine actual emissions.

~~4. "Permittee" means the owner or operator of the facility, in whose name the operation of the source is authorized by the Title V or Air Contaminant Discharge Permit.~~

5. "Process Upset" means a failure or malfunction of a production process or system to operate in a normal and usual manner.

6. "Shutdown" means that time during which normal operation of an air contaminant source or emission control equipment is terminated.

7. "Small Source" means any stationary source with a simple or standard ACDP or an LRAPA Title V Operating Permit that is not classified as a large source.

~~7~~8. "Startup" means that time during which an air contaminant source or emission control equipment is brought into normal operation.

~~8~~9. "Unavoidable" or "could not be avoided" means events which are not caused entirely or in part by poor or inadequate design, operation, maintenance, or any other preventable condition in either process or control equipment.

~~9~~11. "Upset" or "Breakdown" means any failure or malfunction of any pollution control equipment or process equipment or situation ~~which~~ that may cause excess emissions.

Section 36-010 Planned Startup and Shutdown

1. This rule applies to any source where startup or shutdown of a production process or system may result in excess emissions and:

   A. ~~which~~ Which is a major source; or

   B. ~~which~~ Which is in a non-attainment or maintenance area for the pollutant which may constitute excess emissions; or

   C. ~~from~~ From which ~~the Authority~~LRAPA requires the application in subsection 2 of this rule.

2. ~~Authority~~ LRAPA approval shall be required of the procedures that will be used by the ~~permittee~~ owner or operator to minimize excess emissions during startup/shutdown. Approval of procedures is required prior to a first-time occurrence of a startup or shutdown event to which the procedures apply and prior to modifying previously approved procedures. Applications for approval shall be submitted and received by ~~the Authority~~LRAPA in writing at least seventy-two (72) hours prior to the event, and shall include the following:

   A. ~~the~~The reasons why the excess emissions during startup and shutdown will not be avoidable;

   B. ~~identification~~Identification of the specific production process or system causing the excess emissions;

   C. ~~the~~The nature of the air contaminants likely to be emitted, and an estimate of the amount and duration of the excess emissions; and

   D. ~~identification~~Identification of specific procedures to be followed which will minimize excess emissions at all times.

3. Approval of the startup/shutdown procedures by ~~the Authority~~LRAPA ~~shall~~ will be based upon determination that said procedures are consistent with good pollution control practices and will minimize emissions during such period, to the extent practicable, and that no adverse health impact on the public will occur. The ~~permittee~~ owner or operator shall record all excess emissions in the ~~upset~~ excess emissions log as required in ~~subsection~~ Section 36-025-3 ~~and report immediately following any event resulting in excess emissions in accordance with LRAPA Section 36-010-2.A and B~~. Approval of the procedures does not shield the ~~permittee~~owner or operator from an enforcement action ~~if the approved~~

~~procedures are not followed~~, but LRAPA in determining whether a penalty action is appropriate will consider whether the procedures were followed.

4. Once startup/shutdown procedures are approved, the ~~permittee~~ owner or operator is not required to notify ~~the Authority~~LRAPA prior to a planned startup or shutdown event ~~which may result in excess emissions unless:~~ unless it results in excess emissions.

~~A. required by permit conditions; or~~

~~B. the source is located in a non-attainment area for a pollutant which may be emitted in excess of applicable standards.~~

5. When required by subsection 4 of this rule, notification shall be made ~~by telephone or in writing as soon as possible prior to the startup or shutdown event and shall include the date and estimated time and duration of the event~~in accordance with Section 36-020-~~2~~1.A..

6. ~~A permittee~~An owner or operator who either failed to obtain approval as required in subsection 2, above, ~~or did not provide notification required under subsection 4, above,~~ shall immediately notify ~~the Authority~~LRAPA by telephone of the startup/shutdown event, and shall be subject to the requirements under ~~upsets and breakdowns~~All Other Excess Emissions in Section 36-020.

7. ~~The Authority~~LRAPA may revoke or require modifications to previously approved procedures at any time by written notification to the owner or operator.

8. No ~~planned~~ startup or shutdown ~~resulting~~ that may result in excess emissions associated with the approved procedures in section (3) of this rule are allowed shall occur during any period in which an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency has been declared, or during an announced Yellow, Stage I Red, or Stage II Red woodstove advisory period within areas designated by ~~the Authority~~LRAPA as PM_{10} Nonattainment Areas.

~~8. The owner or operator is subject to the requirements under All Other Excess Emissions in Section 36-0330 if the owner or operator fails to obtain LRAPA approval of start-up and shutdown procedures in accordance with section 2. of this rule.~~

Section 36-015 Scheduled Maintenance

1. Where it is anticipated that shutdown, by-pass, or operation at reduced efficiency of air pollution control equipment for necessary scheduled maintenance may result in excess emissions, the ~~source operator~~owner or operator must obtain prior ~~Authority~~ LRAPA approval of new or revised procedures that will be used to minimize excess emissions. Application for approval of procedures associated with scheduled maintenance shall be submitted and received by ~~the Authority~~LRAPA in writing at least seventy-two (72) hours prior to the event, and shall include the following:

A. ~~the~~The reasons explaining the need for maintenance, including why it would be impractical to shut down the source operation during the period, and why the by-pass or reduced efficiency could not be avoided through better scheduling for maintenance or through better operation and maintenance practices;

B. ~~identification~~Identification of the specific production or emission control equipment or system to be maintained;

C. ~~the~~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~~Identification of specific procedures to be followed which will minimize excess emissions at all times.

2. Approval of the above procedures by ~~the Authority~~LRAPA shall be based upon determination that said procedures are consistent with good pollution control practices and will minimize emissions during such period to the extent practicable, and that no adverse health impact on the public will occur. The ~~permittee~~ owner or operator shall record all excess emissions in the ~~upset~~ excess emissions log as required in ~~subsection~~ Section 36-025-3~~ and report immediately following any event resulting in excess emissions in accordance with LRAPA Section 36-020-2.A and B~~. Approval of the above procedures does not shield the owner or operator from an enforcement action, but whether the procedures were followed will be considered by LRAPA in determining whether a penalty action is appropriate.

3. In cases where maintenance occurs on a periodic or regular schedule, once maintenance procedures are approved, owners or operators shall not be required to notify ~~the Authority~~LRAPA ~~prior to~~of a scheduled maintenance ~~event which~~event ~~that may result in excess emissions unless:~~unless it results in excess emissions.

~~A. required by permit condition; or~~

~~B. the source is located in a non-attainment area for a pollutant which may be emitted in excess of applicable standards.~~

4. When required by subsection 3.~~A or B~~ of this rule, notification shall be made~~, by telephone or in writing, as soon as possible prior to the scheduled maintenance event and shall include the date and estimated time and duration of the event~~ in accordance with Section 36-020(1)(a).

5. ~~The Authority~~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 of this rule which is likely to result in excess emissions shall occur during any period in which an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency has been declared,

or during an announced Yellow, Stage I Red, or Stage II Red woodstove advisory period, in areas determined by ~~the Authority~~LRAPA as PM_{10} Nonattainment Areas.

7. The owner or operator ~~A permittee who either~~ is subject to the requirements under All Other Excess Emissions in Section 36-020 if the owner or operator fails to obtain LRAPA approval of maintenance procedures in accordance with section (1) of this rule~~failed to obtain approval as required in subsection 2 of this rule or did not provide notification required under subsection 3, above, shall immediately notify the Authority by telephone of the maintenance event, and shall be subject to the requirements under Upsets and Breakdowns in section 36-020~~.

Section 36-020 ~~Upsets and Breakdowns~~All Other Excess Emissions

~~1. The owner or operator of a source may be entitled to an affirmative defense to enforcement for upsets or breakdowns caused by an emergency and resulting in emissions in excess of technology-based standards provided that:~~

~~A. the Authority is notified immediately of the emergency condition; and~~

~~B. the owner or operator fulfills requirements outlined in the Emergency Provision in 36-040.~~

~~2~~1. For all other e~~E~~xcess emissions ~~events due to upset or breakdown, other than those described in subsection 1, above, must be reported to the Authority by the owner or operator according to~~ not addressed in Sections 36-010, 36-015, or 36-040, the following requirements apply:

A. The owner or operator of a large source, as defined by Section 36-005-4, must immediately notify ~~Unless otherwise specified by permit condition, major sources subject to the Title V Operating Permit Program and all sources subject to a NESHAP or NSPS emission standard shall report immediately to the Authority~~LRAPA the first onset per calendar day of any excess emissions event ~~due to upset or breakdown~~. ~~Based on the severity of the event, the Authority may require that a written report be submitted pursuant to LRAPA 36-025-1 and 2.~~

B. ~~Sources~~ The owner or operator, of a small source, as defined by Section 36-005-8~~other than those covered under 2.A, above~~, need not ~~report~~ notify LRAPA of excess emissions events ~~due to upset or breakdown~~ immediately unless otherwise required by permit condition, written notice by ~~the Authority~~LRAPA, or if the excess emission is of a nature that could endanger public health. ~~Based on the severity of the event, the Authority may require submittal of a written report pursuant to LRAPA 36-025-1 and 2.~~

C. ~~All permittees shall record all excess emissions due to upset or breakdown in the upset log as required in subsection 36-025.3.~~Additional reporting and recordkeeping requirements are specified in Section 36-025.

~~D. Minimal and Letter (insignificant) permit holders are not subject to these record-keeping and reporting requirements.~~

~~3~~2. During any period of excess emissions ~~due to upset or breakdown~~, ~~the Authority~~LRAPA may require that ~~a source~~an owner or operator immediately reduce or cease operation of the equipment or facility until such time as the condition causing the excess emissions has been corrected or brought under control. Such action by ~~the Authority~~LRAPA would be taken upon consideration of the following factors:

A. ~~whether~~Whether potential risk to the public or environment exists;

B. ~~whether~~Whether any Air Pollution Alert, Warning, Emergency, or yellow or red woodstove curtailment period exists; [~~or~~]

C. ~~whether~~Whether shutdown could result in physical damage to the equipment or facility, or cause injury to employees; or

D. ~~whether~~Whether continued excess emissions are determined by ~~the Authority~~LRAPA to be avoidable.

~~4~~3. In the event of an on-going period of excess emissions ~~due to upset or breakdown~~, the ~~source~~ owner or operator shall cease operation of the equipment or facility no later than forty-eight (48) hours after the beginning of the excess emission period, if the condition causing the emissions is not corrected within that time. The ~~source~~ owner or operator need not cease operation if it can obtain ~~Authority~~ LRAPA approval of procedures that will be used to minimize excess emissions until such time as the condition causing the excess emissions is corrected or brought under control. Approval of these procedures shall be based on the following information supplied to the ~~Authority~~LRAPA:

A. The reasons why the condition(s) causing the excess emissions can not be corrected or brought under control. Such reasons shall include, but not be limited to, equipment availability and difficulty of repair or installation.

B. Information as required in ~~section~~ Section 36-010-2.B, C and D or Section 36-015(1)(b), (c), and (d) as appropriate.

~~5~~4. Approval of the above procedures by ~~the Authority~~LRAPA shall be based upon determination that said procedures are consistent with good pollution control practices and will minimize emissions during such period to the extent practicable, and that no adverse health impact on the public will occur. The owner or operator must record all excess emissions in the excess emission log as required in Section 36-025(3). At any time during the period of excess emissions LRAPA may require the owner or operator to cease operation of the equipment or facility in accordance with Section 36-020(~~3~~2). Approval of these procedures does not shield the owner or operator from an enforcement action, but whether the procedures were followed will be considered by LRAPA in determining whether a penalty action is appropriate.

1. For any excess emissions event at a source with a Title V permit and for any other source as required by permit, the owner or operator shall, ~~the Authority~~LRAPA ~~may require the owner or operator to~~ submit a written excess emission report for each calendar day of the event. If required, this report shall be submitted within fifteen (15) days of the date of the event and shall include the following:

   A. The date and time of the beginning of the excess emissions event and the duration or best estimate of the time until return to normal operation;

   B. ~~the~~The date and time the owner or operator notified ~~event was reported to the Authority~~LRAPA of the event;

   C. The equipment involved;

   ~~B.~~D. Whether the event occurred during startup, shutdown, maintenance, or as a result of a breakdown, malfunction, or emergency;

~~B. whether the event occurred during startup, shutdown, maintenance, or as a result of a breakdown or malfunction;~~

   E. Steps taken to mitigate emissions and corrective actions taken;

   ~~C.~~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);

   C. ~~information as described in subsections 36-030-1 through 5;~~

   ~~D~~G. ~~the~~The final resolution of the cause of the excess emissions; and

   ~~E~~H. ~~where~~Where applicable, evidence supporting any claim that emissions in excess of technology-based limits were due to an emergency pursuant to ~~LRAPA~~ Section 36-040.

2. Based on the severity of the event, ~~the Authority~~LRAPA may ~~waive the 15-day reporting period and~~ specify ~~either~~ a shorter ~~or longer~~ time period for report submittal. ~~The Authority may also waive the submittal of the written report if, in the judgement of the Authority, the period or magnitude of excess emissions was minor. In such cases, the permittee shall keep the information as part of the records pursuant to subsection 36-025-3.~~

3. All ~~permittees~~ owners or operators shall keep an ~~upset~~ excess emissions log of all planned and unplanned excess emissions. The ~~upset~~ log shall include all pertinent information as required in subsection 1 of this rule and shall be kept by the ~~permittee~~ owner or operator for five (5) calendar years.

4. At each annual reporting period specified in a permit, or sooner if required by ~~the Authority~~LRAPA, the ~~permittee~~ owner or operator shall submit:

A. ~~a~~ A copy of the excess emission log entries for the reporting period; and

B. ~~where~~ Where applicable, current procedures to minimize emissions during startup, shutdown, or maintenance, as outlined in ~~LRAPA~~ Section 36-010 and ~~LRAPA~~ Section 36-015. The owner or operator shall specify in writing whether these procedures are new, modified, or have already been approved by ~~the Authority~~LRAPA.

Section 36-030 Enforcement Action Criteria

In determining whether ~~enforcement action is warranted~~to assess a penalty for excess emissions, ~~the Authority~~LRAPA considers, based upon information submitted by the owner or operator, ~~shall consider~~ the following criteria:

1. Whether the owner or operator met the notification, recordkeeping, and reporting requirements of Sections 36-020 and 26-025~~Where applicable, whether the owner or operator submitted a description of any emergency which may have caused emissions in excess of technology-based limits and sufficiently demonstrated, through properly signed, contemporaneous operating logs, upset logs, or other relevant evidence that an emergency caused the excess emissions and that all causes of the emergency where identified.~~

~~2. Whether notification occurred immediately pursuant to LRAPA 36-020-1.A, 2.A, or 2.B~~

~~3. Whether the Authority was furnished with complete details of the event, including but not limited to:~~

~~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 equipment involved;~~
~~C. steps taken to mitigate emissions and corrective actions taken; and~~

~~D. 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).~~

~~4~~2. Whether, during the excess emissions event, the ~~permittee~~ owner or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.

~~5~~3. Whether the appropriate remedial action was taken.

~~6~~4. Whether the ~~permittee~~ owner or operator followed procedures approved by ~~the Authority~~LRAPA for startup, shutdown, or scheduled maintenance.

~~7~~5. The event was not due to negligent or intentional operation by the owner or operator. For the ~~Authority~~ LRAPA to find that an incident of excess emissions is not due to negligent or

normal operation by the owner or operator, the ~~permittee~~ owner or operator shall demonstrate, upon ~~Authority~~ LRAPA request, that all of the following conditions were met:

A. The process or handling equipment and the air pollution control equipment 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 [~~the~~] excess emissions.

C. The event was not one in a recurring pattern of ~~incidents which~~incidents that indicate inadequate design, operation, or maintenance.

Section 36-040 Emergency Provision

1. ~~1.~~ An emergency constitutes an affirmative defense to ~~enforcement~~ penalty actions due to non-compliance with ~~with the~~ technology-based emission limits if the ~~source~~ owner or operator ~~meets criteria specified in LRAPA 36-030-1 through 6~~notifies LRAPA immediately of the emergency condition and demonstrates through properly signed, contemporaneous operating logs, excess emission logs, or other relevant evidence~~.~~:
   A. That an emergency occurred and caused the excess emissions;
   B. The cause(s) of the emergency;
   C. The facility was at the time being properly operated;
   D. During the occurrence of the emergency, the owner or operator took all reasonable steps to minimize levels of excess emissions; and
   ~~a.~~E. The notification to LRAPA contained a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

2. The ~~permittee~~ owner or operator seeking to establish the occurrence of an emergency has the burden of proof by a preponderance of the evidence.

3. This provision is in addition to any emergency or ~~upset~~ any other excess emissions provisions contained in any applicable requirement.

LANE REGIONAL AIR PROTECTION AGENCY

~~DIVISION 216~~TITLE 37

AIR CONTAMINANT DISCHARGE PERMITS

~~OAR 340-216~~Section 37-0010
Purpose

This title prescribes the requirements and procedures for obtaining Air Contaminant Discharge Permits (ACDPs).

~~[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~

~~Stat. Auth.: ORS 468 & ORS 468A~~

~~Stats. Implemented: ORS 468 & ORS 468A~~

~~Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-86; Renumbered from 340-020-0033.02; DEQ4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0140; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1700~~

~~OAR 340-216~~Section 37-0020
Applicability

This title applies to all sources referred to in Table 1 of this Title. This title also applies to ~~Oregon~~ LRAPA Title V Operating Permit program sources when an ACDP is required by OAR 340-218-0020 or ~~OAR 340-216-~~Section 37-0010. No person may continue to operate an air contaminant source if the ACDP expires, or is terminated or revoked; except as provided in Section 37-0082.

C. No person may construct, install, establish, develop or operate any air contaminant source which is referred to in Table 1 without first obtaining an Air Contaminant Discharge Permit (ACDP) from ~~the ODEQ or Regional Authority~~LRAPA.

~~a.~~• For portable sources, a single permit may be issued for operating at any area of the state if the permit includes the requirements from ~~both the ODEQ or~~both the ODEQ and ~~Regional Authority~~LRAPA.

~~b.~~• The ~~Department~~ ODEQ or LRAPA where the portable source's Corporate offices are located will be responsible for issuing the permit. If the corporate office of a portable source is located outside of the state, the ~~Department~~ ODEQ will be responsible for issuing the permit.

~~F.~~D. No person may construct, install, establish, or develop any source that will be subject to the ~~Oregon~~ LRAPA Title V Operating Permit program without first obtaining an ACDP from ~~the Department~~LRAPA.

~~E.~~ No person may modify any source that has been issued an ACDP without first complying with the requirements of ~~OAR 340-216~~Section 37-0200 through ~~340-216~~37-0250.

~~H.~~F. No person may modify any source required to have an ACDP such that the source becomes subject to the ~~Oregon~~ LRAPA Title V Operating Permit program without complying with the requirements of ~~OAR 340-216~~Section 37-0200 through ~~340-216~~37-0250.

~~I.~~G. No person may increase emissions above the PSEL by more than the deminimis levels specified in ~~OAR 340-200-0020~~LRAPA Title 12 without first applying for and obtaining a modified ACDP.

~~OAR 340-216~~Section 37-0025 Types of Permits

(11) Construction ACDP

~~17.~~a. Construction ACDP may be used for approval of Type 3 changes specified in ~~OAR 340-216~~Section 37-0220 at a source subject to the ACDP permit requirements in this ~~division~~title.

~~18.~~b. A Construction ACDP is required for Type 3 changes specified in ~~OAR 340-216~~Section 37-0220 at sources subject to the ~~Oregon~~ LRAPA Title V Operating Permit requirements.

~~16.~~(12) General ACDP. A General ACDP is for a category of sources for which individual permits are unnecessary in order to protect the environment. An owner or operator of a source may be assigned to a General ACDP if ~~the Department~~LRAPA has issued a General ACDP for the source category:

~~17.~~a. The source meets the qualifications specified in the General ACDP;

~~18.~~b. ~~The Department~~LRAPA determines that the source has not had ongoing, reoccurring, or serious compliance problems; and

~~19.~~c. ~~The Department~~LRAPA determines that a General ACDP would appropriately regulate the source.

~~20.~~(13) 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. ~~The Department~~LRAPA may issue a Short Term Activity ACDP for unexpected or emergency activities, operations, or emissions.

21.(14) Basic ACDP. A Basic ACDP is a letter permit that authorizes the regulated source to operate in conformance with the rules contained the Department'sLRAPA's rules.

22.a. Owners and operators of sources and activities listed in Table 1, Part A of OAR 340-216Section 37-0020 must at a minimum to obtain a Basic ACDP.

23.b. Any owner or operator of a source required to obtain a Basic ACDP may obtain either a Simple or Standard ACDP.

24.(15) Simple ACDP A Simple ACDP is a permit that contains:

25.a. All relevant applicable requirements for source operation, including general ACDP conditions for incorporating generally applicable requirements;

26.b. Generic PSELs for all pollutants emitted at more than the deminimis level in accordance with OAR Division 222LRAPA Title 42;

27.c. Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and

28.d. A permit duration not to exceed 5 years.

29.(16) Standard ACDP A Standard ACDP is a permit that contains:

30.a. All applicable requirements, including general ACDP conditions for incorporating generally applicable requirements;

31.b. Source specific PSELs or Generic PSELs, whichever are applicable, as specified in OAR Division 222LRAPA Title 42;

32.c. Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and

33.d. A permit duration not to exceed 5 years.

34.(17) All owners and operators of sources and activities listed in Table 1, Part C of OAR 340-216Section 37-0020 must obtain a Standard ACDP.

35.(18) Owners or operators of sources and activities listed in Table 1, Part B of OAR 340-216Section 37-0020 which do not qualify for a General ACDP or Simple ACDP must obtain a Standard ACDP.

(19) Any owner or operator of a source not required to obtain a Standard ACDP may obtain a Standard ACDP.

~~OAR 340-226~~Section 37-0030 Definitions

~~1.~~(a) The definitions in LRAPA Title 12~~OAR 340-200-0020~~ and this rule apply to this title. If the same term is defined in this rule and ~~OAR 340-200-0020~~LRAPA Title 12, the definition in this rule applies to this ~~division~~title.

~~2.~~(b) "Permit modification" or "modified permit" means any change to the content of a permit, including but not limited to the following:

~~OAR 340-216~~Section 37-0040 Application Requirements

~~(2)~~B. New Permits. Except for Short Term Activity ACDPs, any person required to obtain a new ACDP must provide the following general information, as applicable, using forms provided by ~~the Department~~ LRAPA in addition to any other information required for a specific permit type:

~~a.~~• Identifying information, including the name of the company, the mailing address, the facility address, and the nature of business (Standard Industrial Classification (SIC) code);

~~b.~~• The name and phone number of a local person responsible for compliance with the permit;

~~c.~~• The name of a person authorized to receive requests for data and information;

~~d.~~• A description of the production processes and related flow chart;

~~e.~~• A plot plan showing the location and height of air contaminant sources. The plot plan must also indicate the nearest residential or commercial property;

~~f.~~• The type and quantity of fuels used;

~~g.~~• An estimate of the amount and type of each air contaminant emitted by the source in terms of hourly, daily, or monthly and yearly rates, showing calculation procedures;

~~h.~~• Any information on pollution prevention measures and cross-media impacts the applicant wants ~~the Department~~LRAPA to consider in determining applicable control requirements and evaluating compliance methods;

~~i.~~• Estimated efficiency of air pollution control equipment under present or anticipated operating conditions;

~~j.~~• Where the operation or maintenance of air pollution control equipment and emission reduction processes can be adjusted or varied from the highest reasonable efficiency and effectiveness, information necessary for ~~the Department~~LRAPA to establish operational and maintenance requirements in accordance with ~~OAR 340-226~~Section 32-0120(1) and (2);

~~k.~~• A Land Use Compatibility Statement signed by a local (city or county) planner either approving or disapproving construction or modification of the source, if required by the local planning agency; and

~~l.~~• Any other information requested by ~~the Department~~LRAPA.

~~(3)~~C. Renewal Permits. Except for Short Term Activity ACDPs, any person required to renew an existing permit must submit the information identified in section (1) using forms provided by ~~the Department,~~ LRAPA, unless there are no significant changes to the permit. If there are significant changes, the applicant must provided the information identified in section (1) only for those changes. Where there are no significant changes to the permit, the applicant may use a streamlined permit renewal application process by providing the following information:

~~a.~~• Identifying information, including the name of the company, the mailing address, the facility address, and the nature of business (Standard Industrial Classification (SIC) code) using a form provided by ~~the Department~~LRAPA; and

~~b.~~• A marked up copy of the previous permit indicating minor changes along with an explanation for each requested change.

~~(4)~~D. Permit Modifications. For Simple and Standard ACDP modifications, the applicant must provided the information in section (1) relevant to the requested changes to the permit and a list of any new requirements applicable to those changes.

~~(5)~~E. ~~The department~~LRAPA must receive the application at least 60 days before a permit or modified permit is needed.

~~(6)~~F. The application must be completed in full and signed by the applicant or the applicant's legally authorized representative.

~~(7)~~G. Two copies of the application are required, unless otherwise requested by ~~the Department~~LRAPA. At least one of the copies must be a paper copy, but the others may be in any other format, including electronic copies, upon approval by ~~the Department~~LRAPA.

~~(8)~~H. A copy of NSR permit applications and supplemental information must also be submitted directly to the EPA.

~~(9)~~I. The name of the applicant must be the legal name of the facility or the owner's agent or the lessee responsible for the operation and maintenance of the facility. The legal name must be registered with the Secretary of State Corporations Division.

~~(10)~~J. All applications must include the appropriate fees as specified in Table 2 of ~~OAR 340-216~~Section 37-0020.

~~(11)~~K. Applications that are obviously incomplete, unsigned, improperly signed, or lacking the required exhibits or fees will be rejected by ~~the Department~~LRAPA and returned to the applicant for completion.

~~(12)~~L. Within 15 days after receiving the application, ~~the Department~~LRAPA will preliminarily review the application to determine the adequacy of the information submitted:

~~a.~~• If ~~the Department~~LRAPA determines that additional information is needed, ~~the Department~~LRAPA will promptly ask the applicant for the needed information. The application will not be considered complete for processing until the requested information is received. The application will be considered withdrawn if the applicant fails to submit the requested information within 90 days of the request;

~~(12)~~L. If, in the opinion of ~~the Department~~LRAPA, additional measures are necessary to gather facts regarding the application, ~~the Department~~LRAPA will notify the applicant that such measures will be instituted along with the timetable and procedures to be followed. The application will not be considered complete for processing until the necessary additional fact-finding measures are completed. When the information in the application is deemed adequate for processing, ~~the Department~~LRAPA will so notify the applicant.

~~(13)~~M. If at any time while processing the application, ~~the Department~~LRAPA determines that additional information is needed, ~~the Department~~LRAPA will promptly ask the applicant for the needed information. The application will not be considered complete for processing until the requested information is received. The application will be considered withdrawn if the applicant fails to submit the requested information within 90 days of the request.

~~(14)~~N. If, upon review of an application, ~~the Department~~LRAPA determines that a permit is not required, ~~the Department~~LRAPA will so notify the applicant in writing. Such notification is a final action by ~~the Department~~LRAPA on the application.

~~304-216~~Section 37-0052 Construction ACDP

~~1.~~3. Purpose. A Construction ACDP is a permit for approval of Type 3 construction or modification changes as specified in ~~OAR 340-210~~Section 34-0220. The Construction ACDP includes requirements for the construction or modification of stationary sources or air pollution control equipment and does not by itself provide authorization to operate the new construction or modification. A new or modified Standard ACDP or ~~Oregon~~ 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.~~4. 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.~~5. For ~~Oregon~~ 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 ~~Oregon~~ LRAPA Title V Operating Permit by an administrative amendment. If the applicant elects to incorporate the Construction ACDP by administrative amendment, all of the application submittal, permit content, and permit issuance requirements of OAR 340, division 218 must be met for the Construction ACDP.

~~2.~~6. Application requirements. Any person requesting a Construction ACDP must:

~~a.~~7. Submit an application in accordance with ~~OAR 340-216~~Section 37-0040 and provide the information specified in ~~OAR 340-216~~Section 37-0040(1) as it relates to the proposed new construction or modification; and

~~b.~~8. Provide a list of any applicable requirements related to the new construction or modification.

~~3.~~9. Fees. Applicants for a Construction ACDP must pay the fees set forth in Table 2 of ~~OAR 340-216~~Section 37-0020.

~~4.~~10. Permit content. A Construction ACDP must include at least the following:

~~a.~~11. A requirement that construction must commence within 18 months after the permit is issued;

~~b.~~12. A requirement to construct in accordance with approved plans;

~~c.~~13. A requirement to comply with all applicable requirements;

~~d.~~14. Emission limits for affected stationary sources;

~~e.~~15. Performance standards for affected stationary sources and air pollution control equipment;

~~f.~~16. Performance test requirements;

~~g.~~17. Monitoring requirements, if specialized equipment is required (e.g., continuous monitoring systems);

~~h.~~18. Notification and reporting requirements (construction status reports, startup dates, source test plans, CEMS performance specification testing plans, etc.);

~~i.~~19. General ACDP conditions for incorporating generally applicable requirements;

~~j.~~20. A requirement to modify the operating permit before commencing operation of the new construction or modification;

~~k.~~21. A permit expiration date of no more than 5 years; and

~~l.~~22. ~~Oregon~~ LRAPA Title V Permit requirements as specified in OAR 340-218-0050, if the applicant requests the external review procedures in OAR 340-218-0210 and 340-218-0230.

~~5.~~23. Permit issuance procedures:

~~a.~~24. A Construction ACDP requires public notice in accordance with ~~OAR 340 division 209~~LRAPA Title 14 for Category III permit actions.

~~b.~~25. For sources subject to the ~~Oregon~~ LRAPA Title V Operating Permit program, the applicant may ask for the external review procedures in OAR 340-218-0210 and 340-218-0230 in addition to the requirements of ~~OAR 340, division 209~~LRAPA Title 14 ~~-~~to allow the Construction ACDP to be incorporated into the ~~Oregon~~ LRAPA Title V Operating Permit later by an administrative amendment provided the requirements of (1)(b) are met.

~~c.~~26. Issuance of a modified Construction ACDP requires one of the following, as applicable:

~~i.~~27. Non-technical modifications and non-NSR Basic and Simple technical modifications require public notice in accordance with ~~OAR 340 division 209~~LRAPA Title 14 for Category I permit actions.

~~ii.~~28. Non-NSR/PSD Moderate and Complex technical modifications require public notice in accordance with ~~OAR 340 division 209~~LRAPA Title 14 for Category II permit actions

~~340-216~~Section 37-0054 Short Term Activity ACDPs

~~1.~~(A) Application requirements. Any person requesting a Short Term Activity ACDP must apply in writing, fully describing the emergency and the proposed activities, operations, and emissions. The application must include the fees specified in section (2) of this rule.

~~2.~~(B) Fees. Applicants for a Short Term Activity ACDP must pay the fees set forth in Table 2 of ~~340-216~~Section 37-0020.

~~3.~~(C) Permit content.

~~1.~~(4) This permit includes conditions that ensure adequate protection of property and preservation of public health, welfare, and resources.

~~2.~~(5) A Short Term Activity ACDP does not include a PSEL for any air contaminants discharged as a result of the permitted activity.

~~3.~~(6) A Short Term Activity ACDP automatically terminates 60 days from the date of issuance and may not be renewed.

~~4.~~(7) A Short Term Activity ACDPs will be properly conditioned to ensure adequate protection of property and preservation of public health, welfare and resources.

~~4.~~(D) Permit issuance procedures. A Short Term Activity ACDP requires public notice in accordance with ~~OAR 340 division 209~~LRAPA Title 14 for Category I permit actions.

~~340-216~~Section 37-0056 Basic ACDPs

~~9.~~• Application requirements. Any person requesting a Basic ACDP must submit an application in accordance with ~~OAR 340-216~~Section 37-0040 and provide the information specified in ~~OAR 340-216~~Section 37-0040(1).

~~10.~~• Fees. Applicants for a new Basic ACDP must pay the fees set forth in Table 2 of ~~340-216~~37-0020.

~~11.~~• Permit content:

~~D.~~• A Basic ACDP contains only the most significant and relevant rules applicable to the source.

~~E.~~• A Basic ACDP does not contain a PSEL;

~~F.~~• A Basic ACDP requires a simplified annual report be submitted to ~~the Department~~LRAPA; and

~~G.~~• A Basic ACDP may be issued for a period not to exceed ten years.

~~12.~~• Permit issuance procedures. A Basic ACDP requires public notice in accordance with ~~OAR 340 division 209~~ LRAPA Title 14 for Category I permit actions.

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~~340-216~~Section 37~~-0060~~ General Air Contaminant Discharge Permits

~~1.~~(5) Applicability.

- ~~The Commission~~LRAPA may issue a General ACDP under the following circumstances:

~~1.~~(7) There are several sources that involve the same or substantially similar types of operations;

~~2.~~(8) All requirements applicable to the sources can be contained in a General ACDP;

~~3.~~(9) The emission limitations, monitoring, recordkeeping, reporting and other enforceable conditions are the same for all sources covered by the General ACDP; and

~~4.~~(10) The pollutants emitted are of the same type for all covered sources.

- Permit content. Each General ACDP must include the following:

~~1.~~• All relevant requirements;

~~2.~~• Generic PSELs for all pollutants emitted at more than the deminimis level in accordance with ~~OAR 340, division 222~~LRAPA Title 42;

~~3.~~• Testing, monitoring, recordkeeping, and reporting requirements necessary to ensure compliance with the PSEL and other applicable emissions limits and standards, and;

~~4.~~• A permit duration not to exceed 10 years.

- Permit issuance procedures: A General ACDP requires public notice and opportunity for comment in accordance with ORS 183.325 to 183.410. All General ACDPs are on file and available for review at ~~the Department's headquarters~~LRAPA. The ~~Commission~~ Director ~~chair~~ signs a General ACDP.

~~2.~~(6) Source assignment:

~~1.~~• Application requirements. Any person requesting that a source be assigned to a General ACDP must submit a written application in accordance with Section

37~~OAR 340-216~~-0040 that includes the information in Section 37~~OAR 340-216~~-0040(1), specifies the General ACDP source category, and shows that the source qualifies for the General ACDP.

~~2.~~• Fees. Applicants must pay the fees set forth in Table 2 of ~~340-216~~Section 37-0020.

~~3.~~• Source assignment procedures:

~~1.~~• Assignment of a source to a General ACDP is subject to public notice in accordance with ~~OAR 340, division 209~~ LRAPA Title 14 for Category I permit actions.

~~2.~~• A person is not a permittee under the General ACDP until ~~the Department~~LRAPA assigns the General ACDP to the person.

~~3.~~• Assignments to General ACDPs terminate when the General ACDP expires or is modified, terminated or revoked.

~~4.~~• ~~Commission~~ LRAPA Initiated Modification. If ~~the Commission~~LRAPA determines that the conditions have changed such that a General ACDP for a category needs to be modified, ~~the Commission~~LRAPA may issue a new General ACDP for that category and ~~the Department~~LRAPA may assign all existing General ACDP permit holders to the new General ACDP.

~~5.~~• Rescission. In addition to ~~340-216~~Section 37-0082 (Termination or Revocation of an ACDP), the may rescind an individual source's assignment to a General ACDP if the source no longer meets the requirements of this rule or the conditions of the permit, including, but not limited to the source having an ongoing, reoccurring or serious compliance problem. Upon rescinding a source's assignment to a General ACDP ~~the Department~~LRAPA will place the source on a Simple or Standard ACDP. ~~The Commission~~ LRAPAmay also revoke a General ACDP if conditions, standards or rules have changed so the permit no longer meets the requirements of this rule.

~~6.~~• General ACDPs adopted by reference. The following General ACDPs are adopted by this reference and incorporated herein:

~~1.~~• AQGP-001, Hard chrome platers (October 8, 2007~~February 3, 2006~~)[3];

~~2.~~• AQGP-002, Decorative chrome platers (October 8, 2007~~February 3, 2006~~)[2];

~~3. AQGP-003, Halogenated solvent degreasers -- batch cold (August 10, 2001)[2];~~

~~4. (AQGP-004, Halogenated solvent degreasers -- batch vapor and in-line (August 10, 2001)[2];~~

~~5.~~ ~~AQGP-005, Halogenated solvent degreasers -- batch cold, batch vapor, and in-line (August 10, 2001)[2];~~

~~6.~~ AQGP-006, Dry cleaners (October 8, 2007~~August 10, 2001~~)[1];

~~7.~~ AQGP-007, Asphalt plants (~~August 10, 2001~~October 8, 2007)[3];

~~8.~~ AQGP-008, Rock crushers (October 8, 2007~~August 10, 2001~~)[2];

~~9.~~ AQGP-009, Ready-mix concrete (October 8, 2007~~August 10, 2001~~)[1];

~~10.~~ AQGP-010, Sawmills, planing mills, millwork, plywood manufacturing and veneer drying (October 8, 2007~~August 10, 2001~~)[3];

~~11.~~ AQGP-011, Boilers (October 8, 2007~~August 10, 2001~~)[2];

~~12.~~ AQGP-012, Crematories (October 8, 2007~~August 10, 2001~~)[1];

~~13. AQGP-013, Grain elevators (August 10, 2001)[1];~~

~~14. AQGP-014, Prepared feeds, flour, and cereal (August 10, 2001)[1];~~

~~15.~~ ~~AQGP-015, Seed cleaning (August 10, 2001)[1];~~

~~16.~~ AQGP-016, Coffee roasters (October 8, 2007~~August 10, 2001~~)[1];

~~17)AQGP-017, Bulk gasoline plants (August 10, 2001)[1];~~

~~17.~~ AQGP-018, Electric power generators (October 8, 2007~~August 10, 2001~~)[2].

NOTES: [1] The referenced General ACDPs specify that they are Fee Class One under Section 37-0020, Table 2. [2] The referenced General ACDPs specify that they are Fee Class Two under ~~OAR 340-216~~Section 37-0020, Table 2. [3] The referenced General ACDPs specify that they are Fee Class Three under ~~OAR 340-216~~Section 37-0020, Table 2.

~~**NOTE:** Except for OAR 340-216-0060(5), this rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.~~

[ED. NOTE: Tables referenced in this rule are available from ~~the agency~~LRAPA.]

~~[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~
~~Stat. Auth.: ORS 468 & ORS 468A~~
~~Stats Implemented: ORS 468.020 & ORS 468A.025~~

~~Hist: DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1725~~

~~340-216~~Section 37-0064 Simple ACDP

~~1.~~ Applicability.

~~a.~~ Sources and activities listed in Table 1, Part B of ~~OAR 340-216~~Section 37-0020 that do not qualify for a General ACDP and are not required to obtain a Standard ACDP must, at a minimum, obtain a Simple ACDP.

~~b.~~ Any source required to obtain a Simple ACDP may obtain a Standard ACDP.

~~c.~~ ~~The Department~~LRAPA may determine that a source is ineligible for a Simple ACDP and must obtain a Standard ACDP based upon, but not limited to, the following considerations:

~~a.~~ The nature, extent, and toxicity of the source's emissions;

~~b.~~ The complexity of the source and the rules applicable to that source;

~~c.~~ The complexity of the emission controls and potential threat to human health and the environment if the emission controls fail;

~~d.~~ The location of the source; and

~~e.~~ The compliance history of the source.

~~2.~~ Application Requirements. Any person requesting a new, modified, or renewed Simple ACDP must submit an application in accordance with ~~OAR 340-216~~Section 37-0040.

~~3.~~ Fees. Applicants for a new, modified, or renewed Simple ACDP must pay the fees set forth in Table 2 of ~~340-216~~Section 37-0020. Annual fees for Simple ACDPs will be assessed based on the following:

~~1.~~ Low Fee -- A Source may qualify for the Low Fee if:

~~a.~~ The source is, or will be, permitted under only one of the following categories from ~~OAR 340-216~~Section 37-0020 Table 1, Part B (category 25. Electric Power Generation, may be included with any category listed below):

~~a.~~ Category 6. Asphalt felt and coatings;

~~b.~~ Category 12. Boilers and other fuel burning equipment;

~~c.~~ Category 30. Galvanizing & Pipe coating;

~~d.~~ Category 36. Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries 100 or more tons/yr. metal charged (not elsewhere identified);

~~e.~~ Category 37. Gypsum products;

~~f.~~ ~~Category 41. Liquid Storage Tanks subject to OAR Division 232;~~

~~g.~~○ Category 50. Non-Ferrous Metal Foundries 100 or more tons/yr. of metal charged;

~~h.~~○ Category 51. Organic or Inorganic Industrial Chemical Manufacturing;

~~i.~~○ Category 63. Secondary Smelting and/or Refining of Ferrous and Non-Ferrous Metals; or

~~j.~~○ Category 75. All Other Sources not listed in Table 1 which would have actual emissions, if the source were to operate uncontrolled, of 5 or more tons a year of PM_{10} if located in a PM_{10} non-attainment or maintenance area, or 10 or more tons of any single criteria pollutant in any part of ~~the state~~Lane County; and

~~b.~~• The actual emissions from the 12 months immediately preceding the invoice date, and future projected emissions are less than 5 tons/yr. PM_{10} in a PM_{10} nonattainment or maintenance area, and less than 10 tons/yr. for each criteria pollutant; and

~~c.~~• The source is not considered an air quality problem or nuisance source by ~~the Department~~LRAPA.

~~2.~~• High Fee -- Any source required to have a Simple ACDP (~~OAR 340-216~~Section 37-0020 Table 1 Part B) that does not qualify for the Low Fee will be assessed the High Fee.

~~3.~~• If ~~the Department~~LRAPA determines that a source was invoiced for the Low Annual Fee but does not meet the Low Fee criteria outlined above, the source will be required to pay the difference between the Low and High Fees, plus applicable late fees in accordance with ~~OAR 340-216~~Section 37-0020 Table 2. Late fees start upon issuance of the initial invoice. In this case, ~~the Department~~LRAPA will issue a new invoice specifying applicable fees.

~~4.~~• Permit Content.

~~a.~~• All relevant applicable requirements for source operation, including general ACDP conditions for incorporating generally applicable requirements;

~~b.~~• Generic PSELs for all pollutants emitted at more than the deminimis level in accordance with ~~OAR 340 division 222~~LRAPA Title 42;

~~c.~~• Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and

~~d.~~• A permit duration not to exceed 5 years

~~5.~~• Permit issuance procedures:

~~a.~~ Issuance of a new or renewed Simple ACDP requires public notice in accordance with ~~OAR 340 division 209~~LRAPA Title 14 for Category II permit actions.

~~b.~~ Issuance of a modification to a Simple ACDP requires one of the following procedures, as applicable:

~~1)~~ Non-technical and non-NSR/PSD Basic and Simple technical modifications require public notice in accordance with LRAPA Title 14 ~~OAR 340, division 209~~ for Category I permit actions; or

~~2)~~ Issuance of non-NSR/PSD Moderate and Complex technical modifications require public notice in accordance with LRAPA Title 14 ~~OAR 340 division 209~~ for Category II permit actions.

[ED. NOTE: Tables referenced in this rule are available from ~~the agency~~LRAPA.]

~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468A~~
~~Hist.: DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 4-2002, f. & cert. ef. 3-14-02~~

~~340-216~~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 ~~OAR 340-216~~Section 37-0040 and include the following additional information as applicable:

~~a.~~ For new or modified Standard ACDPs that are not subject to NSR (~~OAR 340, division 224~~LRAPA Title 38) but have emissions increases above the significant emissions rate, the application must include an analysis of the air quality and visibility (federal major sources only) impact of the source or modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts.

~~b.~~ For new or modified Standard ACDPs that are subject to NSR (~~OAR 340, division 224~~LRAPA Title 38), the application must include the following additional information as applicable:

~~1.~~ A detailed description of the air pollution control equipment and emission reductions processes which are planned for the source or modification, and any other information necessary to determine that BACT or LAER technology, whichever is applicable, would be applied;

~~2.~~ An analysis of the air quality and visibility (federal major sources only) impact of the source or modification, including meteorological and

topographical data, specific details of models used, and other information necessary to estimate air quality impacts; and

~~3.~~ An analysis of the air quality and visibility (federal major sources only) impacts, and the nature and extent of all commercial, residential, industrial, and other source emission growth, which has occurred since January 1, 1978, in the area the source or modification would affect.

~~2.~~ Fees. Applicants for a Standard ACDP must pay the fees set forth in Table 2 of ~~340-216~~Section 37-0020.

~~3.~~ Permit content. A Standard ACDP is a permit that contains:

~~a.~~ All applicable requirements, including general ACDP conditions for incorporating generally applicable requirements;

~~b.~~ Source specific PSELs or Generic PSELs, whichever are applicable, as specified in ~~OAR 340, division 222~~LRAPA Title 42;

~~c.~~ Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and

~~d.~~ A permit duration not to exceed 5 years.

~~4.~~ Permit issuance procedures.

~~a.~~ Issuance of a new or renewed Standard ACDP requires public notice as follows:

~~a.~~ For non-NSR permit actions, issuance of a new Standard ACDP requires public notice in accordance with ~~OAR 340 division 209~~LRAPA Title 14 for Category III permit actions.

~~b.~~ For NSR permit actions, issuance of a new Standard ACDP requires public notice in accordance with ~~OAR 340 division 209~~LRAPA Title 14 for Category IV permit actions.

b. Issuance of a modified Standard ACDP requires one of the following, as applicable:

a. Non-technical modifications and non-NSR Basic and Simple technical modifications require public notice in accordance with ~~OAR 340 division 209~~LRAPA Title 14 for Category I permit actions.

b. Non-NSR/PSD Moderate and Complex technical modifications require public notice in accordance with ~~OAR 340 division 209~~LRAPA Title 14 for Category II permit actions.

c. NSR/PSD modifications require public notice in accordance with ~~OAR 340 division 209~~LRAPA Title 14 for Category IV permit actions.

~~340-216~~Section 37-0070 Permitting Multiple Sources at a Single Adjacent or Contiguous Site

A single or contiguous site containing activities or processes that are covered by more than one General ACDP, or a source that contains processes or activities listed in more than one Part of Table 1, Part A to Part C ~~OAR 340-216~~Section 37-0020 may obtain a Standard ACDP.

~~[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~
~~Stat. Auth.: ORS 468 & ORS 468A~~
~~Stats. Implemented: ORS 468 & ORS 468A~~
~~Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0003; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0160; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1730~~

~~**340-216-0080**~~
~~**Synthetic Minor Sources**~~
~~Stat. Auth.: ORS 468.020 & ORS 468A.310~~
~~Stats. Implemented: ORS 468.065 & ORS 468A.310~~
~~Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. &cert. ef. 10-6-95; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1740~~

~~340-216~~Section 37-0082 Expiration, Termination or Revocation of an ACDP

- Expiration
  - 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 timely and complete application for renewal has been submitted; or

- Another type of permit (ACDP or Title V) has been issued authorizing operation of the source.

○ For a source operating under an ACDP or Title V Permit, a requirement established in an earlier ACDP remains in effect notwithstanding expiration of the ACDP, unless the provision expires by its terms or unless the provision is modified or terminated according to the procedures used to establish the requirement initially.

~~1.~~• Automatic Termination. A permit is automatically terminated upon:

~~a.~~• Issuance of a renewal or new ~~permit~~ ACDP for the same activity or operation;

~~b.~~• Written request of the permittee, if ~~the Department~~LRAPA determines that a permit is no longer required;

~~c.~~• Failure to submit a timely application for permit renewal. Termination is effective on the permit expiration date; or

~~d.~~• Failure to pay annual fees within 90 days of invoice by ~~the Department~~LRAPA, unless prior arrangements for payment have been approved in writing by ~~the Department~~LRAPA.

~~2.~~• Reinstatement of Terminated Permit: A permit automatically terminated under ~~340-216~~37-0082(~~1~~2)(b) through (~~1~~2)(d) may only be reinstated by the permittee by applying for a new permit, including the applicable new source permit application fees as set forth in this ~~Division~~Title.

~~3.~~• Revocation:

~~1)~~• If ~~the Department~~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, ~~the Department~~LRAPA may revoke the permit. Notice of the intent to revoke the permit will be provided to the permittee in accordance with ~~OAR 340-011-0097~~LRAPA Title 14. The notice will include the reasons why the permit will be revoked, and include an opportunity for hearing prior to the revocation. A written request for hearing must be received within 60 days from service of the notice, and must state the grounds of the request. The hearing will be conducted as a contested case hearing in accordance with ~~ORS 183.413 through 183.470 and OAR Chapter 340, Division 011~~ LRAPA Title 14The permit will continue in effect until the 60 days expires, or until a final order is issued if an appeal is filed, whichever is later.

3) If ~~the Department~~LRAPA finds there is a serious danger to the public health, safety or the environment caused by a permittee's activities, ~~the Department~~LRAPA may immediately revoke or refuse to renew the permit without prior notice or opportunity for a hearing. If no advance notice is provided, notification will be provided to the permittee as soon as possible as provided in ~~OAR 340-011-0097~~LRAPA Title 14. The notification will set forth the specific reasons for the revocation or refusal to renew. For the permittee to contest ~~the Department's~~ LRAPA's revocation or refusal to renew ~~the Department~~LRAPA must receive a written request for a hearing within 90 days of service of the notice and the request must state the grounds for the request. The hearing will be conducted as a contested case hearing in accordance with ~~ORS 183.413 through 183.470 and OAR Chapter 340, Division 011~~LRAPA Title 14. The revocation or refusal to renew becomes final without further action by ~~the Department~~LRAPA if a request for a hearing is not received within the 90 days.

~~340-216~~Section 37-0084 ~~Department~~ LRAPA Initiated Modification

If ~~the Department~~LRAPA determines it is appropriate to modify an ACDP, other than a General ACDP, ~~the Department~~LRAPA will notify the permittee by regular, registered or certified mail of the modification and will include the proposed modification and the reasons for the modification. The modification will become effective upon mailing unless the permittee requests a hearing within 20 days. Such a request for hearing must be made in writing and must include the grounds for the request. The hearing will be conducted as a contested case hearing in accordance with ~~ORS 183.413 through 183.470 and OAR Chapter 340, Division 011~~LRAPA Title 14. If a hearing is requested, the existing permit will remain in effect until after a final order is issued in the hearing.

~~340-216~~Section 37-0090 Sources Subject to ACDPs and Fees

All air contaminant discharge sources listed in Table 1 ~~OAR 340-216~~Section 37-0020 must obtain a permit from ~~the Department~~LRAPA and are subject to fees as set forth in **Table 2** ~~OAR 340-216~~Section 37-0020.

- The fees in LRAPA Title 37, Table 2 will increase by the Consumer Price Index (CPI) on July 1 of each year.

~~Stat. Auth.: ORS 468.020 & ORS 468A.040~~
~~Stats. Implemented: ORS 468.065~~
~~Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033.12; DEQ 125, f. & ef. 12-16-76; DEQ 20-1979, f. & ef. 6-29-79; DEQ 11-1983, f. & ef. 5-31-83; DEQ 6-1986, f. & ef. 3-26-86; DEQ 12-1987, f. & ef. 6-15-87; DEQ17-1990, f. & cert. ef. 5-25-90; DEQ 27-1991, f. & cert. ef. 11-29-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0165; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 21-1994, f. &cert. ef. 10-14-94; DEQ 22-1994. f. & cert. ef. 10-14-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 18-1997, f. 8-27-97, cert. ef. 10-1-97; DEQ 7-1998, f. & cert. ef. 5-5-98; DEQ 12-1998, f. & cert. ef. 6-30-98;~~

DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ10-1999, f. & cert. ef. 7-1-99; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1750

340-216Section 37-0094 Temporary Closure

(A)• Permittees who are temporarily suspending activities for which an ACDP is required may apply for a fee reduction due to temporary closure. However, the anticipated period of closure must exceed six months and must not be due to regular maintenance or seasonal limitations.

(B)• Annual fees for temporary closure are one half of the regular annual fee for the source.

(C)• Sources who have received Department LRAPA approval for payment of the temporary closure fee must obtain authorization from the DepartmentLRAPA prior to resuming permitted activities. Owners or operators must submit written notification, together with the prorated annual fee for the remaining months of the year, to the DepartmentLRAPA at least thirty (30) days before startup and specify in the notification the earliest anticipated startup date.

340-216-0100
Permit Program for Regional Air Pollution Authority
Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468 & ORS 468A
Hist.: DEQ 47, f. 8-31-72, ef. 9-15-72; DEQ 63, f. 12-20-73, ef. 1-11-74; DEQ 107, f. & ef. 1-6-76; Renumbered from 340-020-0033; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0185; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1790

~~division 216~~TITLE 37 (~~OAR 340-216~~Section 37-0020) Table 1
~~(last revised 3/8/02)~~

Part A: Activities and Sources

The following commercial and industrial sources must obtain a Basic ACDP under the procedures set forth in ~~340-216~~Section 37-0056 unless the source is required to obtain a different form of ACDP by Part B or C hereof: (Production and emission parameters are based on the latest consecutive 12 month period, or future projected operation, whichever is higher. Emission cutoffs are based on actual emissions.)

~~3.~~1. ~~**~~ Autobody Repair or Painting Shops painting more than 25 automobiles in a year.
~~4.~~2. Natural Gas and Propane Fired Boilers (with or without #2 diesel oil back-up(a)) of 10 or more MMBTU but less than 30 MMBTU/hr heat input constructed after June 9, 1989.
~~5.Bakeries, Commercial baking more than 500 tons of dough per year.~~
~~6.* Cereal Preparations and Associated Grain Elevators more than 2,000 but less than 10,000 tons per year throughput.~~
~~7.Coffee Roasters roasting more than 6 tons coffee beans in a year, but less than 30 tons/yr.~~
~~8.~~3. Concrete Manufacturing including Redimix and CTB more than 5,000 but less than 25,000 cubic yards per year output.
~~9.~~4. Crematory and Pathological Waste Incinerators with less than 20 tons/yr. material input.
~~10.* Flour, Blended and/or Prepared and Associated Grain Elevators more than 2,000 but less than 10,000 tons per year throughput.~~
~~11.* Grain Elevators used for intermediate storage more than 1,000 but less than 10,000 tons/yr. throughput.~~
~~12.Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries more than one ton/yr. but less than 100 tons/yr. metal charged (not elsewhere identified).~~
~~13.Millwork (including kitchen cabinets and structural wood members) more than 5,000 but less than 25,000 bd. ft./maximum 8 hour input.~~
~~14.Non-Ferrous Metal Foundries more than one ton/yr. but less than 100 tons/yr. of metal charged.~~

~~13.Pesticide Manufacturing more than 1,000 tons/yr. but less than 5,000 tons/yr.~~

~~15.~~5. Prepared feeds for animals and fowl and associated grain elevators more than 1,000 tons/yr. but less than 10,000 tons per year throughput.
~~16.~~6. Rock, Concrete or Asphalt Crushing both portable and stationary more than 5,000 tons/yr. but less than 25,000 tons/yr. crushed.

~~16.Sawmills and/or Planing Mills more than 5,000 but less than 25,000 bd. ft./maximum 8 hour finished product.~~

~~17.* Seed Cleaning and Associated Grain Elevators more than 1,000 but less than 5000 tons per year throughput, if particulate emission equal or exceed ½ ton/yr. (sources in this Basic permit category that have less than ½ ton of PM emissions are not required to have an~~

~~17.~~7. Surface 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 (e.g. powder coating operations).

~~19.Wood Furniture and Fixtures more than 5,000 but less than 25,000 bd. ft./maximum 8 hour input.~~

Part B: Activities and Sources

The following commercial and industrial sources must obtain either:

- a General ACDP, if one is available for the source classification and the source qualifies for a General ACDP under the procedures set forth in ~~340-216~~Section 37-0060;
- a Simple ACDP under the procedures set forth in ~~340-216~~Section 37-0064; or
- a Standard ACDP under the procedures set forth in ~~340-216~~Section 37-0066 if the source fits one of the criteria of Part C hereof.

~~5.~~1. Aerospace or Aerospace Parts Manufacturing
~~6.~~2. Aluminum Production - Primary
~~7.~~3. Ammonia Manufacturing
~~8.~~4. Animal Rendering and Animal Reduction Facilities
~~9.~~5. Asphalt Blowing Plants
~~10.~~6. Asphalt Felts or Coating
~~11.~~7. Asphaltic Concrete Paving Plants both stationary and portable
~~12.~~8. Bakeries, Commercial over 10 tons of VOC emissions per year
~~13.~~9. Battery Separator Manufacturing
~~14.~~10. Battery Manufacturing and Re-manufacturing
~~15.~~11. Beet Sugar Manufacturing
~~16.~~12. Boilers and other Fuel Burning Equipment over 10 MMBTU/hr. heat input, except exclusively Natural Gas and Propane fired units (with or without #2 diesel backup) under 30 MMBTU/hr. heat input
~~17.~~13. Building paper and Buildingboard Mills
~~18.~~14. Calcium Carbide Manufacturing
~~19.~~15. ~~***~~ Can or Drum Coating
~~20.~~16. Cement Manufacturing
~~21.~~17. * Cereal Preparations and Associated Grain Elevators 10,000 or more tons/yr. throughput
~~22.~~18. Charcoal Manufacturing
~~23.~~19. Chlorine and Alkalies Manufacturing
~~24.~~20. Chrome Plating
~~25.~~21. Coffee Roasting (roasting 30 or more tons per year)
~~26.~~22. Concrete Manufacturing including Redimix and CTB 25,000 or more cubic yards per year output
~~27.~~23. Crematory and Pathological Waste Incinerators 20 or more tons/yr. material input
~~28.~~24. Degreasers (halogenated solvents subject to a NESHAP)
~~29.~~25. Electrical Power Generation from combustion (excluding units used exclusively as emergency generators)

~~30.~~26. Ethylene Oxide Sterilization
~~31.~~27. ~~***~~ Flatwood Coating ~~regulated by Division 232~~
~~32.~~28. ~~***~~ Flexographic or Rotogravure Printing ~~subject to RACT~~
~~33.~~29. * Flour, Blended and/or Prepared and Associated Grain Elevators 10,000 or more tons/yr. throughput
~~34.~~30. Galvanizing and Pipe Coating (except galvanizing operations that use less than 100 tons of zinc/yr.)
~~35.~~31. ~~***~~ Gasoline Plants and Bulk Terminals ~~subject to OAR 232~~
~~36.~~32. Gasoline Terminals
~~37.~~33. Glass and Glass Container Manufacturing
~~38.~~34. * Grain Elevators used for intermediate storage 10,000 or more tons/yr. throughput
~~39.~~35. Grain terminal elevators
~~40.~~36. Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries 100 or more tons/yr. metal charged (not elsewhere identified)
~~41.~~37. Gypsum Products Manufacturing
~~42.~~38. Hardboard Manufacturing (including fiberboard)
~~43.~~39. Incinerators with two or more ton per day capacity
~~44.~~40. Lime Manufacturing
~~45.~~41. ~~***~~ Liquid Storage Tanks ~~subject to OAR Division 232~~
~~46.~~42. Magnetic Tape Manufacturing
~~47.~~43. Manufactured and Mobile Home Manufacturing
~~48.~~44. Marine Vessel Petroleum Loading and Unloading
~~49.~~45. Millwork (including kitchen cabinets and structural wood members) 25,000 or more bd. ft./maximum 8 hr. input
~~50.~~46. Molded Container
~~51.~~47. Motor Coach Manufacturing
~~52.~~48. Natural Gas and Oil Production and Processing and associated fuel burning equipment
~~53.~~49. Nitric Acid Manufacturing
~~54.~~50. Non-Ferrous Metal Foundries 100 or more tons/yr. of metal charged
~~55.~~51. Organic or Inorganic Chemical Manufacturing and Distribution with ½ or more tons per year emissions of any one criteria pollutant (sources in this category with less than ½ ton/yr. of each criteria pollutant are not required to have an ACDP)
~~56.~~52. ~~***~~ Paper or other Substrate Coating
~~57.~~53. Particleboard Manufacturing (including strandboard, flakeboard, and waferboard)
~~58.~~54. Perchloroethylene dry cleaners that do not submit a complete Dry Cleaner Annual Hazardous Waste and Air Compliance Report by June 1 of any given year
~~59.~~55. Pesticide Manufacturing 5,000 or more tons/yr. annual production
~~60.~~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
~~61.~~57. Plywood Manufacturing and/or Veneer Drying
~~62.~~58. Prepared feeds for animals and fowl and associated grain elevators 10,000 or more tons per year throughput
~~63.~~59. Primary Smelting and/or Refining of Ferrous and Non-Ferrous Metals
~~64.~~60. Pulp, Paper and Paperboard Mills
~~65.~~61. Rock, Concrete or Asphalt Crushing both portable and stationary 25,000 or more tons/yr. crushed

~~62.~~62. Sawmills and/or Planing Mills 25,000 or more bd. ft./maximum 8 hr. finished product
~~67.~~63. Secondary Smelting and/or Refining of Ferrous and Non-Ferrous Metals
~~68.~~64. * Seed Cleaning and Associated Grain Elevators 5,000 or more tons/yr. throughput
~~69.~~65. Sewage Treatment Facilities employing internal combustion for digester gasses
~~70.~~66. Soil Remediation Facilities stationary or portable
~~71.~~67. Steel Works, Rolling and Finishing Mills
~~72.~~68. ~~***~~ Surface Coating in Manufacturing ~~subject to RACT~~
~~73.~~69. Surface Coating Operations with actual emissions of VOCs before add on controls of 10 or more tons/yr.
~~74.~~70. Synthetic Resin Manufacturing
~~75.~~71. Tire Manufacturing
~~76.~~72. Wood Furniture and Fixtures 25,000 or more bd. ft./maximum 8 hr. input
~~77.~~73. Wood Preserving (excluding waterborne)
~~78.~~74. All Other Sources not listed herein that ~~the Department~~LRAPA determines an air quality concern exists or one which would emit significant malodorous emissions
~~79.~~75. All Other Sources not listed herein which would have actual emissions, if the source were to operate uncontrolled, of 5 or more tons a year of PM10 if located in a PM10 non-attainment or maintenance area, or 10 or more tons of any single criteria pollutant in any part of ~~the state~~Lane County.

Part C: Activities and Sources

The following sources must obtain a Standard ACDP under the procedures set forth in ~~340-216~~Section 37-0066:

~~5.~~1. Incinerators for PCBs and / or other hazardous wastes
~~6.~~2. All Sources that ~~the Department~~LRAPA determines have emissions that constitute a nuisance
~~7.~~3. All Sources electing to maintain the source's baseline emission rate, or netting basis
~~8.~~4. All Sources subject to a ~~RACT,~~ BACT, LAER, NESHAP, NSPS, ~~State~~ LRAPA MACT, or other significant Air Quality regulation(s), except:
   a. Source categories for which a General ACDP has been issued, and
   b. Sources with less than 10 tons/yr. actual emissions that are subject to ~~RACT~~, NSPS or a NESHAP which qualify for a Simple ACDP
~~9.~~5. All Sources having the Potential to Emit more than 100 tons of any regulated air contaminant in a year
~~10.~~6. All Sources having the Potential to Emit more than 10 tons of a single hazardous air pollutant in a year
~~11.~~7. All Sources having the Potential to Emit more than 25 tons of all hazardous air pollutants combined in a year

Notes:
* Applies only to Special Control Areas
~~** Portland AQMA only~~
~~*** Portland AQMA, Medford-Ashland AQMA or Salem SKATS only~~
(a) "back-up" means less than 10,000 gallons of fuel per year

For more information contact:
Lane Regional Air Protection Agency
1010 Main Street
Springfield, OR 97477
(541) 736-1056

~~division 216~~TITLE 37 (~~OAR 340-216~~Section 37-0020) Table 2
~~(last revised 3/8/02)~~

Part 1. Initial Permitting Application Fees: (in addition to first annual fee)

a. Short Term Activity ACDP	$ ~~2500.00~~3,000
b. Basic ACDP	$ ~~100.00~~120
c. Assignment to General ACDP	$ ~~1,000.00~~1,200
d. Simple ACDP	$ ~~5,000.00~~6,000
e. Construction ACDP	$ ~~8,000.00~~9,600
f. Standard ACDP	$~~10,000.00~~12,000
g. Standard ACDP (PSD/NSR)	$~~35,000.00~~42,000

Part 2. Annual Fees: (due 12/1 for 1/1 to 12/31 of the following year)

a. Short Term Activity ACDP	$ NA
b. Basic ACDP	$ ~~300.00~~360
c. General ACDP	
(A) Fee Class One	$ ~~600.00~~720
(B) Fee Class Two	$ ~~1,080.00~~1,296
(C) Fee Class Three	$ ~~1,560.00~~1,872
d. Simple ACDP	
(A) Low Fee	$ ~~1,600.00~~1,920
(B) High Fee	$ ~~3,200.00~~3,840
e. Standard ACDP	$ ~~6,400.00~~7,680

Part 3. Specific Activity Fees:

a. Non-Technical Permit Modification (1)	$ ~~300.00~~360
b. Non-PSD/NSR Basic Technical Permit Modification (2)	$ ~~300.00~~360
c. Non-PSD/NSR Simple Technical Permit Modification(3)	$ ~~1,000.00~~1,200
d. Non-PSD/NSR Moderate Technical Permit Modification (4)	$ ~~5,000.00~~6,000 $~~10,000.00~~12,000
e. Non-PSD/NSR Complex Technical Permit Modification (5)	$~~35,000.00~~42,000
f. PSD/NSR Modification	$ ~~5,000.00~~6,000
g. Modeling Review (outside PSD/NSR)	$ ~~2,000.00~~2,400
h. Public Hearing at Source's Request	$ ~~5,000.00~~6,000
i. ~~State~~ LRAPA MACT Determination	$ ~~100.00~~120/month
j. Compliance Order Monitoring (6)	

Part 4. Late Fees:

a. 8-30 days late 5% of annual fee

b. 31-60 days late 10% of annual fee

c. 61 or more days late 20% of annual fee

7.1. Non-Technical modifications include, but are not limited to name changes, change of ownership and similar administrative changes.

8.2. Basic Technical Modifications include, but are not limited to corrections of emission factors in compliance methods, changing source test dates for extenuating circumstances, and similar changes.

9.3. Simple Technical Modifications include, but are not limited to-, incorporating a PSEL compliance method from a review report into an ACDP, modifying a compliance method to use different emission factors or process parameter, changing source test dates for extenuating circumstances, changing reporting frequency, incorporating NSPS and NESHAP requirements that do not require ~~judgement~~judgment, and similar changes.

10.4. Moderate Technical Modifications include, but are not limited to incorporating a relatively simple new compliance method into a permit, adding a relatively simple compliance method or monitoring for an emission point or control device not previously addressed in a permit, revising monitoring and reporting requirements other than dates and frequency, adding a new applicable requirement into a permit due to a change in process or change in rules and that does not require judgment by ~~the Department~~LRAPA, incorporating NSPS and NESHAP requirements that do not require judgment, and similar changes.

11.5. Complex Technical Modifications include, but are not limited to incorporating a relatively complex new compliance method into a permit, adding a relatively complex compliance method or monitoring for an emission point or control devise not previously addressed in a permit, adding a relatively complex new applicable requirement into a permit due to a change in process or change in rules and that requires ~~judgement~~judgment by ~~the Department~~LRAPA, and similar changes.

12.6. This is a one time fee payable when a Compliance Order is established in a Permit or an ~~Department~~ LRAPA Order containing a compliance schedule becomes a Final Order of ~~the Department~~LRAPA and is based on the number of months ~~the Department~~LRAPA will have to oversee the Order.

~~DIVISION 224~~TITLE 38

MAJOR NEW SOURCE REVIEW

~~340-224~~Section 38-0010 Applicability and General Prohibitions

(20) This ~~division~~ title applies to owners and operators of proposed major sources and major modifications of air contaminant sources. It does not apply to owners or operators of proposed non-major sources or non-major modifications. Such owners or operators are subject to other ~~Department~~ LRAPA rules, including Highest and Best Practicable Treatment and Control Required (~~OAR 340-226~~Section 32-~~0100~~0005 through ~~340-226~~32-~~0140~~0009), Notice of Construction and Approval of Plans (~~OAR 340-210~~Section 34-0200 through ~~340-210~~34-0250), ACDPs (~~OAR 340 division 216~~LRAPA Title 37), Emission Standards for Hazardous Air Contaminants (~~OAR 340 division 244~~LRAPA Title 44), and Standards of Performance for New Stationary Sources (~~OAR 340 division 238~~LRAPA Title 46).

(21) No owner or operator may begin construction of a major source or a major modification of an air contaminant source without having received an air contaminant discharge permit (ACDP) from ~~the Department~~LRAPA and having satisfied the requirements of this ~~division~~title.

~~[**NOTE**: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~
~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468A.025~~
~~Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0220; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1900~~

~~340-224~~Section 38-0020 Definitions

The definitions in ~~OAR 340-200-0020, 340-204-0010~~LRAPA Title 12 and this rule apply to this ~~division~~title. If the same term is defined in this rule and ~~OAR 340-200-0020~~LRAPA Title 12 ~~or 340-204-0010~~, the definition in this rule applies to this ~~division~~title.

~~[**NOTE**: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]~~
~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468A.025~~
~~Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99~~

~~340-224~~Section 38-0030 Procedural Requirements

(c) Information Required. The owner or operator of a proposed major source or major modification must submit all information ~~the Department~~LRAPA needs to perform any analysis or make any determination required under this ~~division~~ title and ~~OAR 340 division 225~~LRAPA Title 40. The information must be in writing on forms supplied by ~~the Department~~LRAPA and include the information for a standard ACDP as detailed in ~~OAR 340 division 216~~LRAPA Title 37.

(d) Other Obligations:

~~o~~a. Approval to construct becomes invalid if construction is not commenced within 18 months after ~~the Department~~LRAPA issues such approval, if

construction is discontinued for a period of 18 months or more, or if construction is not completed within 18 months of the scheduled time. ~~The Department~~ LRAPA may extend the 18-month period for good cause. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date;

~~c~~b. Approval to construct does not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the State Implementation Plan and any other requirements under local, state or federal law;

~~c~~c. Approval to construct a source under an ACDP issued under paragraph ~~(3)(B)~~ 3.B. of this rule authorizes construction and operation of the source, except as prohibited in subsection ~~(D)~~D. of this rule, until the later of:

i. One year from the date of initial startup of operation of the major source or major modification; or

ii. If a timely and complete application for an ~~Oregon~~ LRAPA Title V Operating Permit is submitted, the date of final action by ~~the Department~~LRAPA on the ~~Oregon~~ LRAPA Title V Operating Permit application.

~~c~~d. Where an existing ~~Oregon~~ LRAPA Title V Operating Permit would prohibit construction or change in operation, the owner or operator must obtain a permit revision before commencing construction or operation.

(e) Application Processing:

~~c~~a. Within 30 days after receiving an application to construct, or any addition to such application, ~~the Department~~LRAPA will advise the applicant of any deficiency in the application or in the information submitted. For purposes of this section, the date ~~the Department~~LRAPA received a complete application is the date on which ~~the Department~~LRAPA received all required information;

~~c~~b. Notwithstanding the requirements of ~~OAR 340-216~~Section 37-0040 or OAR 340-218-0040, concerning permit application requirements, ~~the Department~~LRAPA will make a final determination on the application within six months after receiving a complete application. This involves performing the following actions in a timely manner:

i. Making a preliminary determination whether construction and/or modification should be approved, approved with conditions, or disapproved;

ii. Making the proposed permit available in accordance with the public participation procedures required by LRAPA Title 14 for Category IV. Extension of Construction Permits beyond the 18-month time period in paragraph ~~(2)(A)~~2.A. of this rule are available in accordance with the public participation procedures required by Category II in lieu of Category IV.

~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468A.025~~
~~Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 18-1984, f. & ef. 10-16-84; DEQ 13-1988, f. & cert. ef. 6-17-88; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0230; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 24-1994, f. &cert. ef. 10-28-94; DEQ 22-1995, f. &cert. ef. 10-6-95; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1910~~

~~340-224~~Section 38-0040 Review of New Sources and Modifications for Compliance With Regulations

The owner or operator of a proposed major source or major modification must demonstrate the ability of the proposed source or modification to comply with all applicable air quality requirements of ~~the Department~~LRAPA.

~~[**NOTE**: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~
~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468A.025~~
~~Hist.: DEQ 25-1981, f. & cef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0235; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1920~~

~~340-224~~Section 38-0050 Requirements for Sources in Nonattainment Areas

Proposed major sources and major modifications that would emit a nonattainment pollutant within a designated nonattainment area, including VOC or NO_x in a designated Ozone Nonattainment Area must meet the requirements listed below:

~~e.~~• Lowest Achievable Emission Rate (LAER). The owner or operator must demonstrate that the source or modification will comply with the LAER for each nonattainment pollutant emitted at or above the significant emission rate. (SER).

~~3.~~O. For a major modification, the requirement for LAER applies only to each emissions unit that emits the pollutant in question and was installed since the baseline period or the most recent New Source Review construction approval for that pollutant, and to each modified emission unit that increases actual emissions of the pollutant in question above the netting basis.

~~4.~~P. For phased construction projects, the LAER determination must be reviewed at the latest reasonable time before commencing construction of each independent phase.

~~5.~~Q. When determining LAER for a change that was made at a source before the current NSR application, ~~the Department~~LRAPA will consider technical feasibility of retrofitting required controls provided:

~~t.~~29. The change was made in compliance with NSR requirements in effect change was made, and

~~u.~~30. No limit will be relaxed that was previously relied on to avoid NSR.

~~6.~~R. Individual modifications with potential to emit less than 10 percent of the SER are exempt from this section unless:

~~q.~~(E) They are not constructed yet;

(G) They are part of a discrete, identifiable, larger project that was constructed within the previous 5 years and is equal to or greater than 10 percent of the SER; or

s.(G) They were constructed without, or in violation of, the Department's LRAPA's approval.

f.• Offsets and Net Air Quality Benefit. The owner or operator must obtain offsets and demonstrate that a net air quality benefit will be achieved as specified in OAR 340-225Section 40-0090.

g.• Additional Requirements for Federal Major Sources:

a.○ The owner or operator of a federal major source must evaluate alternative sites, sizes, production processes, and environmental control techniques for the proposed source or modification and demonstrate that benefits of the proposed source or modification will significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification.

b.○ The owner or operator of a source that emits or has the potential to emit 100 tons per year of any regulated NSR pollutant must evaluate alternative sites, sizes, production processes, and environmental control techniques for the proposed source or modification and demonstrate that benefits of the proposed source or modification will significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification.

c.○ The owner or operator of the federal major source must demonstrate that all major sources owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in the state are in compliance, or are on a schedule for compliance, with all applicable emission limitations and standards under the Act.

d.○ The owner or operator of a federal major source must meet the visibility impact requirements in OAR 340-225Section 40-0070.

(4) Special Exemption for the Salem Ozone Nonattainment area. Proposed major sources and major modifications located in or that impact the Salem Ozone Nonattainment Area are exempt from OAR 340-225-0090 and section (2) of this rule for VOC and NO_x emissions with respect to ozone formation in the Salem Ozone Nonattainment area.
[**NOTE**: this rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]
Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0240;DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 10-1995, f. &cert. ef. 5-1-95; DEQ 22-1995, f. &cert. ef. 10-6-95; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 1-1999, f. & cert. ef.1-25-99; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1930

340-224Section 38-0060 Requirements for Sources in Maintenance Areas

Proposed major sources and major modifications that would emit a maintenance pollutant within a designated ozone or carbon monoxide maintenance area, including VOC or NO_x in a designated ozone maintenance area, must meet the requirements listed below:

~~c.~~(8) Best Available Control Technology (BACT). Except as provided in section 4 of this rule, the owner or operator must apply BACT for each maintenance pollutant emitted at a SER.

~~c.~~• For a major modification, the requirement for BACT applies only to:

~~d.~~(7) Each new emissions unit that emits the pollutant in question and was installed since the baseline period or the most recent New Source Review construction approval for that pollutant; and

~~e.~~(8) Each modified emissions unit that increases the actual emissions of the pollutant in question above the netting basis.

~~f.~~• For phased construction projects, the BACT determination must be reviewed at the latest reasonable time before commencement of construction of each independent phase.

~~g.~~• When determining BACT for a change that was made at a source before the current NSR application, the technical and economic feasibility of retrofitting required controls may be considered provided:

~~5.~~• The change was made in compliance with NSR requirements in effect at the time the change was made, and

~~6.~~• No limit is being relaxed that was previously relied on to avoid NSR.

~~h.~~• Individual modifications with potential to emit less than 10 percent of the significant emission rate are exempt from this section unless:

~~d.~~(11) They are not constructed yet;

~~e.~~(12) They are part of a discrete, identifiable larger project that was constructed within the previous 5 years and that is equal to or greater than 10 percent of the significant emission rate; or

~~f.~~(13) They were constructed without, or in violation of, ~~the Department's~~LRAPA's approval.

~~d.~~(9) Air Quality Protection:

~~B.~~• Offsets and Net Air Quality Benefit. Except as provided in subsections ~~B.~~B~~., C., and D~~. of this section, the owner or operator must obtain offsets and demonstrate that a net air quality benefit will be achieved in the area as specified in ~~OAR 340-225~~Section 40-0090.

~~C. 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 the~~

Department LRAPA from a growth allowance, if available, in accordance with the applicable maintenance plan in the SIP adopted by the Commission LRAPA and approved by EPA. An allocation from a growth allowance used to meet the requirements of this section is not subject to OAR 340-225 Section 40-0090. Procedures for allocating the growth allowances for the Oregon portion of the Portland-Vancouver Interstate Maintenance Area for Ozone and the Portland Maintenance Area for Carbon Monoxide are contained in OAR 340-242-0430 and 340-242-0440.

D. • In a carbon monoxide maintenance area, a proposed carbon monoxide major source or major modification is exempt from subsections A. and B. of this section if the owner or operator can demonstrate that the source or modification will not cause or contribute to an air quality impact equal to or greater than 0.5 mg/m3 (8 hour average) and 2 mg/m3 (1-hour average). The demonstration must comply with the requirements of OAR 340-225 Section 40-0045.

E. In a PM10 maintenance area, a proposed PM10 major source or major modification is exempt from subsection A. of this section if the owner or operator can demonstrate, pursuant to the requirements of OAR 340-225 Section 40-0045, that the source or modification will not cause or contribute to an air quality impact in excess of:

5. 120 µg/m3 (24-hour average) or 40 µg/m3 (annual average) in the Grants Pass PM10 maintenance area; OAKRIDGE or EUGENE/SPRINGFIELD??????

6. 140 µg/m3 (24-hour average) or 47 µg/m3 (annual average) in the Klamath Falls PM10 maintenance area; or

7. 140 µg/m3 (24-hour average) or 45 µg/m3 (annual average) in the Lakeview PM10 maintenance area. In addition, a single source impact is limited to an increase of 5 µg/m3 (24-hour average) in the Lakeview PM10 maintenance area.

e. (10) The owner or operator of a source subject to this rule must provide an air quality analysis in accordance with OAR 340-225 Section 40-0050-1 and 2, and 340-225 Section 40-0060.

f. (11) Additional Requirements for Federal Major Sources: The owner or operator of a federal major source subject to this rule must provide an analysis of the air quality impacts for the proposed source or modification in accordance with OAR 340-225 Section 40-0050-3 and 340-225 40-0070. In addition to the provisions of this section, provisions of section 340-224 Section 38-0070 also apply to federal major sources.

g. (12) 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 Commission LRAPA adopts a revised maintenance plan and EPA approves it as a SIP revision.

(2) • The requirement for BACT in section (1) of this rule is replaced by the requirement for LAER contained in OAR 340-224 Section 38-0050-1.

~~(3) An allocation from a growth allowance may not be used to meet the requirement for offsets in section 2. of this rule.~~

~~(4)~~• The exemption provided in section 2.C. of this rule for major sources or major modifications within a carbon monoxide maintenance area no longer applies.

~~h. Medford-Ashland AQMA: Proposed major sources and major modifications that would emit PM10 within the Medford-Ashland AQMA must meet the LAER emission control technology requirements in OAR 340-224-0050.~~

~~i.~~(13) Pending Redesignation Requests. This rule does not apply to a proposed major source or major modification for which a complete application to construct was submitted to ~~the Department~~LRAPA before the maintenance area was redesignated from nonattainment to attainment by EPA. Such a source is subject to ~~OAR 340-224~~Section 38-0050.

~~[**NOTE**: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~
~~[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the office of the Department.]~~
~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468A.025~~
~~Hist.: DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1935~~

~~340-224~~Section 38-0070 Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas

Proposed new federal major sources or major modifications at federal major sources locating in areas designated attainment or unclassifiable must meet the following requirements:

~~F.~~• Best Available Control Technology (BACT). The owner or operator of the proposed major source or major modification must apply BACT for each pollutant emitted at a SER over the netting basis. ~~In the Medford-Ashland AQMA, t~~~~T~~he owner or operator of any proposed new Federal Major PM10 source, or proposed major modification of a Federal Major PM10 source must comply with the LAER emission control technology requirement in ~~340-224~~Section 38-0050(1), and is exempt from the BACT provision of this section.

- For a major modification, the requirement for BACT applies only to:
    - Each new emissions unit that emits the pollutant in question and was installed since the baseline period or the most recent New Source Review construction approval for that pollutant; and
    - Each modified emissions unit that increases the actual emissions of the pollutant in question above the netting basis.
- For phased construction projects, the BACT determination must be reviewed at the latest reasonable time before commencement of construction of each independent phase.

- When determining BACT for a change that was made at a source before the current NSR application, any additional cost of retrofitting required controls may be considered provided:

  J. The change was made in compliance with NSR requirements in effect at the time the change was made, and

  K. No limit is being relaxed that was previously relied on to avoid NSR.

- Individual modifications with potential to emit less than 10 percent of the significant emission rate are exempt from this section unless:

  16. They are not constructed yet;

  17. They are part of a discrete, identifiable larger project that was constructed within the previous 5 years and that is equal to or greater than 10 percent of the significant emission rate; or

  18. They were constructed without, or in violation of, the Department's LRAPA's approval.

G. Air Quality Analysis: The owner of operator of a source subject to this rule must provide an analysis of the air quality impacts for the proposed source or modification in accordance with OAR 340-225Section 40-0050 through 340-22540-0070.

H. Air Quality Monitoring: The owner or operator of a source subject to this rule must conduct ambient air quality monitoring in accordance with the requirements in OAR 340-225Section 40-0050.

I. The owner or operator of a source subject to this rule and significantly impacting a PM10 maintenance area (significant air quality impact is defined in OAR 340-200-0020LRAPA Title 12), must comply with the requirements of OAR 340-224Section 38-0060(2)-2.

[**NOTE**: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]
[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]
Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 14-1985, f. & ef. 10-16-85; DEQ 5-1986, f. & ef. 2-21-86; DEQ 8-1988, f. &cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 27-1992, f. & cert. ef. 11-12-92; Section (8) renumbered from 340-020-0241; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0245; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1940

340-224Section 38-0080 Exemptions

Temporary emission sources that would be in operation at a site for less than two years, such as pilot plants and portable facilities, and emissions resulting from the construction phase of a new source or modification must comply with OAR 340-224Section 38-0050(1)-1, 340-22438-0060(1)-1 or 340-22438-0070(1)-1, whichever is applicable, but are exempt from the remaining

requirements of OAR 340-224Section 38-0050, 340-22438-0060 and 340-22438-0070 provided that the source or modification would not impact a Class I area or an area with a known violation of a National Ambient Air Quality Standard (NAAQS) or an applicable increment as defined in OAR 340 division 202LRAPA Title 50.

[**NOTE**: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-020-047.]
Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468 & ORS 468A
Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0250; DEQ19-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1950

340-224-0090
Requirements for Net Air Quality Benefit
Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0260; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1970 renumbered to 340-225-0090

340-224Section 38-0100 Fugitive and Secondary Emissions

Fugitive emissions are included in the calculation of emission rates of all air contaminants. Fugitive emissions are subject to the same control requirements and analyses required for emissions from identifiable stacks or vents. Secondary emissions are not included in calculations of potential emissions that are made to determine if a proposed source or modification is major. Once a source or modification is identified as being major, secondary emissions are added to the primary emissions and become subject to the air quality impact analysis requirements in this division title and OAR 340 division 225LRAPA Title 40.

[**NOTE**: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]
Stat. Auth.: ORS 468 & ORS 468A
Stats. Implemented: ORS 468 & ORS 468
Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. &cert. ef. 9-24-93; Renumbered from 340-020-0270; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1990

340-224-0110
Visibility Impact[**NOTE**: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]
Stat. Auth.: ORS 468.020
Stats. Implemented: ORS 468A.025
Hist.: DEQ 18-1984, f. & ef. 10-16-84; DEQ 14-1985, f. & ef. 10-16-85; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0276; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2000

~~DIVISION 225~~TITLE 40

~~AIR QUALITY ANALYSIS REQUIREMENTS~~Air Quality Analysis Requirements

~~340-225~~Section 40-0010 Purpose

This ~~division~~ title contains the definitions and requirements for air quality analysis referred to in ~~OAR 340 divisions 200 through 268~~LRAPA Rules. It does not apply unless a rule in another ~~division~~ title refers the reader here. For example, ~~divisions 222~~Title 42 (Stationary Source Plant Site Emissions Limits) and ~~224~~ Title 38 (Major New Source Review) refer the reader to provisions in this ~~division~~ title for specific air quality analysis requirements.

~~340-225~~Section 40-0020 Definitions

The definitions in ~~OAR 340-200-0020~~LRAPA Title 12 and this rule apply to this ~~division~~title. If the same term is defined in this rule and ~~OAR 340-200-0020~~LRAPA Title 12, the definition in this rule applies to this ~~division~~title.

~~4.~~1. "Allowable Emissions" means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

A. The applicable standards as set forth in 40 CFR parts 60 and 61;
B. The applicable State Implementation Plan emissions limitation, including those with a future compliance date; or
C. The emissions rate specified as a federally enforceable permit condition.

~~5.~~2. "Background Light Extinction" means the reference levels (Mm^{-1}) shown in the estimates of natural conditions as referenced in the FLAG to be representative of the PSD Class I or Class II area being evaluated.

~~6.~~3. "Baseline Concentration" means:

A. Except as provided in subsection C., the ambient concentration level for sulfur dioxide and PM10 that existed in an area during the calendar year 1978. If no ambient air quality data is available in an area, the baseline concentration may be estimated using modeling based on actual emissions for 1978. Actual emission increases or decreases occurring before January 1, 1978 must be included in the baseline calculation, except that actual emission increases from any source or modification on which construction commenced after January 6, 1975 must not be included in the baseline calculation;
B. The ambient concentration level for nitrogen oxides that existed in an area during the calendar year 1988.

~~(c) For the area of northeastern Oregon within the boundaries of the Umatilla, Wallowa-Whitman, Ochoco, and Malheur National Forests, the ambient concentration level for PM10 that existed during the calendar year 1993. The Department may allow the source~~

2. ~~of an earlier time period if the Department determines that it is more representative of normal emissions.~~

~~7.~~4. "Competing PSD Increment Consuming Source Impacts" means the total modeled concentration above the modeled Baseline Concentration resulting from increased emissions of all other sources since the baseline concentration year that are within the Range of Influence of the source in question. Allowable Emissions may be used as a conservative estimate, in lieu of Actual Emissions, in this analysis.

~~8.~~5. "Competing NAAQS Source Impacts" means total modeled concentration resulting from allowable emissions of all other sources that are within the Range of Influence of the source in question.

~~9.~~6. "FLAG " refers to the Federal Land Managers' Air Quality Related Values Work Group Phase I Report. See 66 Federal Register 2, January 3, 2001 at 382 to 383.

~~10.~~7. "General Background Concentration" means impacts from natural sources and unidentified sources that were not explicitly modeled. ~~The Department~~LRAPA may determine this as site-specific ambient monitoring or representative ambient monitoring from another location.

~~11. "Predicted Maintenance Area Concentration" means the future year ambient concentration predicted by the Department in the applicable maintenance plan as follows:~~

~~a. The future year (2015) concentrations for the Grants Pass UGB are 89 µg/m3 (24-hour average) and 21 µg/m3 (annual average).~~
~~b.The future year (2015) concentrations for the Klamath Falls UGB are 114 µg/m3 (24-hour average) and 25 µg/m3 (annual average).~~
A. ~~The future year (2025) concentrations for the Lakeview UGB are 126 µg/m3 (24-hour average) and 27 µg/m3 (annual average).~~

~~12.~~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.

~~13.~~9. "Ozone Precursor Distance" means the distance in kilometers from the nearest boundary of a designated ozone nonattainment or maintenance area within which a major new or modified source of VOC or NOx is considered to significantly affect that designated area. The determination of significance is made by either the formula method or the demonstration method.

A. The Formula Method.
1) For sources with complete permit applications submitted before January 1, 2003: D = 30 km
2) For sources with complete permit applications submitted on or after January 1, 2003: D = (Q/40) x 30 km

3) D is the Ozone Precursor Distance in kilometers. The value for D is 100 kilometers when D is calculated to exceed 100 kilometers. Q is the larger of the NOx or VOC emissions increase from the source being evaluated in tons/year, and is quantified relative to the netting basis.
4) If a source is located at a distance less than D from the designated area, the source is considered to have a significant effect on the designated area. If the source is located at a distance equal to or greater than D, it is not considered to have a significant effect.

B. The Demonstration Method. An applicant may demonstrate to ~~the Department~~LRAPA that the source or proposed source would not significantly impact a nonattainment area or maintenance area. This demonstration may be based on an analysis of major topographic features, dispersion modeling, meteorological conditions, or other factors. If ~~the Department~~LRAPA determines that the source or proposed source would not significantly impact the nonattainment area or maintenance area under high ozone conditions, the Ozone Precursor Distance is zero kilometers.

~~14.~~10. "Ozone Precursor Offsets" means the emission reductions required to offset emission increases from a major new or modified source located inside the designated nonattainment or maintenance area or within the Ozone Precursor Distance. Emission reductions must come from within the designated area or from within the Ozone Precursor Distance of the offsetting source as described in ~~OAR 340-225~~Section 38-0090. The offsets determination is made by either the formula method or the demonstration method.

A. The Formula Method.
1) Required offsets (RO) for new or modified sources are determined as follows:
(a) For sources with complete permit applications submitted before January 1, 2003: RO = SQ
(b) For sources with complete permit applications submitted on or after January 1, 2003: RO = (SQ minus (40/30 * SD))
2) Contributing sources may provide offsets (PO) calculated as follows: PO = CQ minus (40/30 * CD)
3) Multiple sources may contribute to the required offsets of a new source. For the formula method to be satisfied, total provided offsets (PO) must equal or exceed the required offset (RO).
4) Definitions of factors used in paragraphs (1) (2) and (3) of this subsection:
(a) RO is the required offset of NOx or VOC in tons per year as a result of the source emissions increase. If RO is calculated to be negative, RO is set to zero;
(b) SQ is the source emissions increase of NOx or VOC in tons per year above the netting basis;
(c) SD is the source distance in kilometers to the nonattainment or maintenance area. SD is zero for sources located within the nonattainment or maintenance area.

(d) PO is the provided offset from a contributing source and must be equal to or greater than zero;

(e) CQ is the contributing emissions reduction in tons per year quantified relative to contemporaneous pre-reduction actual emissions (~~OAR 340-268~~Section 41-0030(1)(~~b~~B)).

(f) CD is the contributing source distance in kilometers to the nonattainment or maintenance area. For a contributing source located within the nonattainment or maintenance area, CD equals zero.

B. The Demonstration Method. An applicant may demonstrate to ~~the Department~~LRAPA using dispersion modeling or other analyses the level and location of offsets that would be sufficient to provide actual reductions in concentrations of VOC or NOx in the designated area during high ozone conditions. The modeled reductions of ambient VOC or NOx concentrations resulting from the emissions offset must be demonstrated over a greater area and over a greater period of time within the designated area as compared to the modeled ambient VOC or NOx concentrations resulting from the emissions increase from the source subject to this rule. If ~~the Department~~LRAPA determines that the demonstration is acceptable, then ~~the Department~~LRAPA will approve the offsets proposed by the applicant. The demonstration method does not apply to sources located inside an ozone nonattainment area.

~~15.~~11. "Range of Influence (ROI)" means:

A. For PSD Class II and Class III areas, the Range of Influence of a competing source (in kilometers) is defined by:

1) ROI (km) = Q (tons/year) / K (tons/year km).

2) Definition of factors used in paragraph (1) of this subsection:

(a) ROI is the distance a source has an effect on an area and is compared to the distance from a potential competing source to the Significant Impact Area of a proposed new source. Maximum ROI is 50 km, however ~~the Department~~LRAPA may request that sources at a distance greater than 50 km be included in a competing source analysis.

(b) Q is the emission rate of the potential competing source in tons per year.

(c) K (tons/year km) is a pollutant specific constant as defined in the table below: ~~[Table not included. See ED. NOTE.]~~

Pollutant	PM10	SOx	NOx	CO	Lead
K	5	5	10	40	0.15

B. For PSD Class I areas, the Range of Influence of a competing source includes emissions from all sources that occur within the modeling domain of the source being evaluated. ~~The Department~~LRAPA determines the modeling domain on a case-by-case basis.

~~16.~~12. "Source Impact Area" means a circular area with a radius extending from the source to the largest distance to where predicted impacts from the source or modification

equal or exceed the Significant Air Quality Impact levels set out in Table 1 of ~~OAR 340, division 200~~LRAPA Title 12. This definition only applies to PSD Class II areas and is not intended to limit the distance for PSD Class I modeling.

~~17.~~13. "Sulfur Deposition" means the sum of anion and cation sulfur deposition expressed in terms of the total mass of elemental sulfur being deposited. As an example, sulfur deposition for $(NH4)_2SO_4$ is 0.2427 times the weight of $(NH4)_2SO_4$ being deposited.

~~340-225~~Section 40-0030 Procedural Requirements

Information Required. In addition to the requirements defined in ~~OAR 340-216~~Section 37-0040, the owner or operator of a source (where required by ~~divisions 222 or 224~~Titles 42 or 38) must submit all information necessary to perform any analysis or make any determination required under these rules. Such information must include, but is not limited to:

~~18.~~1. Emissions data for all existing and proposed emission points from the source or modification. This data must represent maximum emissions for the following averaging times by pollutant:

PM10	24 hours, annual
Sulfur Oxides	3 hour, 24 hours, annual
Nitrogen Oxides	annual
Carbon Monoxide	1 hour, 8 hours, annual
Lead	annual quarterly, annual

~~19.~~2. Stack parameter data (height above ground, exit diameter, exit velocity, and exit temperature data) for all existing and proposed emission points from the source or modification,

~~20.~~3. An analysis of the air quality and visibility impact of the source or modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts; and

~~21.~~4. An analysis of the air quality and visibility impacts, and the nature and extent of all commercial, residential, industrial, and other source emission growth, that has occurred since January 1, 1978, in the area the source or modification would significantly affect.

~~340-225~~Section 40-0040 Air Quality Models

All modeled estimates of ambient concentrations required under this rule must be based on the applicable air quality models, data bases, and other requirements specified in 40 CFR Part 51, Appendix W, "Guidelines on Air Quality Models (Revised) " (July 1, 2000). Where an air quality impact model specified in 40 CFR Part 51, Appendix W is inappropriate, the methods published in the FLAG are generally preferred for analyses in PSD Class I areas. Where an air quality impact model specified in 40 CFR Part 51, Appendix W is inappropriate

in 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 ~~the Department~~LRAPA and the EPA. Where necessary, methods like those outlined in the "Interim Procedures for Evaluating Air Quality Models (Revised)" (U.S. Environmental Protection Agency, 1984) provide guidance in determining the comparability of models.

~~340-225~~Section 40-0045 Requirements for Analysis in Maintenance Areas

Modeling: For determining compliance with the limits established in ~~OAR 340-224~~Section 38-0060(2)(C~~e~~) ~~and (2)(d~~D~~)~~, NAAQS, and PSD Increments, the following methods must be used:

~~4.~~1. A single source impact analysis is sufficient to show compliance with standards, PSD increments, and limits if modeled impacts from the source being evaluated are less than the Significant Air Quality Impact levels specified in ~~OAR 340-200-0020~~LRAPA Title 12, Table 1 for all maintenance pollutants.

~~5.~~2. If the above requirement is not satisfied, the owner or operator of a proposed source or modification being evaluated must perform competing source modeling as follows:

~~d. For demonstrating compliance with the maintenance area limits established in OAR 340-224Section 38-0060(2)(eC) and (2)(dD), the owner or operator of a proposed source or modification must show that modeled impacts from the proposed increased emissions plus Competing Source Impacts, plus predicted maintenance area concentration are less than the limits for all averaging times.~~

~~e.~~A. For demonstrating compliance with the NAAQS, the owner or operator of a proposed source or modification must show that the total modeled impacts plus total Competing NAAQS Source Impacts plus General Background Concentrations are less than the NAAQS for all averaging.

~~f.~~B. For demonstrating compliance with the PSD Increments (as defined in ~~OAR 340-202~~Section 50-~~0210~~055, Table 1), the owner or operator of a proposed source or modification must show that modeled impacts from the proposed increased emissions (above the baseline concentration) plus competing PSD Increment Consuming Source Impacts (above the baseline concentration) are less than the PSD increments for all averaging times.

~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468A, 468A.025 & 468A.035~~
~~Hist.: DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 1-2005, f. & cert. ef. 1-4-05~~

~~340-225~~Section 40-0050 Requirements for Analysis in PSD Class II and Class III Areas

Modeling: For determining compliance with the NAAQS and PSD Increments in PSD Class II and Class III areas, the following methods must be used:

~~6.~~1. A single source impact analysis is sufficient to show compliance with standards and increments if modeled impacts from the source being evaluated are less than the

Significant Air Quality Impact levels specified in ~~OAR 340-200-0020~~LRAPA Title 12, Table 1 for all pollutants.

~~7.~~2. If the above requirement is not satisfied, the owner or operator of a proposed source or modification being evaluated must perform competing source modeling as follows:

~~d.~~A. For demonstrating compliance with the PSD Increments (as defined in ~~OAR 340-202~~Section 50-~~0210~~055, Table 1), the owner or operator of a proposed source or modification must show that modeled impacts from the proposed increased emissions (above the modeled Baseline Concentration) plus Competing PSD Increment Consuming Source Impacts (above the modeled Baseline Concentration) are less than the PSD increments for all averaging times.

~~e.~~B. For demonstrating compliance with the NAAQS, the owner or operator of a proposed source must show that the total modeled impacts plus total Competing NAAQS Source Impacts plus General Background Concentrations are less than the NAAQS for all averaging times.

~~8.~~3. Additional Impact Modeling:

~~f.~~A. When referred to this rule by ~~divisions 222 or 224~~Titles 42 or 38, the owner or operator of a source must provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the source or modification, and general commercial, residential, industrial and other growth associated with the source or modification. As a part of this analysis, deposition modeling analysis is required for sources emitting heavy metals above the significant emission rates as defined in ~~OAR 340-200-0020~~LRAPA Title 12, Table 2. Concentration and deposition modeling may also be required for sources emitting other compounds on a case-by-case basis;

~~g.~~B. The owner or operator must provide an analysis of the air quality concentration projected for the area as a result of general commercial, residential, industrial and other growth associated with the source or modification.

~~9.~~4. Air Quality Monitoring:

A. Preconstruction:

~~3)~~1) When referred to this rule by ~~divisions 222 or 224~~Titles 42 or 38, the owner or operator of a source must submit with the application an analysis of ambient air quality in the area impacted by the proposed project. This analysis, which is subject to ~~the Department's~~ LRAPA's approval, must be conducted for each pollutant potentially emitted at a significant emission rate by the proposed source or modification. The analysis must include continuous air quality monitoring data for any pollutant that may be emitted by the source or modification, except for volatile organic compounds. The data must relate to the year preceding receipt of the complete application and must have been gathered over the same time period. ~~The Department~~LRAPA may allow the owner or operator to demonstrate that data gathered over some other time period would be

adequate to determine that the source or modification would not cause or contribute to a violation of an ambient air quality standard or any applicable pollutant increment. Pursuant to the requirements of these rules, the owner or operator must submit for ~~the Department's~~LRAPA's approval, a preconstruction air quality monitoring plan. This plan must be submitted in writing at least 60 days prior to the planned beginning of monitoring and approved in writing by ~~the Department~~LRAPA before monitoring begins.

~~4)~~2) Required air quality monitoring must be conducted in accordance with 40 CFR 58 Appendix B, "Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring" (July 1, 2000) and with other methods on file with ~~the Department~~LRAPA.

~~5)~~3) ~~The Department~~LRAPA may exempt the owner or operator of a proposed source or modification from preconstruction monitoring for a specific pollutant if the owner or operator demonstrates that the air quality impact from the emissions increase would be less than the amounts listed below **or** that modeled competing source concentration (plus General Background Concentration) of the pollutant within the Source Impact Area are less than the following significant monitoring concentrations:

1) Carbon monoxide - 575 ug/m^3, 8 hour average;
2) Nitrogen dioxide - 14 ug/m^3, annual average;
3) PM10 - 10 ug/m3, 24 hour average;
4) Sulfur dioxide - 13 ug/m3, 24 hour average;
5) Ozone - Any net increase of 100 tons/year or more of VOCs from a source or modification subject to PSD requires an ambient impact analysis, including the gathering of ambient air quality data. However, requirement for ambient air monitoring may be exempted if existing representative monitoring data shows maximum ozone concentrations are less than 50% of the ozone NAAQS based on a full season of monitoring;
6) Lead - 0.1 ug/m^3, 24 hour average;
7) Fluorides - 0.25 ug/m^3, 24 hour average;
8) Total reduced sulfur - 10 ug/m^3, 1 hour average;
9) Hydrogen sulfide - 0.04 ug/m^3, 1 hour average;
10) Reduced sulfur compounds - 10 ug/m^3, 1 hour average.

~~6)~~4) ~~The Department~~LRAPA may allow the owner or operator of a source (where required by ~~divisions 222 or 224~~Titles 42 or 38) to substitute post construction monitoring for the requirements of (4)(~~a~~A)(~~A~~1) for a specific pollutant if the owner or operator demonstrates that the air quality impact from the emissions increase would not cause or contribute to an exceedance of any air quality standard. This analysis must meet the requirements of ~~340-225~~Section 38-0050 (2)(~~b~~B) and must use representative or conservative General Background Concentration data.

~~7)~~5) When PM10 preconstruction monitoring is required by this section, at least four months of data must be collected, including the season(s) ~~the Department~~LRAPA judges to have the highest PM10 levels. PM10 must

be measured in accordance with 40 CFR part 50, Appendix J (July 1, 1999). In some cases, a full year of data will be required.

~~c.~~B. Post-construction: After construction has been completed, ~~the Department~~LRAPA may require ambient air quality monitoring as a permit condition to establish the effect of emissions, other than volatile organic compounds, on the air quality of any area that such emissions could affect.

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~~340-225~~Section 40-0060 Requirements for Demonstrating Compliance with Standards and Increments in PSD Class I Areas

For determining compliance with standards and increments in PSD Class I areas, the following methods must be used:

~~5.~~1. Before January 1, 2003, the owner or operator of a source (where required by Titles 42 or 38~~divisions 222 or 224~~) 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.

~~6.~~2. On or after January 1, 2003, the owner or operator of a source (where required by Titles 42 or 38~~divisions 222 or 224~~) must meet the following requirements:

~~c.~~A. A single source impact analysis will be sufficient to show compliance with increments if modeled impacts from the source being evaluated are demonstrated to be less than the impact levels specified in Table I below.

Table I
Significant Impact Levels for PSD Class I Areas

Pollutant	Averaging Time	PSD Class I Significant Impact Level
PM10	24 hour	0.30 μg/m3
PM10	Annual	0.20 μg/m3
SO2	3-hour	1.0 μg/m3
SO2	24-hour	0.20 μg/m3
SO2	Annual	0.10 μg/m3
NO2	Annual	0.10 μg/m3

B. If the above requirement is not satisfied, the owner or operator must also show that the increased source impacts (above Baseline Concentration) plus Competing PSD Increment Consuming Source Impacts are less than the PSD increments for all averaging times.

~~d.~~C. A single source impact analysis will be sufficient to show compliance with standards if modeled impacts from the source being evaluated are demonstrated to be less than the impact levels specified in ~~OAR 340-200-0020~~LRAPA Title 12, Table 1 for all pollutants.

~~d.~~D. If the requirement of (2.A) is not satisfied, and background monitoring data for each PSD Class I area shows that the NAAQS is more controlling than the PSD increment then the source must also demonstrate compliance with the NAAQS by showing that their total modeled impacts plus total modeled Competing NAAQS Source Impacts plus General Background Concentrations are less than the NAAQS for all averaging times.

~~340-225~~Section 40-0070 Requirements for Demonstrating Compliance with AQRV Protection

~~4.~~1. Sources that are not Federal Major Sources are exempt from the requirements of the remainder of this rule.

~~5.~~2. Notice of permit application for actions subject to the requirements of Titles 42 or 38~~divisions 222 and 224~~:

~~e.~~A. If a proposed major source or major modification could impact air quality related values (including visibility) within a Class I area, ~~the Department~~LRAPA will provide written notice to the EPA and to the appropriate Federal Land Manager within 30 days of receiving such permit application. The notice will include a copy of all information relevant to the permit application, including analysis of anticipated impacts on Class I area air quality related values (including visibility). ~~The Department~~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 ~~the Department~~LRAPA receives advance notice of a permit application for a source that may affect Class I area visibility, ~~the Department~~LRAPA will notify all affected Federal Land Managers within 30 days of receiving the advance notice;

~~f.~~C. During its review of source impacts on Class I area air quality related values (including visibility) pursuant to this rule, ~~the Department~~LRAPA will consider any analysis performed by the Federal Land Manager that is received by ~~the Department~~LRAPA within 30 days of the notice required by subsection (a). If ~~the Department~~LRAPA disagrees with the Federal Land Manager's demonstration, ~~the Department~~ LRAPAwill include a discussion of the disagreement in the Notice of Public Hearing;

~~g.~~D. As a part of the notification required in ~~OAR 340-209~~Section 14-0060, ~~the Department~~LRAPA will provide the Federal Land Manager an opportunity to demonstrate that the emissions from the proposed source or modification would have an adverse impact on air quality related values (including visibility) of any federal mandatory Class I area. This adverse impact determination may be made even if there is no demonstration that a Class I maximum allowable increment has been exceeded. If ~~the Department~~LRAPA agrees with the demonstration, it will not issue the permit.

6.5. Visibility impact analysis requirements:

~~c.~~A. If Titles 42 or 38~~divisions 222 or 224~~ require a visibility impact analysis, the owner or operator must demonstrate that the potential to emit any pollutant at a significant emission rate in conjunction with all other applicable emission increases or decreases, including secondary emissions, permitted since January 1, 1984 and other increases or decreases in emissions, will not cause or contribute to significant impairment of visibility on any Class I area. ~~The Department also encourages the owner or operator to demonstrate that these same emission increases or decreases will not cause or contribute to significant impairment of visibility on the Columbia River Gorge National Scenic Area (if it is affected by the source);~~

~~d.~~B. The owner or operator must submit all information necessary to perform any analysis or demonstration required by these rules pursuant to ~~OAR 340-224~~Section 38-0030(1).

~~e.~~C. Determination of significant impairment: The results of the modeling must be sent to the affected Federal Land Managers and ~~the Department~~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. ~~The Department~~LRAPA will consider the comments of the Federal Land Manager in its consideration of whether significant impairment will result. If ~~the Department~~LRAPA determines that impairment would result, it will not issue a permit for the proposed source.

~~7.~~4. Types of visibility modeling required. For receptors in PSD Class I areas within the PSD Class I Range of Influence, a plume blight analysis or regional haze analysis is required.

~~8.~~5. Criteria for visibility impacts:

~~c.~~A. The owner or operator of a source (where required by Titles 42 or 38~~divisions 222 or 224~~) is encouraged to demonstrate that their impacts on visibility satisfy the guidance criteria as referenced in the FLAG.

~~d.~~B. If visibility impacts are a concern, ~~the Department~~LRAPA will consider comments from the Federal Land Manager when deciding whether significant impairment will result. Emission offsets may also be considered. If ~~the Department~~LRAPA determines that impairment would result, it will not issue a permit for the proposed source.

~~9.~~6. Deposition modeling may be required for receptors in PSD Class I areas where visibility modeling is required. This may include, but is not limited to an analysis of Nitrogen Deposition and Sulfur Deposition.

~~10.~~7. Visibility monitoring:

2. If Titles 42 or 38divisions 222 or 224 require visibility monitoring data, the owner or operator must use existing data to establish existing visibility conditions within Class I areas as summarized in the FLAG Report.

e.B. After construction has been completed the owner or operator must conduct such visibility monitoring as the DepartmentLRAPA requires as a permit condition to establish the effect of the pollutant on visibility conditions within the impacted Class I area.

11.8. Additional impact analysis: the owner or operator subject to OAR 340-224Section 38-0060(3) or OAR 340-224Section 38-0070(2) must provide an analysis of the impact to visibility that would occur as a result of the proposed source or modification and general commercial, residential, industrial, and other growth associated with the source or major modification.

12.9. If the Federal Land Manager recommends and the DepartmentLRAPA agrees, the DepartmentLRAPA may require the owner or operator to analyze the potential impacts on other Air Quality Related Values and how to protect them. Procedures from the FLAG report should be used in this recommendation. Emission offsets may also be used. If the Federal Land Manager finds that significant impairment would result from the proposed activities and Department LRAPA agrees, the Department LRAPAwill not issue a permit for the proposed source.

340-225Section 40-0090 Requirements for Demonstrating a Net Air Quality Benefit

Demonstrations of net air quality benefit for offsets must include the following:

4.1. Ozone areas (VOC and NOx emissions). For sources capable of impacting a designated ozone nonattainment or maintenance area;

e.A. Offsets for VOC and NOx are required if the source will be located within the designated area or within the Ozone Precursor Distance.

B. The amount and location of offsets must be determined in accordance with this subsection:

1) For new or modified sources locating within a designated nonattainment area, the offset ratio is 1.1:1. These offsets must come from within either the same designated nonattainment area as the new or modified source or another ozone nonattainment area (with equal or higher nonattainment classification) that contributes to a violation of the NAAQS in the same designated nonattainment area as the new or modified source.

3)2) For new or modified sources locating within a designated maintenance area, the offset ratio is 1.1:1. These offsets may come from within either the designated area or the ozone precursor distance.

4)3) For new or modified sources locating outside the designated area, but within the ozone precursor distance, the offset ratio is 1:1. These offsets

may come from within either the designated area or the ozone precursor distance.

5)4) Offsets from outside the designated area but within the Ozone Precursor Distance must be from sources affecting the designated area in a comparable manner to the proposed emissions increase. Methods for determining offsets are described in the Ozone Precursor Offsets definition (~~OAR 340-225~~Section 40-0020(11)).

~~f.~~C. In lieu of obtaining offsets, the owner or operator may obtain an allocation at the rate of 1:1 from a growth allowance, if available, in an applicable maintenance plan.

~~d. Sources within or affecting the Medford Ozone Maintenance Area are exempt from the requirement for NOx offsets relating to ozone formation.~~

~~e.Sources within or affecting the Salem Ozone Nonattainment Area are exempt from the requirement for VOC and NOx offsets relating to ozone formation.~~

~~5.~~2. Non-Ozone areas (PM10, SO2, CO, NOx, and Lead emissions):

A. For a source locating within a designated nonattainment area, the owner or operator must:

1) ~~obtain~~ Obtain offsets from within the same designated nonattainment area;
2) ~~provide~~ Provide a minimum of 1:1 offsets for emission increases over the Netting Basis;
3) ~~provide~~ Provide a net air quality benefit within the designated nonattainment area. "Net Air Quality Benefit" means a reduction in concentration at a majority of the modeled receptors and less than a significant impact level increase at all modeled receptors;
4) ~~provide~~ Provide offsets sufficient to demonstrate reasonable further progress toward achieving the NAAQS.

B. For a source locating outside a designated nonattainment area but causing a significant air quality impact on the area, the owner or operator must provide offsets sufficient to reduce the modeled impacts below the significant air quality impact level (~~OAR 340-200-0020~~LRAPA Title 12) at all receptors within the designated nonattainment area. These offsets may come from within or outside the designated nonattainment area.

C. For a source locating inside or causing a significant air quality impact on a designated maintenance area, the owner or operator must either provide offsets sufficient to reduce modeled impacts below the significant air quality impact level (~~OAR 240-200-0020~~LRAPA Title 12) at all receptors within the designated maintenance area or obtain an allocation from an available growth allowance as allowed by an applicable maintenance plan. These offsets may come from within or outside the designated maintenance area.

~~1)Medford-Ashland AQMA: Proposed new major PM10 sources or major PM10 modifications locating within the AQMA that are required to provide emission offsets under OAR 340-224-0060(2)(a) must provide reductions in PM10~~

~~emissions equal to 1.2 times the emissions increase over the netting basis from the new or modified source, and must provide a net air quality benefit within the AQMA. "Net Air Quality Benefit" means a reduction in concentration at a majority of the modeled receptors and less than a significant impact level increase at all modeled receptors.~~

~~2)Medford-Ashland AQMA: Proposed new major PM10 sources or major PM10 modifications located outside the Medford-Ashland AQMA that cause a significant air quality impact on the AQMA must provide reductions in PM10 emissions sufficient to reduce modeled impacts below the significant air quality impact level (OAR 240-200-0020) at all receptors within the AQMA.~~

~~6.~~3. The emission reductions used as offsets must be of the same type of pollutant as the emissions from the new source or modification. Sources of PM10 must be offset with particulate in the same size range.

~~7.~~4. The emission reductions used as offsets must be contemporaneous, that is, the reductions must take effect before the time of startup but not more than two years before the submittal of a complete permit application for the new source or modification. This time limitation may be extended through banking, as provided for in ~~OAR 340 division 268~~LRAPA Title 41, Emission Reduction Credit Banking. In the case of replacement facilities, ~~the Department~~LRAPA may allow simultaneous operation of the old and new facilities during the startup period of the new facility, if net emissions are not increased during that time period. Any emission reductions must be federally enforceable at the time of the issuance of the permit.

~~8.~~5. Offsets required under this rule must meet the requirements of Emissions Reduction Credits in ~~OAR 340 division 268~~LRAPA Title 41.

~~9.~~6. Emission reductions used as offsets must be equivalent in terms of ~~short~~ short-term, seasonal, and yearly time periods to mitigate the effects of the proposed emissions.

~~[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~

~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468A.025~~
~~Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 8-1988, f. & cert. ef. 5-19-88 (and corrected 5-31-88); DEQ 22-1989, f. & cert. ef. 9-26-89; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0260; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 4-1995, f. & cert. ef. 2-17-95; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1970; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-030-0111; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-224-0090 & 340-240-0260; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 12-2002(Temp), f. & cert. ef. 10-8-02 thru 4-6-03; Administrative correction 11-10-03; DEQ 1-2004, f.& cert. ef. 4-14-04; DEQ 1-2005, f. & cert. ef. 1-4-05~~

~~DIVISION 268~~TITLE 41

~~EMISSION REDUCTION CREDITS~~ Emission Reduction Credits

~~340-268~~Section 41-0010 Applicability

This ~~division~~ title applies to any person who wishes to create or bank an emission reduction credit in ~~the state~~Lane County.

~~[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~
~~Stat. Auth.: ORS 468A~~
~~Stats. Implemented: ORS 468 & ORS 468A~~
~~Hist.: DEQ14-1999, f. & cert. ef. 10-14-99~~

~~340-268~~Section 41-0020 Definitions

The definitions in ~~OAR 340-200-0020~~LRAPA Title 12, ~~340-204-0010~~ and this rule apply to this ~~division~~title. If the same term is defined in this rule and ~~OAR 340-200-0020~~LRAPA Title 12 ~~or 340-204-0010~~, the definition in this rule applies to this ~~division~~title.

~~[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~
~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468A.025~~
~~Hist.: DEQ14-1999, f. & cert. ef. 10-14-99~~

~~340-268~~Section 41-0030 Emission Reduction Credits

Any person who reduces emissions by implementing more stringent controls than required by a permit or an applicable regulation may create an emission reduction credit. ~~.~~Emission reduction credits must be created and banked within two years from the time of actual emission reduction.

1. Creating Emission Reduction Credits. Emission reductions can be considered credits if all of the following requirements are met:

   A. The reduction is permanent due to continuous overcontrol, curtailment or shutdown of an existing activity or device.

   B. The reduction is in terms of actual emissions reduced at the source. The amount of the creditable reduction is the difference between the contemporaneous (any consecutive 12 calendar month period during the prior 24 calendar months) pre-reduction actual (or allowable, whichever is less) emissions and the post-reduction allowable emissions from the subject activity or device.

   C. The reduction is either:

      1) Enforceable by ~~the Department~~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

      2) 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.

2. Banking of Emission Reduction Credits.

A. The life of emission reduction credits may be extended through the banking process as follows:

1) Emission reduction credits may be banked for ten (10) years from the time of actual emission reduction.

2) Requests for emission reduction credit banking must be submitted within the ~~2~~ 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 ~~the Department~~LRAPA receives the emission reduction credit banking request before ~~the Department~~LRAPA submits a notice of a proposed rule or plan development action for publication ~~in the Secretary of State's bulletin~~of the new rule. ~~The Commission~~LRAPA may reduce the amount of any banked emission reduction credit that is protected under this section, if ~~the Commission~~LRAPA determines the reduction is necessary to attain or maintain an ambient air quality standard.

C. Emission reductions must be in the amount of ten (10) tons per year or more to be creditable for banking~~, except as follows:~~.

~~(D) In the Medford-Ashland AQMA, PM10 emission reductions must be at least 3 tons per year.~~

~~(E)~~(A) ~~In Lane County, LRAPA may adopt lower levels.~~

D. Emission reduction credits will not expire pending ~~the Department~~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 New Source Review program (~~OAR 340 division 224~~LRAPA Ttile 224) and the Net Air Quality Benefit requirements of ~~OAR 340-225~~Section 40-0090.

4. Unused Emission Reduction Credits

Emission reduction credits that are not used, and for which ~~the Department~~LRAPA does not receive a request for banking within the contemporaneous time period, will become unassigned emissions for purposes of the Plant Site Emission Limit (PSEL).

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 ~~OAR 340-222~~Section 42-0045.

5. Emission Reduction Credit (ERC) Permit

A. ~~The Department~~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. ~~The Department~~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 ~~the Department~~LRAPA and contain the following documentation:

1) A detailed description of the activity or device controlled or shut down;
2) Emission calculations showing the types and amounts of actual emissions reduced, including pre-reduction actual emission and post-reduction allowable emission calculations;
3) The date or dates of actual reductions;
4) The procedure that will render such emission reductions permanent and enforceable;
5) Emission unit flow parameters including but not limited to temperature, flow rate and stack height;
6) Description of short and long term emission reduction variability (if any).

E. Requests for emission reduction credit banking must be submitted to ~~the Department~~LRAPA within two years (24 months) of the actual emissions reduction. ~~The Department~~LRAPA must approve or deny requests for emission reduction credit banking before they are effective. In the case of approvals, ~~The Department~~LRAPA issues a permit to the owner or operator defining the terms of such banking. ~~The Department~~LRAPA insures the permanence and enforceability of the banked emission reductions by including appropriate conditions in permits and, if necessary, by recommending appropriate revisions to the State Implementation Plan.

F. ~~The Department~~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 ~~the Department~~ 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.

~~[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~
~~Stat. Auth.: ORS 468 & ORS 468A~~
~~Stats. Implemented: ORS 468 & ORS 468A~~
~~Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 5-1983, f. & ef. 4-18-83; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0265; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1980~~

~~**340-268-0040**~~
~~**Baseline for Determining Credit for Offsets**~~
~~[Repealed]~~

~~[**NOTE:** This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~
~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468A.025~~
~~Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0255;DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 26-1996, f. & cert. ef. 11-26-96; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1960~~

~~DIVISION 222~~TITLE 42

STATIONARY SOURCE PLANT SITE EMISSION LIMITS

~~340-222~~Section 42-0010 Policy

~~The Commission~~LRAPA recognizes the need to establish a more definitive method for regulating increases and decreases in air emissions of permit holders. However, except as needed to protect ambient air quality standards, prevention of significant deterioration increments and visibility, ~~the Commission~~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.

~~[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~
~~Stat. Auth.: ORS 468 & ORS 468A~~
~~Stats. Implemented: ORS 468 & ORS 468A~~
~~Hist.: DEQ 25-1981, f. & cf. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0300; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1000~~

~~340-222~~Section 42-0020 Applicability

1. Plant Site Emission Limits (PSELs) will be included in all Air Contaminant Discharge Permits (ACDP) and ~~Oregon~~ LRAPA Title V Operating Permits, except as provided in section ~~(3)~~42-0020(3), as a means of managing airshed capacity by regulating increases and decreases in air emissions. Except as provided in ~~OAR 340-222~~Section 42-0060 or ~~340-222~~42-0070, all ACDP and Title V sources are subject to PSELs for all regulated pollutants. ~~The Department~~LRAPA will incorporate PSELs into permits when issuing a new permit or renewing or modifying an existing permit.

2. The emissions limits established by PSELs provide the basis for:

   A. Assuring reasonable further progress toward attaining compliance with ambient air standards;

   B. Assuring compliance with ambient air standards and Prevention of Significant Deterioration increments;

   C. Administering offset and banking programs; and

   D. Establishing the baseline for tracking the consumption of Prevention of Significant Deterioration Increments.

3. PSELs are not required for:

   A. Pollutants that will be emitted at less than the de minimis emission level listed in ~~OAR 340-200-0020~~LRAPA Title 12 from the entire source,

   B. Short Term Activity and Regulated Source ACDPs, or

   C. Hazardous air pollutants as listed in ~~OAR 340-244~~Section 44-0040 Table 1.

4. Generic PSELs may be used for any category of ACDP or Title V permit.

~~[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~

~~Stat. Auth.: ORS 468.020 & ORS 468A.040~~
~~Stats. Implemented: ORS 468.020, ORS 468.065 & ORS 468A.025~~
~~Hist.: DEQ 25-1981, f. & cf. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0301; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 14-1998, f. & cert. ef. 9-14-98; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1010~~

~~340-222~~Section 42-0030 Definitions

The definitions in ~~OAR 340-200-0020~~LRAPA Title 12 and this rule apply to this ~~division~~title. If the same term is defined in this rule and ~~OAR 340-200-0020~~LRAPA Title 12, the definition in this rule applies to this ~~division~~title.

~~[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.]~~
~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468A.025~~
~~Hist.: DEQ 14-1999, f. & cert. ef. 10-14-99~~

Criteria for Establishing Plant Site Emission Limits

~~340-222~~Section 42-0040 Generic annual PSEL

1. Sources with capacity less than the Significant Emission Rate (SER) will receive a Generic PSEL unless they have a netting basis and request a source specific PSEL under ~~340-222~~42-0041.

2. A Generic PSEL may be used for any pollutant that will be emitted at less than the SER. The netting basis for a source with a generic PSEL is zero (0).

~~340-222~~Section 42-0041 Source specific annual PSEL

1. For sources with potential to emit less than the SER, that request a source specific PSEL, an initial source specific PSEL will be set equal to the Generic PSEL.

2. For sources with potential to emit greater than or equal to the SER, an initial source specific PSEL will be set equal to the source's potential to emit or netting basis, whichever is less.

3. If an applicant wants an annual PSEL at a rate greater than the netting basis, the applicant must:

   A. Demonstrate that the requested increase over the netting basis is less than the SER or

   B. For increases equal to or greater than the SER over the netting basis, but not subject to New Source Review (~~OAR 340 division 224~~LRAPA Title 38):

      1) If located within an area designated as nonattainment in ~~OAR 340-204-0030~~LRAPA Title 52, obtain offsets and demonstrate a net air quality benefit in accordance with ~~OAR 340-225~~Section 40-0090.

      2) If located within an area designated as maintenance in ~~OAR 340-204-0040~~LRAPA Title 52, either:

(a) Obtain offsets and demonstrate a net air quality benefit in accordance with ~~OAR 340-225~~Section 40-0090;

(b) Obtain an allocation from an available growth allowance in accordance with the applicable maintenance plan; or

(c) For carbon monoxide, demonstrate that the source or modification will not cause or contribute to an air quality impact equal to or greater than 0.5 mg/m3 (8 hour average) and 2 mg/m3 (1-hour average).

3) If located within an attainment or unclassifiable area, conduct an air quality analysis, in accordance with ~~OAR 340-225~~Section 40-0050(1) through (3) and ~~340-225~~40-0060.

4) For federal major sources demonstrate compliance with AQRV protection in accordance with ~~OAR 340-225~~Section 40-0070.

C. For increases equal to or greater than the SER over the netting basis and subject to New Source Review, demonstrate that the applicable New Source Review requirements have been satisfied.

~~340-222~~Section 42-0042 Short Term PSEL

1. For sources located in areas with established short term SER (~~OAR 340-200-0020~~LRAPA Title 12 Table 3), PSELs are required on a short term basis for those pollutants that have a short term SER. The short term averaging period is daily, unless emissions cannot be monitored on a daily basis. The averaging period for short term PSELs can never be greater than monthly.

A. For existing sources, the initial short term PSEL will be set as:

1) the lesser of the short term capacity or the current permit's short term PSEL, if each is greater than or equal to the short term SER; or

2) the generic PSEL, if either the short term capacity or the current short term PSEL is less than the short term SER.

B. For new sources, the initial short term PSEL will be zero (0).

2. If an applicant wants a short term PSEL at a rate greater than the initial short term PSEL, the applicant must:

A. Demonstrate that the requested increase over the initial short term PSEL is less than the significant emission rate (Note: In this case new sources would get a generic PSEL); or

B. For increases equal to or greater than the SER over the initial short term PSEL:

1) Obtain offsets and demonstrate a net air quality benefit in accordance with ~~OAR 340-225~~Section 40-0090;

2) Obtain an allocation from an available growth allowance in accordance with the applicable maintenance plan; or

3) For carbon monoxide, demonstrate that the source or modification will not cause or contribute to an air quality impact equal to or greater than 0.5 mg/m^3 (8 hour average) and 2 mg/m^3 (1 hour average).

4) For federal major sources, demonstrate compliance with air quality related values (AQRV) protection in accordance with ~~OAR 340-225~~Section 40-0070.

3. Once the short term PSEL is increased pursuant to section ~~(2)~~2 of this rule, the increased level becomes the initial short term PSEL for future evaluations.

~~340-222~~Section 42-0043 General Requirements for all PSEL

1. No PSEL may allow emissions in excess of those allowed by any applicable federal or state regulation or by any specific permit conditions unless the source meets the specific provisions of ~~OAR 340-226~~Section 32-0400 (Alternative Emission Controls).

2. Source specific PSELs may be changed pursuant to ~~the Department's~~LRAPA's rules for permit modifications when:

   A. Errors are found or better data is available for calculating PSELs

   B. More stringent control is required by a rule adopted by the Commission; or

   C. ~~The Department~~LRAPA modifies a permit pursuant to ~~OAR 340-216~~Section 37-0084, Modification of a Permit, or OAR 340-218-0200, Reopenings.

3. Annual PSELs are established on a rolling 12 consecutive month basis and will limit the source's potential to emit.

4. In order to maintain the netting basis, permittees must maintain either a Standard ACDP or an ~~Oregon~~ LRAPA Title V Operating Permit. A request by a permittee to be assigned any other type of an ACDP sets the netting basis at zero upon issuance of the other type of permit.

~~[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~
~~Stat. Auth.: ORS 468 & ORS 468A~~
~~Stats. Implemented: ORS 468 & ORS 468A~~
~~Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0310; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1020~~

~~340-222~~Section 42-0045 Unassigned Emissions

1. Purpose. The purpose of unassigned emissions is to track and manage the difference in the quantity of emissions between the netting basis and what the source could emit based on the facility's current physical and operational design.

2. Establishing unassigned emissions.

   A. Unassigned emissions equal the netting basis minus the source's current PTE, minus any banked emission reduction credits. Unassigned emissions are zero if this result is negative.

   B. Unused capacity created after the effective date of this rule due to reduced potential to emit that is not banked or expired emission reduction credits (~~OAR 340-268~~Section 41-0030), increase unassigned emissions on a ton for ton basis.

3. Maximum unassigned emissions

   A. Except as provided in paragraph (~~e~~C) of this section, unassigned emissions will be reduced to not more than the SER (~~OAR 340-200-0020~~LRAPA Title 12 Table 2) on July 1, ~~2007~~ 2008 and at each permit renewal following this date.

   B. The netting basis is reduced by the amount that unassigned emissions are reduced.

C. In an AQMA where the EPA requires an attainment demonstration based on dispersion modeling, unassigned emissions are not subject to reduction under this rule.

4. Using unassigned emissions

A. Unassigned emissions may be used for internal netting to allow an emission increase at the existing source in accordance with the permit.

B. Unassigned emissions may not be banked or transferred to another source.

C. Emissions that are removed from the netting basis are unavailable for netting in any future permit actions.

5. Upon renewal, modification or other reopening of a permit after July 1, ~~2002~~ 2007 the unassigned emissions will be established with an expiration date of July 1, ~~2007~~ 2008 for all unassigned emissions in excess of the SER. Each time the permit is renewed after July 1, ~~2007~~ 2008 the unassigned emissions will be established again and reduced upon the following permit renewal to no more than the SER for each pollutant in ~~OAR 340-200-0020~~LRAPA Title 12 Table 2.

~~[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~
~~Stat. Auth.: ORS 468.020 & ORS 468A.310~~
~~Stats. Implemented: ORS 468 & ORS 468A~~
~~Hist.:~~

~~340-222-0050~~
~~Temporary PSD Increment Allocation~~
~~[Repealed] [NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~
~~Stat. Auth.: ORS 468.020 & ORS 468A.310~~
~~Stats. Implemented: ORS 468 & ORS 468A~~
~~Hist.: DEQ 25-1981, f. & ef. 9-8-81; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93; Renumbered from 340-020-0320; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1040~~

~~340-222~~Section 42-0060 Plant Site Emission Limits for Sources of Hazardous Air Pollutants

1. ~~The Department~~LRAPA may establish PSELs for hazardous air pollutants (HAPs) if an owner or operator:

A. Elects to establish a PSEL for combined HAPs emitted for purposes of determining emission fees as prescribed in OAR 340 division 220; or

B. Asks ~~the Department~~LRAPA to create an enforceable PTE limit.

2. PSELs will be set only for individual or combined HAPs and will not list HAPs by name. The PSEL will be set on a rolling 12 month basis and will be either:

A. The generic PSEL if the permittee proposes a limit less than that level; or

B. The level the permittee establishes necessary for the source if greater than the generic PSEL.

3. The Alternative Emissions Controls (Bubble) provisions of ~~OAR 340-226~~Section 32-~~0400~~100 do not apply to emissions of HAPs.

~~[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~
~~Stat. Auth.: ORS 468.020~~
~~Stats. Implemented: ORS 468A.025~~
~~Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 22-1995, f. &cert. ef. 10-6-95; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1050~~

~~340-222~~Section 42-0070 Plant Site Emission Limits for Insignificant Activities

1. For purposes of establishing PSELs, emissions from categorically insignificant activities listed in ~~OAR 340-200-0020~~LRAPA Title 12 are not considered under ~~OAR 340-222~~Section 42-0020, except as provided in section ~~(3)~~3. of this rule.

2. For purposes of establishing PSELs, emissions from aggregate insignificant emissions listed in ~~OAR 340-200-0020~~LRAPA Title 12 are considered under ~~OAR 340-222~~Section 42-0020.

3. For purposes of determining New Source Review or Prevention of Significant Deterioration applicability under ~~OAR 340 division 224~~LRAPA Title 38, emissions from insignificant activities are considered.

~~[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~
~~Stat. Auth.: ORS 468 & ORS 468A~~
~~Stats. Implemented: ORS 468.020, ORS 468A.025, ORS 468A.040, & ORS 468A.045~~
~~Hist.: DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 2-1996, f. & cert. ef. 1-29-96; DEQ14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-1060~~

~~340-222~~Section 42-0080 Plant Site Emission Limit Compliance

1. The permittee must monitor pollutant emissions or other parameters that are sufficient to produce the records necessary for demonstrating compliance with the PSEL.

2. The frequency of the monitoring and associated averaging periods must be as short as possible and consistent with that used in the compliance method.

3. Annual and Short-term PSEL Monitoring and Recordkeeping:

   A. For annual PSELs, the permittee must monitor appropriate parameters and maintain all records necessary for demonstrating compliance with the annual PSEL at least monthly and be able to determine emissions on a rolling 12 consecutive month basis.

   B. For short term PSELs, the permittee must monitor appropriate parameters and maintain all records necessary for demonstrating compliance with any short term PSEL at least as frequently as the short term PSEL averaging period.

4. The applicant must specify in the permit application the method(s) for determining compliance with the PSEL. ~~The Department~~LRAPA will review the method(s) and approve or modify, as necessary, to assure compliance with the PSEL. ~~The Department~~LRAPA will include PSEL compliance monitoring methods in all permits that contain PSELs.

5. Depending on source operations, one or more of the following methods may be acceptable:

   A. ~~continuous~~ Continuous emissions monitors,

   B. ~~material~~ Material balance calculations,

   C. ~~emissions~~ Emissions calculations using approved emission factors and process information,

   D. ~~alternative~~ Alternative production or process limits, and

   E. ~~other~~ Other methods approved by ~~the Department~~LRAPA.

6. When annual reports are required, the permittee must include the emissions total for each consecutive 12 month period during the calendar year, unless otherwise specified by a permit condition.

~~[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~
~~Stat. Auth.: ORS 468 & ORS 468A~~
~~Stats. Implemented: ORS 468 & ORS 468A~~
~~Hist.:~~

~~340-222~~Section 42-0090 Combining and Splitting Sources

1. When two or more sources combine into one source:

   A. The sum of the netting basis for all the sources is the combined source netting basis.

   B. The combined source is regulated as one source, except:

      1) ~~the~~ The simple act of combining sources, without an increase over the combined PSEL, does not subject the combined source to New Source Review.

      2) ~~if~~ If the combined source PSEL, without a requested increase over the existing combined PSEL, exceeds the combined netting basis plus the SER, the source may continue operating at the existing combined source PSEL without becoming subject to New Source Review until an increase in the PSEL is requested or the source is modified. If an increase in the PSEL is requested or the source is modified, ~~the Department~~LRAPA will evaluate whether New Source Review applies.

2. When one source is split into two or more separate sources:

   A. The netting basis and the SER for the original source is split amongst the new sources as requested by the original permittee.

   B. The split of netting basis and SER must either:

      1) ~~be~~ Be sufficient to avoid New Source Review for each of the newly created sources or

      2) ~~the~~ The newly created source(s) that become subject to New Source Review must comply with the requirements of ~~OAR 340 division 224~~LRAPA Title 38 before beginning operation under the new arrangement.

3. The owner of the device or emissions unit must maintain records of physical changes and changes in operation occurring since the baseline period.

~~[NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.]~~
~~Stat. Auth.: ORS 468 & ORS 468A~~
~~Stats. Implemented: ORS 468 & ORS 468A~~
~~Hist.:~~

~~LANE REGIONAL AIR POLLUTION AUTHORITY~~Lane Regional Air Protection Agency

TITLE ~~37~~44 (Moved from Title 37)

HAZARDOUS AIR POLLUTANT PROGRAM

~~Hazardous Air Pollutant Program~~

General Provisions for Stationary Sources

Definitions of words and terms used in Title ~~37~~ 44 can be found in Title 12, Definitions.

Section ~~37~~44-010 Policy and Purpose

The Lane Regional Air ~~Pollution Authority~~Protection Agency finds that certain air contaminants for which there are no ambient air quality standards may cause or contribute to an identifiable and significant increase in mortality or to an increase in serious irreversible or incapacitating reversible illness or to irreversible ecological damage, and are therefore considered to be hazardous air pollutants. It shall be the policy of ~~the Authority~~LRAPA that no person may cause, allow, or permit emissions into the ambient air of any hazardous substance in such quantify, concentration, or duration determined by ~~the Authority~~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 ~~the Authority~~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 ~~the Authority~~LRAPA that the standards contained in this Title are considered minimum standards, and as technology advances, protection of public health and the environment warrants, more stringent standards may be adopted and applied. *(Section 37-010 Original Adoption 06/11/02Bexpanded and amended language from 43-001)*

Section ~~37~~44-020 List of Hazardous Air Pollutants

For purposes of this Title ~~the Authority~~LRAPA adopts by reference the pollutants, including groups of substances and mixtures, listed in **Section 112(b) of FCAA**, as Hazardous Air Pollutants (Table 1). *(Section 37-020 Original Adoption 06/11/02Bexpanded and amended language from 43-002, Tables new to 06/11/02 rulemaking)*

Section ~~37~~44-030 Amending the List of Hazardous Air Pollutants

1. Any person may file a petition with ~~the Authority~~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. ~~The Authority~~LRAPA shall present this information, or other information that ~~the Authority~~LRAPA may develop, to the Department, consistent with OAR 240-244-0050(1), for presentation to the Commission which will consider it along with the best available scientific information developed by the EPA, the Oregon Health Division, other states, other scientific organizations, or by any person.

3. The Commission shall amend the HAP list if:

A. It finds there is a scientifically defensible need to add a substance not on the EPA list to protect the public health or environment;

B. A chemical is added to the list by the EPA;

C. A substance is deleted from the list by the EPA and the Commission finds that the substance can be deleted without causing harm to public health or the environment; or

D. A substance has previously been added to the list by the Commission but not by the EPA, and the Commission finds that the substance can be deleted without causing harm to public health or the environment.

(Section 37-030 Original Adoption 06/11/02)

COMPLIANCE EXTENSIONS FOR EARLY REDUCTIONS

Section ~~37~~44-040 Applicability

The requirements of ~~37~~44-040 through ~~37~~44-120 apply to an owner or operator of an existing source who wishes to obtain a compliance extension and an alternative emission limit from a standard issued under **Section 112(d) of the FCAA**. Any owner or operator of a facility who elects to comply with a compliance extension and alternative emission limit issued under this section must complete a permit application as prescribed in ~~37~~44-050. *(Section 37-040 Original Adoption 06/11/02)*

Section ~~37~~44-050 Permit Application Procedures for Early Reductions

1. To apply for an alternative emission limitations under ~~37~~44-040, an owner or operator of the source shall file a permit application with ~~the Authority~~LRAPA.

B. Except as provided in subsection 3 of this rule, the permit application shall contain the information required in ~~37~~44-080 and shall comply with additional permit application procedures as prescribed in **OAR 340 Division 218**.

3. Permit applications for Early Reductions shall be submitted no later than 120 days after proposal of an otherwise applicable standard issued under **Section 112(d) of the FCAA** provided that the reduction was achieved prior to the date of proposal of the standard.

4. The post-reduction emissions information required under ~~37~~44-080-5.B, 5.C, and 5.E shall not be filed as part of the source=s initial permit application but shall be filed later as a supplement to the application. This supplementary information shall be filed no earlier than one (1) year after the date early reduction had to be achieved according to ~~37~~44-060-1.B and no later than thirteen (13) months after such date.

5. If a source test is the supporting basis for establishing post-reduction emissions for one or more emission points in the Early Reductions Unit, the test results shall be submitted by the applicable deadline for submittal of a permit application as specified in subsection 3 of this rule.

6. ~~The Authority~~LRAPA shall review and decide on permit applications for early reductions according to the provisions of **OAR 340 Division 218**.

(Section 37-050 Original Adoption 06/11/02)

Section ~~37~~44-060 General Provisions for Compliance Extensions

1. ~~The Authority~~LRAPA shall by permit, issued in accordance with **OAR 340 Division 218**, allow an existing source to meet an alternative emission limitation for an Early Reductions Unit in lieu of an emission limitation promulgated under **Section 112(d) of the FCAA** for a period of six (6) years from the compliance date of the otherwise applicable standard provided the owner or operator demonstrates:

   A. According to the requirements of ~~37~~44-080 that the Early Reductions Unit has achieved a reduction of at least 90 percent (95 percent or more in the case of HAP that are particulate) in emissions of:

      (1) Total HAP from the Early Reductions Unit; or

      (2) Total HAP from the Early Reductions Unit as adjusted for high-risk pollutant weighing factors (Table 2), if applicable.

   B. That such reduction was achieved before the otherwise applicable standard issued under **Section 112(d) of the FCAA** was first proposed.

2. A source granted an alternative emission limitation shall comply with an applicable standard issued under **Section 112(d) of the FCAA** immediately upon expiration of the six-year compliance extension period specified in subsection 1 of this rule.

3. For each facility issued a permit under subsection 1 of this rule, there shall be established as part of the permit an enforceable alternative emission limitation for HAP for each Early Reductions Unit reflecting the reduction that qualified the Early Reductions Unit for the alternative emission limitation.

4. Any source that has received an alternative emissions limit from EPA, either pursuant to **40 CFR 63.75 Enforceable Commitments, dated December 29, 1992**, or as a Title V specialty permit, shall have the alternative emission limit(s) incorporated as an applicable requirement in its operating permit pursuant to **OAR 340-218-0150** upon permit issuance or renewal.

5. If a source fails to submit a timely and complete application according to **OAR 340-218-0040**, or does not adequately demonstrate the required reductions in emissions pursuant to ~~37~~44-080, ~~the Authority~~LRAPA shall not approve the source's application for a compliance extension and alternative emission limit, and the source is required to comply with any applicable emission standard established pursuant to **Section 112(d) of the FCAA** by the compliance date prescribed in the applicable standard.

(Section 37-060 Original Adoption 06/11/02)

Section ~~37~~44-070 Determination of Early Reductions Unit

An alternative emission limitation may be granted under this section to an existing Early Reductions Unit as defined below provided that a 90 percent (or 95 percent in the case of particulate emissions) reduction in base year HAP emissions is achieved. For the purposes of compliance extensions for early reductions only, an Early Reductions Unit includes any of the following:

1. A building, structure, facility, or installation identified as a source under any proposed or promulgated standard issued under **Section 112(d) of the FCAA**;

2. All portions of an entire contiguous plant site under common ownership or control that emit hazardous air pollutants;

3. Any portion of an entire contiguous plant site under common ownership or control that emits HAP and can be identified as a facility, building, structure, or installation for the purposes of establishing standards under **Section 112(d) of the FCAA**; or

4. Any individual emission point or combination of emission points within a contiguous plant site under common control, provided that the base year emissions of HAP from such point or aggregation of points is at least ten (10) tons per year where the total base year emissions of HAP from the entire contiguous plant site is greater than 25 tons, or at least five (5) tons per year where the total base year emissions of HAP from the entire contiguous plant site is equal to or less than 25 tons.

(Section 37-070 Original Adoption 06/11/02)

Section ~~37~~44-080 Demonstration of Early Reduction

B. For purposes of determining emissions for Early Reductions, Actual emissions: means the actual rate of emissions of a pollutant, but does not include excess emissions from a malfunction, or startups and shutdowns associated with a malfunction. Actual emissions shall be calculated using the source's actual operating rates, and types of materials processed, stored, or combusted during the selected time period.

2. An owner or operator applying for an alternative emission limitation shall demonstrate achieving early reductions as required by ~~37~~44-060-1 by following the procedures in this rule.

3. An owner or operator shall establish the Early Reductions Unit for the purposes of a compliance extension and alternative emission limit by documenting the following information:

A. A description of the Early Reductions Unit including a site plan of the entire contiguous plant site under common control that contains the Early Reductions Unit, markings on the site plan locating the parts of the site that constitute the Early Reductions Unit, and the activity at the Early Reductions Unit that causes HAP emissions;

B. A complete list of all emission points of HAP in the Early Reductions Unit, including identification numbers and short descriptive titles; and

C. A statement showing that the Early Reductions Unit conforms to one of the allowable definition options from 37-070. For an Early Reductions Unit conforming to the option in 37-070-4, the total base year emissions from the Early Reductions Unit, as determined pursuant to this section, shall be demonstrated to be at least:

(1) Five (5) tons per year, for cases in which total HAP emissions from the entire contiguous plant site under common control are 25 tons per year or less as required under subsection 12 of this rule; or

(2) Ten (10) tons per year in all other cases.

4. An owner or operator shall establish base year emissions for the Early Reductions Unit by providing the following information:

A. ~~the~~ The base year chosen, where the base year shall be 1987 or later;

B. ~~the~~ The best available data accounting for actual emissions, during the base year, of all HAP from each emission point listed in the Early Reductions Unit in subsection 3.B of this rule;

C. ~~the~~ The supporting basis for each emission number provided in subsection 4.B of this rule, including:

(1) ~~for~~ For test results submitted as the supporting basis, a description of the test protocol followed, any problems encountered during the testing, a

discussion of the validity of the method for measuring the subject emissions, and evidence that the testing was conducted in accordance with the Department's ***Source Sampling Manual*** **or** ***Continuous Monitoring Manual***; and

(2) ~~for~~ For calculations based on emission factors, material balance, or engineering principles and submitted as the supporting basis, a step-by-step description of the calculations, including assumptions used and their bases, and a brief rationale for the validity of the calculation method used; and

D. ~~evidence~~ Evidence that the emissions provided under subsection 4.B of this rule are not artificially or substantially greater than emissions in other years prior to implementation of emission reduction measures.

5. An owner or operator shall establish post-reduction emissions by providing the following information:

A. ~~for~~ For the emission points listed in the Early Reductions Unit in subsection 3.B of this rule a description of all control measures employed to achieve the emission reduction required by ~~37~~44-060-1.A;

B. ~~the~~ The best available data accounting for actual emissions, during the year following the applicable emission reduction deadlines as specified in ~~37~~44-060-1.B, of all HAP from each emission point in the Early Reductions Unit listed in subsection 3.B of this rule;

C. ~~the~~ The supporting basis for each emission number provided in subsection 5.B of this rule, including:

(1) ~~for~~ For test results submitted as the supporting basis, a description of the test protocol followed, any problems encountered during the testing, a discussion of the validity of the method for measuring the subject emissions, and evidence that the testing was conducted in accordance with the Department's ***Source Sampling Manual*** **or** ***Continuous Monitoring Manual***; and

(2) ~~for~~ For calculations based on emission factors, material balance, or engineering principles and submitted as the supporting basis, a step-by-step description of the calculations, including assumptions used and their bases, and a brief rationale for the validity of the calculation method used; and

D. Evidence that there was no increase in radionuclide emissions from the source.

6. A. An owner or operator shall demonstrate that both total base year emissions and total base year emission adjusted for high-risk pollutants (*Table 2*), as applicable, have been reduced by at least 90 (ninety) percent for gaseous HAP

emitted and 95 (ninety-five) percent for particulate HAP emitted by determining the following for gaseous and particulate emissions separately:

(1) ~~total~~ Total base year emissions, calculated by summing all base year emission data from subsection 4.B of this rule;

(2) ~~total~~ Total post-reduction emissions, calculated by summing all post-reduction emission data from subsection 5.B of this rule;

(3) ~~total~~ Total base year emissions adjusted for high-risk pollutants, calculated by multiplying each emission number for a pollutant from subsection 4.B of this rule by the appropriate weighing factor for the pollutant from *Table 2* and then summing all weighted emission data; and

(4) ~~total~~ Fotal post-reduction emissions adjusted for high-risk pollutants, calculated by multiplying each emission number for a pollutant from subsection 5.B of this rule by the appropriate weighing factor the pollutant from *Table 2* and then summing all weighted emission data;

(5) ~~percent~~ Percent reductions, calculated by dividing the difference between base year and post-reduction emissions by the base year emissions. Separate demonstrations are required for total gaseous and particulate emissions, and total gaseous and particulate emissions adjusted for high-risk pollutants.

B. If any points in the Early Reductions Unit emit both particulate and gaseous pollutants, as an alternative to the demonstration required in subsection 6.A of this rule, an owner or operator may demonstrate:

(1) ~~a~~ A weighted average percent reduction for all points emitting both particulate and gaseous pollutants where the weighted average percent reduction is determined by [Formula not included. See ED. NOTE.]

(2) ~~the~~ The reductions required in subsection 6.A of this rule for all other points in each Early Reductions Unit.

7. If lower rates or hours are used to achieve all or part of the emission reduction, any HAP emissions that occur from a compensating increase in rates of hours from the same activity elsewhere within the plant site that contains the Early Reductions Unit shall be counted in the post-reduction emissions from the Early Reductions Unit. If emission reductions are achieved by shutting down process equipment and the shutdown equipment is restarted or replaced anywhere within the plant site, any hazardous air pollutant emissions from the restarted or replacement equipment shall be counted in the post-reduction emissions for the Early Reductions Unit.

8. The best available data representing actual emissions for the purpose of establishing base year or post-reduction emissions under this rule shall consist of documented results from source tests using an EPA Reference Method, EPA Conditional Method, or the owner's or operator=s source test method that has been validated pursuant to **Method 301** of **40 CFR Chapter 1 Part 63 Appendix A**, dated **June 1992**. However, if one of the

b. If the following conditions exists, an owner or operator may submit, in lieu of results from source tests, calculations based on engineering principles, emission factors, or material balance data as actual emission data for establishing base year or post-reduction emissions:

A. ~~no~~ No applicable EPA Reference Method, EPA Conditional Method, or other source test method exists;

B. ~~it~~ It is not technologically or economically feasible to perform source tests;

C. ~~it~~ It can be demonstrated to the satisfaction of ~~the Authority~~LRAPA that the calculations will provide emission estimates of accuracy comparable to that of any applicable source test method;

D. ~~for~~ For base year emission estimates, only, the base year conditions no longer exist at an emission point in the Early Reductions Unit, and emission data could not be produced for such an emission point by performing source tests under currently existing conditions, and converting the test results to reflect base year conditions, that is more accurate than an estimate produced by using engineering principles, emission factors, or a material balance; or

E. ~~the~~ The emissions from one or a set of emission points in the Early Reductions Unit are small compared to total Early Reductions Unit emissions, and potential errors in establishing emissions from such points will not have a significant effect on the accuracy of total emissions established for the Early Reductions Unit.

9. For base year or post-reduction emissions established under this rule that are not supported by source test data, the source owner or operator shall include the reason source testing was not performed.

10. The EPA average emission factors for equipment leaks cannot be used under this subpart to establish base year emissions for equipment leak Early Reductions Units, unless the base year emission number calculated using the EPA average emission factors for equipment leaks also is used as the post-reduction emission number for equipment leaks from the Early Reductions Unit.

11. A source owner or operator shall not establish base year or post-reduction emissions that include any emissions from the Early Reductions Unit exceeding allowable emission levels specified in any applicable law, regulation, or permit condition.

12. For Early Reductions Units subject to ~~paragraph~~ Section 44-080-3.C.(1) ~~of this rule~~, an owner or operator shall document total base year emissions from an entire contiguous plant site under common control by providing the following information for all HAP from all emission points in the contiguous plant site under common control:

A. ~~a~~ A complete list of all emission points of HAP;

B. ~~the~~ The best available data accounting for all HAP emissions during the base year from each HAP emission point;

C. ~~total~~ Total base year emissions calculated by summing all base year emissions data from Section 44-080-12.B. ~~subsection B of this section~~.

13. If a new pollutant is added to the list of HAP or high-risk pollutants, any source emitting such pollutant will not be required to revise an early reduction demonstration pursuant to this rule if alternative emission limits have previously been specified by permit for the Early Reductions Unit as provided for in ~~37~~44-060.

(Section 37-080 Original Adoption 06/11/02)

Section ~~37~~44-090 Review of Base Year Emissions

1. Pursuant to the procedures of this rule, ~~the Authority~~LRAPA shall review and approve or disapprove base year emissions data submitted in a permit application from an applicant that wishes to participate in the early reduction program. A copy of the permit application shall also be submitted to the EPA Region 10 Office.

2. Within 30 (thirty) days of receipt of base year emission data, ~~the Authority~~ LRAPAshall advise the applicant that:

A. ~~the~~ The base year emission data are complete as submitted; or

B. ~~the~~ The base year emission data are not complete and include a list of deficiencies that must be corrected before review can proceed.

3. Within 60 (sixty) days of a determination that a base year emission data submission is complete, ~~the Authority~~LRAPA shall evaluate the adequacy of the submission with respect to the requirements of ~~37~~44-080-2 through 4 and either:

A. ~~propose~~ Propose to approve the submission and publish a notice in a newspaper of general circulation in the area where the source is located or in a state publication designed to give general public notice, providing the aggregate base year emission data for the source and the rationale for the proposed approval, noting the availability of the non-confidential information contained in the submission for public inspection in at least one location in the community in which the source is located, providing for a public hearing upon request by at least 10 (ten) interested persons, and establishing a 30 (thirty)-day public comment period that can be extended to 60 (sixty) days upon request by at least ten interested persons; or

B. ~~propose~~ Propose to disapprove the base year emission data and give notice to the applicant of the reasons for the disapproval. An applicant may correct disapproved base year data and submit revised data for review in accordance with this subsection, except that the review of a revision shall be accomplished within 30 (thirty) days.

4. If no adverse public comments are received by the reviewing agency on proposed base year data for a source, the data shall be considered approved at the close of the public

comment period and a notice of the approval shall be sent to the applicant and published by the reviewing agency by advertisement in the area affected.

5. If adverse public comments are received and ~~the Authority~~LRAPA agrees that corrections are needed, ~~the Authority~~LRAPA shall give notice to the applicant of the disapproval and reasons for the disapproval. An applicant may correct disapproved base year emission data and submit revised emission data. If a revision is submitted by the applicant that, to the satisfaction of ~~the Authority~~LRAPA, takes into account the adverse comments, ~~the Authority~~LRAPA will publish by advertisement in the area affected a notice containing the approved base year emission data for the source and send notice of the approval to the applicant.

6. If adverse public comments are received and ~~the Authority~~LRAPA determines that the comments do not warrant changes to the base year emission data, ~~the Authority~~LRAPA will publish by advertisement in the area affected a notice containing the approved base year emission data for the source and the reasons for not accepting the adverse comments. A notice of the approval also shall be sent to the applicant.

(Section 37-090 Original Adoption 06/11/02)

Section ~~37~~44-100 Early Reduction Demonstration Evaluation

1. ~~The Authority~~LRAPA will evaluate an early reduction demonstration submitted by the source owner or operator in a permit application with respect to the requirements of ~~37~~44-080.

2. An application for a compliance extension may be denied if, in the judgement of ~~the Authority~~LRAPA, the owner or operator has failed to demonstrate that the requirements of ~~37~~44-080 have been met. Specific reasons for denial include, but are not limited to:

   A. ~~the~~ The information supplied by the owner or operator is incomplete;

   B. ~~the~~ The required 90 (ninety) percent reduction (95[ninety-five] percent in cases where the HAP is particulate matter) has not been demonstrated;

   C. ~~the~~ The base year or post-reduction emissions are incorrect, based on methods or assumptions that are not valid, or not sufficiently reliable or well documented to determine with reasonable certainty that required reductions have been achieved; or

   D. ~~the~~ The emission of HAP or the performance of emission control measures is unreliable so as to preclude determination that the required reductions have been achieved or will continue to be achieved during the extension period.

(Section 37-100 Original Adoption 06/11/02)

Section ~~37~~44-110 Approval of Applications

If an early reduction demonstration is approved and other requirements for a complete permit application are met, ~~the Authority~~LRAPA shall establish by a permit issued pursuant to **OAR 340 Division 218**, enforceable alternative emissions limitations for each Early Reductions Unit reflecting the reduction which qualified the Early Reductions Unit for the extension. However, if it is not feasible to prescribe a numerical emissions limitation for one or more emission points in the Early Reductions Unit, ~~the Authority~~LRAPA shall establish such other requirements, reflecting the reduction which qualified the Early Reductions Unit for an extension, in order to assure that the 90 (ninety) or 95 (ninety-five) percent reduction, as applicable, is achieved.

2. An alternative emissions limitation or other requirement prescribed pursuant to section 1 of this rule shall be effective and enforceable immediately upon issuance of the permit for the source and shall expire exactly 6 (six) years after the compliance date of an otherwise applicable standard issued pursuant to **Section 112(d) of the FCAA**.

(Section 37-110 Original Adoption 06/11/02)

Section ~~37~~44-120 Rules for Special Situations

1. If more than one standard issued under **Section 112(d) of the FCAA** would be applicable to an Early Reductions Unit as defined under ~~37~~44-070, then the date of proposal referred to in ~~37~~44-050-3, ~~37~~44-060-1.B, and ~~37~~44-080-5.D is the date the first applicable standard is proposed.

2. Sources emitting radionuclides are not required to reduce radionuclides by 90 (95) percent. Radionuclides may not be increased from the source as a result of the early reductions demonstration.

(Section 37-120 Original Adoption 06/11/02)

EMISSION STANDARDS

Section ~~37~~44-130 Emissions Limitation for New and Reconstructed Major Sources

1. Federal MACT. Any person who proposes to construct a major source of HAP after an applicable emissions standard has been proposed by the EPA pursuant to **Section 112(d)**, **Section 112(n)**, or **Section 129 of the FCAA** shall comply with the requirements and emission standard for new sources when promulgated by EPA.

2. State MACT. Any person who proposes to construct or reconstruct a major source of hazardous air pollutants before MACT requirements applicable to that source have been proposed by the EPA and after the effective date of the program shall comply with new and reconstructed source MACT requirements of **40 CFR Part 63, Subpart B**.

(Section 37-130 Original Adoption 06/11/02)

Section ~~37~~44-140 Emissions Limitation for Existing Sources

1. Federal MACT. Existing major and area sources shall comply with the applicable emissions standards for existing sources promulgated by the EPA pursuant to **Section 112(d)**, **section 112(n)**, or **Section 129 of the FCAA** and adopted by rule within this Title.

2. State MACT. After January 3, 1995 if the EPA fails to meet its schedule for promulgating a MACT standard for a source category, ~~the Authority~~LRAPA shall approve HAP emissions limitations for existing major sources within that category on a case-by-case basis, in accordance with the requirements of **40 CFR, Part 63, Subpart B**.

   A. If, after a permit has been issued, the EPA promulgates a MACT standard applicable to a source, which is more stringent than the one established pursuant to this section, ~~the Authority~~LRAPA shall revise the permit upon the next renewal to reflect the standard promulgated by the EPA. The source shall be given a reasonable time to comply, but no longer than 8 (eight) years after the standard is promulgated.

   B. ~~The Authority~~LRAPA shall not establish a case-by-case MACT:

      (1) For existing solid waste incineration units where an emissions standard will be established for these units by the EPA pursuant to **Section 111 of the FCAA**. These sources are subject to applicable emissions standards under Title 46.

      (2) For existing major HAP sources where an emissions standard or alternative control strategy will be established by the EPA pursuant to **Section 112(n) of the FCAA**.

3. Compliance schedule

   A. The owner or operator of the source shall comply with the emission limitation:

      (1) ~~within~~ Within the time frame established in the applicable Federal MACT standard, but in no case later than 3 (three) years from the date of federal promulgation of the applicable MACT requirements; or

      (2) ~~within~~ Within the time frame established by ~~the Authority~~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 ~~the Authority~~LRAPA may grant, a compliance extension of up to 1 (one) year if such additional period is necessary for the installation of controls.

C. Notwithstanding the requirements of this section, no existing source that has installed Best Available Control Technology or been required to meet Lowest Achievable Emission Rate prior to the promulgation of a federal MACT applicable to that emissions unit shall be required to comply with such MACT standard until 5 (five) years after the date on which such installation or reduction has been achieved, as determined by ~~the Authority~~LRAPA.

(Section 37-140 *Original Adoption 06/11/02)*

Section ~~37~~44-150 Federal Regulations Adopted by Reference

1. Except as provided in section 2 of this rule, **40 CFR Part 61, Subparts A through F, I, J, L, N through P, V and Y through FF (July 1, 2001)** and **40 CFR Part 63, Subparts A, F, G, H, I, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, LL, MM, OO, PP, QQ, RR, SS, TT, UU, VV, WW, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, VVV, XXX, AAAA, CCCC, DDDD, EEEE, FFFF, GGGG, ~~and~~ HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, YYYY, ZZZZ, AAAAA, BBBBB, CCCCC, ~~DDDDD~~, EEEEE, FFFFF, GGGGG, HHHHH, IIIII< JJJJJ, KKKKK, LLLLL, MMMMM, NNNNN, PPPPP, QQQQQ, RRRRR, SSSSS, and TTTTT ~~(July 1, 2001)~~** are by reference adopted and incorporated herein.

2. ~~2.~~ Where "Administrator" or "EPA" appears in **40 CFR Part 61** or **63**, ~~Aauthority~~"LRAPA" shall be substituted, except in any section of **40 CFR Part 61** or **63** for which a federal rule or delegation specifically indicates that authority will not be delegated to the state.

~~2.~~3. 40 CFR Part 63 Subpart M -- Dry Cleaning Facilities using Perchloroethylene: The exemptions in 40 CFR 63.320(d) and (e) do not apply.

~~3~~4. **40 CFR Part 61** Subparts adopted by this rule are titled as follows:

A. ~~A.~~ Subpart A-General Provisions;

B. ~~B.~~ Subpart B-Radon Emissions from Underground Uranium Mines;

C. ~~C.~~ Subpart C-Beryllium;

D. ~~D.~~ Subpart D-Beryllium Rocket Motor Firing;

E. ~~E.~~ Subpart E-Mercury;

F. ~~F.~~ Subpart F-Vinyl Chloride;

G. ~~G.~~ Subpart I-Radionuclide Emissions from Federal Facility Other than Nuclear Regulatory Commission Licensee and Not Covered by Subpart H;

~~g.~~H. Subpart J - Equipment Leaks (Fugitive Emission Sources) of Benzene;

~~h.~~I. ~~H.~~ Subpart L-Benzene Emissions from Coke By-Product Recovery Plants;

~~i.~~J. ~~I.~~ Subpart N-Inorganic Arsenic Emissions from Glass Manufacturing Plants;

~~j.~~K. ~~J.~~ Subpart O-Inorganic Arsenic Emissions from Primary Copper Smelters;

~~9.~~J. ~~K.~~ Subpart P-Inorganic Arsenic Emissions from Arsenic Trioxide and Metal Arsenic Facilities;

~~l.~~M. ~~L.~~ Subpart V-Equipment Leaks (Fugitive Emission Sources);

~~m.~~N. ~~M.~~ Subpart Y-Benzene Emissions from Benzene Storage Vessels; and

~~n.~~O. ~~N.~~ Subpart FF-Benzene Waste Operations.

4. **40 CFR Part 63** Subparts adopted by this rule are titled as follows:

A. Subpart A-General Provisions;

B. Subpart F-SOCMI;

C. Subpart G-SOCMI-Process Vents, Storage Vessels, Transfer Operations;

D. Subpart H-SOCMI-Equipment Leaks;

E. Subpart I-Certain Processes Subject to the Negotiated Regulation for Equipment Leaks;

F. Subpart J - Polyvinyl Chloride and Copolymers Production;

~~f.~~G. ~~F.~~ Subpart L-Coke Oven Batteries;

~~g.~~H. ~~G.~~ Subpart M-Dry Cleaning Facilities using Perchloroethylene;

~~h.~~I. ~~H.~~ Subpart N-Hard and Decorative Electroplating and Anodizing;

~~i.~~J. ~~I.~~ Subpart O-Ethylene Oxide Sterilization;

~~j.~~K. ~~J.~~ Subpart Q-Industrial Process Cooling Towers;

~~k.~~L. ~~K.~~ Subpart R-Gasoline Distribution (Bulk Gasoline Terminals and Pipeline Breakout Stations);

~~l.~~M. ~~L.~~ Subpart S-Pulp and Paper Industry;

~~m.~~N. ~~M.~~ Subpart T-Halogenated Solvent Cleaning;

~~n.~~O. ~~N.~~ Subpart U-Group I Polymers and Resins;

~~o.~~P. ~~O.~~ Subpart W-Epoxy Resins and Non-Nylon Polyamides Production;

~~p.~~Q. ~~P.~~ Subpart X-Secondary Lead Smelting;

~~q.~~R. ~~Q.~~ Subpart Y-Marine Tank Vessel Loading Operations;

~~r.~~S. ~~R.~~ Subpart AA-Phosphoric Acid Manufacturing Plants;

~~s.~~T. ~~S.~~ Subpart BB-Phosphate Fertilizer Production Plants;

~~t.~~U. ~~T.~~ Subpart CC-Petroleum Refineries;

~~u.~~V. ~~U.~~ Subpart DD-Off-Site Waste and Recovery Operations;

~~v.~~W. ~~V.~~ Subpart EE-Magnetic Tape Manufacturing Operations;

~~w.~~X. ~~W.~~ Subpart GG-Aerospace Manufacturing Operations;

~~x.~~Y. ~~X.~~ Subpart HH-Oil and Natural Gas Production Facilities;

~~y.~~Z. ~~Y.~~ Subpart II-Shipbuilding and Ship Repair (Surface Coating);

~~z.~~AA. ~~Z.~~ Subpart JJ-Wood Furniture Manufacturing Operations;

~~aa.~~BB. ~~AA.~~ Subpart KK-Printing and Publishing Industry;

~~bb.~~CC. ~~BB.~~ Subpart LL-Primary Aluminum Reduction Plants;

~~cc.~~DD. ~~CC.~~ Subpart MM-Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semi-Chemical Pulp Mills

~~dd.~~EE. ~~DD.~~ Subpart OO-TanksBLevel 1;

~~ee.~~FF. ~~EE.~~ Subpart PP-Containers;

~~ff.~~GG. ~~FF.~~ Subpart QQ-Surface Impoundments;

~~gg.~~HH. ~~GG.~~ Subpart RR-Individual Drain Systems;

~~hh.~~II. ~~HH.~~ Subpart SS-Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process;

~~ii.~~JJ. ~~II.~~ Subpart TT-Equipment LeaksBControl Level 1;

~~jj.~~KK. ~~JJ.~~ Subpart UU-Equipment LeaksBControl Level 2 Standards;

~~kk.~~LL. ~~KK.~~ Subpart VV-Oil-Water Separators and Organic-Water Separators;

MM. ~~LL.~~ Subpart WW-Storage Vessels (Tanks)- Control Level 2;

~~ll.~~NN. Subpart XX - Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations;

~~mm.~~OO. ~~MM.~~ Subpart YY-Generic Maximum Achievable Control Technology Standards;

~~nn.~~PP. ~~NN.~~ Subpart CCC-Steel Pickling-HCI Process Facilities and Hydrochloric Acid Regeneration Plants;

~~oo.~~QQ. ~~OO.~~ Subpart DDD-Mineral Wool Production;

~~pp.~~RR. ~~PP.~~ Subpart EEE-Hazardous Waste Combustors;

~~qq.~~SS. ~~QQ.~~ Subpart GGG-Pharmaceuticals Production;

~~rr.~~TT. ~~RR.~~ Subpart HHH-Natural Gas Transmission and Storage Facilities;

~~ss.~~UU. ~~SS.~~ Subpart III-Flexible Polyurethane Foam Production;

~~tt.~~VV. ~~TT.~~ Subpart JJJ-Group IV Polymers and Resins;

~~uu.~~WW. ~~UU.~~ Subpart LLL-Portland Cement Manufacturing Facilities;

~~vv.~~XX. ~~VV.~~ Subpart MMM-Pesticide Active Ingredient Production;

~~ww.~~YY. ~~WW.~~ Subpart NNN-Wool Fiberglass Manufacturing;

~~xx.~~ZZ. ~~XX.~~ Subpart OOO-Manufacture of Amino/Phenolic Resins;

AAA. ~~YY.~~ Subpart PPP-Polyether Polyols Production;

~~yy.~~BBB. Subpart QQQ - Primary Copper Smelting;

~~zz.~~CCC. ~~ZZ.~~ Subpart RRR-Secondary Aluminum Production

DDD. ~~AAA~~. Subpart TTT-Primary Lead Smelting;

~~aaa.~~EEE. Subpart UUU - Petroleum Refineries -- Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units;

~~bbb.~~FFF. ~~BBB.~~ Subpart VVV-Publicly Owned Treatment Works;

GGG. ~~CCC.~~ Subpart XXX-Ferro Alloys, Ferromanganese, and Silico Manganese Production

~~ccc.~~HHH. Subpart AAAA -- Municipal Solid Waste Landfills;

III. ~~DDD.~~ Subpart CCCC-Manufacturing of Nutritional Yeast

JJJ. Subpart DDDD -- Plywood and Composite Wood Products;

KKK. Subpart EEEE -- Organic Liquids Distribution (non-gasoline);

~~ddd.~~LLL. Subpart FFFF -- Miscellaneous Organic Chemical Manufacturing;

MMM. ~~EEE.~~ Subpart GGGG-Solvent Extraction for Vegetable Oil Production

NNN. Subpart HHHH -- Wet Formed Fiberglass Mat Production;

OOO. Subpart IIII -- Surface Coating of Automobiles and Light-Duty Trucks;

PPP. Subpart JJJJ -- Paper and Other Web Coating;

QQQ. Subpart KKKK -- Surface Coating of Metal Cans;

RRR. Subpart MMMM -- Surface Coating of Miscellaneous Metal Parts and Products;

SSS. Subpart NNNN -- Surface Coating of Large Appliances;

TTT. Subpart OOOO - Printing, Coating, and Dyeing of Fabrics and Other Textiles;

UUU. Subpart PPPP - Surface Coating of Plastic Parts and Products;

VVV. Subpart QQQQ - Surface Coating of Wood Building Products;

WWW. Subpart RRRR - Surface Coating of Metal Furniture;

XXX. Subpart SSSS - Surface Coating of Metal Coil;

YYY. Subpart TTTT - Leather Finishing Operations;

ZZZ. Subpart UUUU - Cellulose Production Manufacturing;

AAAA. Subpart VVVV - Boat Manufacturing;

BBBB. Subpart WWWW - Reinforced Plastics Composites Production;

CCCC. Subpart XXXX - Rubber Tire Manufacturing;

DDDD. Subpart YYYY - Stationary Combustion Turbines;

EEEE. Subpart ZZZZ - Reciprocating Internal Combustion Engines;

FFFF. Subpart AAAAA - Lime Manufacturing;

GGGG. Subpart BBBBB - Semiconductor Manufacturing;

HHHH. Subpart CCCCC - Coke Ovens: Pushing, Quenching & Battery Stacks;

~~Subpart DDDDD - Industrial, Commercial, and Institutional Boilers and Process Heaters;~~

IIII. Subpart EEEEE - Iron and Steel Foundries;

JJJJ. Subpart FFFFF - Integrated Iron and Steel Manufacturing Facilities;

KKKK. Subpart GGGGG - Site Remediation;

LLLL. Subpart HHHHH - Misc. Coating Manufacturing;

MMMM. Subpart IIIII - Mercury Cell Chlor-Alkali Plants;

NNNN. Subpart JJJJJ - Brick and Structural Clay Products Manufacturing;

OOOO. Subpart KKKKK - Clay Ceramics Manufacturing;

PPPP. Subpart LLLLL - Asphalt Processing & Asphalt Roofing Manufacturing;

QQQQ. Subpart MMMMM - Flexible Polyurethane Foam Fabrication Operations;

RRRR. Subpart NNNNN - Hydrochloric Acid Production;

SSSS. Subpart PPPPP - Engine Tests Cells/Stands;

TTTT. Subpart QQQQQ - Friction Materials Manufacturing Facilities;

UUUU. Subpart RRRRR - Taconite Iron Ore Processing;

VVVV. Subpart SSSSS - Refractory Products Manufacturing;

~~eee.~~WWWW. Subpart TTTTT - Primary Magnesium Refining.

(Section 37-150 Original Adoption 06/11/02, includes updated provisions of 43-020 through 43-035 which were deleted from Title 43 by 06/11/02 rulamking)

Section ~~3744~~-160 Accidental Release Prevention

1. List. For purposes of this rule ~~the Authority~~LRAPA adopts by reference the List of Regulated Substances and Thresholds for Accidental Release Prevention **40 CFR Part**

Subpart F (July 1, 2001) which includes the **Department of Transportation Division 1.1 Explosive Standards List (49 CFR 172.101)**. (Table 3)

2. Risk Management Plan. The owner or operator of a stationary source at which a substance listed in Table 3 is present, as stored on site (not necessarily emitted to the air), in greater than the threshold quantity shall prepare and implement a written risk management plan to detect and prevent or minimize accidental releases, and to provide a prompt emergency response to any such releases in order to protect human health and the environment.

3. Compliance. The owner or operator of a stationary source required to prepare and implement a risk management plan under section 2 of this rule shall:

   A. ~~register~~ Register the risk management plan with the EPA;

   B. ~~submit~~ Submit copies of the risk management plan to the U.S. Chemical Safety and Hazard Identification Board, ~~the Authority~~LRAPA, and the Oregon Office of Emergency Management; and

   C. ~~submit~~Submit; as part of the compliance certification required under **OAR 340-218-0080**, annual certification to ~~the Authority~~LRAPA that the risk management plan is being properly implemented.

4. Compliance Schedule:

   A. The owner or operator of a stationary source shall prepare and implement a risk management plan under section 2 of this rule according to the schedule promulgated by the EPA.

   B. The owner or operator of a stationary source that adds a listed substance or exceeds the threshold shall prepare and implement a risk management plan according to the schedule promulgated by the EPA.

CAS NUMBER	TABLE 1 LIST OF HAZARDOUS AIR POLLUTANTS (~~37~~44-020) **CHEMICAL NAME**
75070	Acetaldehyde
60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorene
107028	Acrolein

TABLE 1 LIST OF HAZARDOUS AIR POLLUTANTS (~~37~~44-020)	
CAS NUMBER	**CHEMICAL NAME**
~~79061~~	~~Acrylamide~~
79107	Acrylic acid
107131	Acrylonitrile
8107051	Allyl chloride
92671	4-Aminobiphenyl
62533	Aniline
90040	o-Anisidine
1332214	Asbestos
71432	Benzene (including benzene from gasoline)
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl chloride
92524	Biphenyl
117817	Bis(2-ethylhexyl) phthalate (DEHP)
542881	Bis(chloromethyl)ether
75252	Bromoform
106900	1,3-Butadiene
156627	Calcium cyanamide
133062	Captan
63252	Carbaryl
75150	Carbon disulfide
56235	Carbon tetrachloride
463581	Carbon sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
97118	Chloroacetic acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl methyl ether
126998	Chloroprene

TABLE 1 LIST OF HAZARDOUS AIR POLLUTANTS (~~37~~44-020)	
CAS NUMBER	**CHEMICAL NAME**
~~19773~~	~~Cresols/Cresylic acid (isomers and mixture)~~
95487	o-Cresol
108394	m-Cresol
106445	p-Cresol
98828	Cumene
94757	2,4-D, salts and esters
3547044	DDE
334883	Diazomethane
132649	Dibenzofurans
96128	1,2-Dibromo-3-chloropropane
84742	Dibutylphthalate
106467	1,4-Dicholorobenzene(p)
91941	3,3-Dichlorobenzidene
111444	Dichloroethyl ether [Bis(2-chloroethyl)ether]
542756	1,3-Dichloropropene
62737	Dichlorvos
111422	Diethanolamine
121697	N,N-Diethyl aniline (N,N-Dimethylaniline)
64675	Diethyl sulfate
119904	3,3-Dimethyloxybenzidine
60117	Dimethyl aminoazobenzene
119937	3,3-Dimethyl benzidine
79447	Dimethyl carbamoyl chloride
68122	Dimethyl formamide
57147	1,1-Dimethyl hydrazine
131113	Dimethyl phthalate
77781	Dimethyl sulfate
534521	4,6-Dinitro-o-cresol, and salts
51285	2,4-Dinitrotoluene
121142	2,4-Dinitrotoluene
123911	1,4-Dioxane (1,4-Diethyleneoxide)
122667	1,2-Diphenylhydrazine
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106887	1,2-Epoxybutane

TABLE 1 LIST OF HAZARDOUS AIR POLLUTANTS (~~37~~44-020)	
CAS NUMBER	**CHEMICAL NAME**
~~140885~~	~~Ethyl acrylate~~
100414	Ethyl benzene
51796	Ethyl carbamate (Urethane)
75003	Ethyl chloride (Chlorethane)
106934	Ethylene dibromide (Dibromoethane)
107062	Ethylene dichloride (1,2-Dichloroethane)
107211	Ethylene glycol
151564	Ethylene imine (Aziridine)
75218	Ethylene oxide
96457	Ethylene thiourea
75343	Ethylidene dichloride (1,1,-Dichloroethane)
50000	Formaldehyde
76448	Heptachlor
118741	Hexachlorobenzene
87683	Hexachlorobutadiene
77474	Hexachlorocyclopentadiene
67721	Hexachloroethane
822060	Hexamethylene-1,6-diisocyanate
680319	Hexamethylphosphoramide
110543	Hexane
302012	Hydrazine
7647010	Hydrochloric acid
7664393	Hydrogen fluoride (Hydrofluoric acid)
123319	Hydroquinone
78591	Isophorone
58899	Lindane (all isomers)
108316	Maleic anhydride
67561	Methanol
72435	Methoxychlor
74839	Methyl bromide (Bromomethane)
74873	Methyl chloride (Chloromethane)
71556	Methyl chloroform (1,1,1-Trichloroethane)
~~78933~~	~~Methyl ethyl ketone (2-Butanone)~~ EPA Delisted June 20, 2005
60344	Methyl hydrazine

CAS NUMBER	TABLE 1 LIST OF HAZARDOUS AIR POLLUTANTS (~~37~~44-020) CHEMICAL NAME
~~74884~~	~~Methyl iodide (Iodomethane)~~
108101	Methyl isobutyl ketone (Hexone)
624839	Methyl isocyanate
80626	Methyl methacrylate
1634044	Methyl tert butyl ether
101144	4.4-Methylene bis(2-Chloroaniline)
75092	Methylene chloride (Dichloromethane)
101688	Methylene diphenyl diiocyanate (MDI)
101779	4,4-Methylenedianiline
91203	Naphthalene
98953	Nitrobenzene
92933	4-Nitrobiphenyl
100027	4-Nitrophenol
79469	2-Nitropropane
684935	N-Nitroso-N-methylurea
62759	N-Nitrosodimethylamine
59892	N-Nitrosomorpholine
56382	Parathion
82688	Pentachloronitrobenzene (Quintobenzene)
87865	Pentachlorophenol
108952	Phenol
106503	p-Phenylenediamine
75445	Phosgene
7803512	Phosphine
7723140	Phosphorus
85449	Phthalic anhydride
1336363	Polychlorinated biphenyls (Aroclors)
1120714	1,3-Propane sultone
57578	beta-Propriolactone
123386	Propionaldehyde
114261	Propoxur (Baygon)
78875	Propylene dichloride (1,2-Dichloropropane)
75569	Propylene oxide
75558	1,2-Propylenimine (2-Methyl aziridine)

TABLE 1 LIST OF HAZARDOUS AIR POLLUTANTS (~~37~~44-020)	
CAS NUMBER	**CHEMICAL NAME**
~~91225~~	~~Quinoline~~
106514	Quinone
100425	Styrene
96093	Styrene oxide
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79345	1,1,2,2-Tetrachloroethane
127184	Tetrachloroethylene (Perchloroethylene)
7550450	Titanium tetrachloride
108883	Toluene
95807	2,4-Toluene diamine
584849	2,4-Toluene diisocyanate
95534	o-Toluidine
8001352	Toxaphene (chlorinated camphene)
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloroethane
79016	Trichloroethylene
95954	2,4,5-Trichlorophenol
88062	2,4,6-Trichlorophenol
121448	Triethylamine
1582098	Trifluralin
540841	2,2,4-Trimethylpentane
108054	Vinyl acetate
593602	Vinyl bromide
75014	Vinyl chloride
75354	Vinylidene chloride (1,1-Dichloroethylene)
1330207	Xylenes (isomers and mixture)
95476	o-Xylenes
108383	m-Xylenes
106423	p-Xylenes
0	Antimony Compounds
0	Arsenic Compounds (inorganic including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds

CAS NUMBER	TABLE 1 LIST OF HAZARDOUS AIR POLLUTANTS (3744-020) CHEMICAL NAME
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds[1]
0	Glycol ethers[2]
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Fine mineral fibers[3]
0	Nickel Compounds
0	Polycyclic Organic Matter[4]
0	Radionuclides (including radon)[5]
0	Selenium Compounds

NOTE: For all listings above which contain the word "compounds" and for glycol ethers, the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure.

*1 X=CN where X = H= or any other group where a formal dissociation may occur. For example KCN or $Ca(CN)_2$
*2 Includes mono- and di-ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH_2CH_2)n-OR= where: n = 1,2, or 3; R - alkyl or aryl groups; R= - R,H, or groups which, when removed, yield glycol ethers with the structure: R-$(OCH_2CH)_n$-OH. Polymers are excluded from the glycol category.
*3 Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.
*4 Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100°C.
*5 A type of atom which spontaneously undergoes radioactive decay.

(Table 1 original adoption 06/11/02)

TABLE 2
LIST OF EARLY REDUCTIONS HIGH-RISK POLLUTANTS
(~~37~~44-060)

CAS Number	Chemical Name	Weighing Factor
53-96-3	2-Acetylaminofluorene	100
107-02-8	Acrolein	100
79-06-1	Acrylamide	10
~~79-10-7~~	~~Acrylic acid~~	~~10~~
107-13-1	Acrylonitrile	10
1332-21-4	Asbestos	100
71-43-2	Benzene	10
92-87-5	Benzidine	1000
542-88-1	Bis(chloromethyl)ether	1000
106-99-0	1,3-Butadiene	10
57-74-9	Chlordane	100
532-27-4	2-Chloroacetophenone	100
107-30-2	Chloromethyl methyl ether	10
334-88-3	Diazomethane	10
132-64-9	Dibenzofurans	10
96-12-8	1,2-Dibromo-3-chloropropane	10
111-44-4	Dichloroethyl ether [Bis(2-chloroethyl)ether]	10
79-44-7	Dimethylcarbamoyl chloride	100
122-66-7	1,2-Diphenylhydrazine	10
106-93-4	Ethylene dibromide	10
151-56-4	Ethyleneimine (Aziridine)	100
75-21-8	Ethylene oxide	10
76-44-8	Heptachlor	100
118-74-1	Hexachlorobenzene	100
77-47-4	Hexachlorocyclopentadiene	10
302-01-2	Hydrazine	100
~~101-68-8~~	~~Methylene diphenyl diisocyanate (MDI)~~	~~10~~
60-34-4	Methyl hydrazine	10
624-83-9	Methyl isocyanate	10
62-75-9	N-Nitrosodimethylamine	100
684-93-5	N-Nitroso-N-methylurea	1000
56-38-2	Parathion	10

TABLE 2
LIST OF EARLY REDUCTIONS HIGH-RISK POLLUTANTS
(~~37~~44-060)

CAS Number	Chemical Name	Weighing Factor
~~75-44-5~~	~~Phosgene~~	~~10~~
7803-51-2	Phosphine	10
7723-14-0	Phosphorus	10
75-55-8	1,2-Propylenimine	100
1746-01-6	2,3,7,8-Tetrachlorodibenzo-p-dioxin	100,000
8001-35-2	Toxaphene (chlorinated camphene)	100
75-01-4	Vinyl chloride	10
0	Arsenic Compounds	100
0	Beryllium Compounds	10
0	Cadmium Compounds	10
0	Chromium Compounds	100
0	Coke Oven Emissions	10
0	Manganese Compounds	10
0	Mercury Compounds	100
0	Nickel Compounds	10

(Table 2 original adoption 06/11/02)

TABLE 3
LIST OF REGULATED TOXIC AND FLAMMABLE SUBSTANCES
FOR PURPOSES OF ACCIDENTAL RELEASE PREVENTION
(~~37~~44-160)

PART ABREGULATED TOXIC SUBSTANCES

CAS Number	Chemical Name	Threshold Quantity Stored or Present Onsite (lbs.)
107-02-8	Acrolein (2-Propenal)	5,000
107-13-1	Acrylonitrile (2-Propenenitrile)	20,000
814-68-6	Acrylyl chloride (2-Propenoyl chloride)	5,000

TABLE 3
LIST OF REGULATED TOXIC AND FLAMMABLE SUBSTANCES FOR PURPOSES OF ACCIDENTAL RELEASE PREVENTION
(~~37~~44-160)

PART ABREGULATED TOXIC SUBSTANCES

CAS Number	**Chemical Name**	**Threshold Quantity Stored or Present Onsite (lbs.)**
107-18-6	Allyl alcohol (2-Propen-l-ol)	15,000
107-11-9	Allylamine (2-Propen-l-amine)	10,000
7664-41-7	Ammonia (anhydrous)	10,000
7664-41-7	Ammonia (concentration 20% or greater)	20,000
7784-34-1	Arsenous trichloride	15,000
7784-42-1	Arsine	1,000
10294-34-5	Boron trichloride (Borane, trichloro-)	5,000
7637-07-2	Boron trifluoride (Borane, trifluoro-)	5,000
353-42-4	Boron trifluoride compound with methyl ether (1:1) (Boron, trifluoro[oxybis(methane)])	15,000
7726-95-6	Bromine	10,000
75-15-0	Carbon disulfide	20,000
7782-50-5	Chlorine	2,500
10049-04-4	Chlorine [Chlorine oxide (ClO_2)]	1,000
67-66-3	Chloroform (Methane trichloro-)	20,000
542-88-1	Chloromethyl ether [Methane, oxybis(chloro-)]	1,000
107-30-2	Chloromethyl methyl ether (Methane, Chloromethoxy-)	5,000
4170-30-3	Crotonaldehyde (2-Butenal)	20,000
123-73-9	Crotonaldehyde (2-Butenal)	20,000
506-77-4	Cyanogen chloride	10,000
108-91-8	Cyclohexylamine (Cyclohexanamine)	15,000
19287-45-7	Diborane	2,500

TABLE 3
LIST OF REGULATED TOXIC AND FLAMMABLE SUBSTANCES FOR PURPOSES OF ACCIDENTAL RELEASE PREVENTION
(~~37~~44-160)

PART ABREGULATED TOXIC SUBSTANCES

CAS Number	**Chemical Name**	**Threshold Quantity Stored or Present Onsite (lbs.)**
75-78-5	Dimetyldichlorosilane (Silane, dichlorodemethyl-)	5,000
57-14-7	1,1-Demethylhydrazine (Hydrazine, 1,1-dimethyl-)	15,000
106-89-8	Epichlorohydrin [Oxirane, (chloromethyl)-]	20,000
107-15-3	Ethylenediamine (1,2-Ethanediamine)	20,000
151-56-4	Ethyleneimine (Aziridine)	10,000
75-21-8	Ethylene oxide (Oxirane)	10,000
7782-41-4	Fluorine	1,000
50-00-0	Formaldehyde (solution)	15,000
110-00-9	Furan	5,000
302-01-2	Hydrazine	15,000
7647-01-0	Hydrochloric acid (concentration 30% or greater)	15,000
74-90-8	Hydrocyanic acid	2,500
7647-01-0	Hydrogen chloride (anhydrous) [Hydrochloric acid]	5,000
7664-39-3	Hydrogen fluoride/Hydrofluoric acid (concentration 50% or greater) [Hydrofluoric acid]	1,000
7783-39-3	Hydrogen selenide	500
7783-06-4	Hydrogen sulfide	10,000
13463-40-6	Iron, pentacarbonyl-[Iron carbonyl-$Fe(CO)_5$	2,500
78-82-0	Isobutyronitrile [Propanenitrile, 2-methyl-]	20,000
108-23-6	Isopropyl chloroformate [Carbonochloric acid, 1-methylethyl ester]	15,000
126-98-7	Methacrylonitrile [2-Propenenitrile, 2-methyl-]	10,000

TABLE 3
LIST OF REGULATED TOXIC AND FLAMMABLE SUBSTANCES FOR PURPOSES OF ACCIDENTAL RELEASE PREVENTION (~~37~~44-160)

PART ABREGULATED TOXIC SUBSTANCES

CAS Number	**Chemical Name**	**Threshold Quantity Stored or Present Onsite (lbs.)**
74-87-3	Methyl chloride [Methane,chloro-]	10,000
79-22-1	Methyl chloroformate [Carbonochloric acid, methylester]	5,000
60-34-4	Methyl hydrazine [Hydrazine, methyl-]	15,000
624-83-9	Methyl isocyanate [Methane, isocyanato-]	10,000
74-93-1	Methyl mercaptan [Methanethiol]	10,000
556-64-9	Methyl thiocyanate [Thiocyanic acid, methyl ester]	20,000
75-79-6	Methyltrichlorosilane [Silane, trichloromethyl-]	5,000
13463-39-3	Nickel carbonyl	1,000
7697-37-2	Nitric acid (concentration 80% or greater)	15,000
10102-43-9	Nitric oxide [Nitrogen oxide (NO)]	10,000
8014-95-7	Oleum (Fuming Sulfuric acid) [Sulfuric acid, mixture with sulfur trioxide][1]	10,000
79-21-0	Peracetic acid [Ethaneperoxoic acid]	10,000
594-42-3	Perchloromethylmercaptan [Methanesulfenyl chloride, trichloro-]	10,000
75-44-5	Phosgene [Carbonic dichloride]	500
7803-51-2	Phosphine	5,000
10025-87-3	Phosphorus oxychloride [Phosphoryl chloride]	5,000
7719-12-2	Phosphorus trichloride [Phosphoryl chloride]	15,000
110-89-4	Piperidine	15,000
107-12-0	Propionitrile [Propanenitrile]	10,000
109-61-5	Propyl chloroformate [Carbonochloric acid, propylester]	15,000

TABLE 3
LIST OF REGULATED TOXIC AND FLAMMABLE SUBSTANCES FOR PURPOSES OF ACCIDENTAL RELEASE PREVENTION (~~37~~44-160)

PART ABREGULATED TOXIC SUBSTANCES

CAS Number	**Chemical Name**	**Threshold Quantity Stored or Present Onsite (lbs.)**
75-55-8	1,2-Propylenimine [Aziridine, 2-methyl-]	10,000
75-56-9	Propylene oxide [Oxirane, methyl-]	10,000
7446-09-5	Sulfur dioxide (anhydrous)	5,000
7783-60-0	Sulfur tetrafluoride [Sulfur fluoride (SF4)]	2,500
7446-11-9	Sulfur trioxide	10,000
75-74-1	Tetramethyllead [Plumbane, tetramethyl-]	10,000
509-14-8	Tetranitromethane]Methane, tetranitro-]	10,000
7550-45-0	Titanium tetrachloride [Titanium chloride ($TiCl_4$)]	2,500
584-84-9	Toluene 2,4-diisocyanate [Benzene, 2,4-diisocyanato-1-methyl-][1]	10,000
91-08-7	Toluene 2,6-diisocyanate [Benzene, 1,3-diiosocyanato-2-methyl-][1]	10,000
26471-62-5	Toluene diisocyanate (unspecified isomer) [Benzene, 1,3-isomer) [Benzene, 1,3-diiocyanatomethyl-][1]	10,000
75-77-4	Trimethylchlorosilane [Silane, chlorotrimethyl-]	10,000
108-05-4	Vinyl acetate monomer [Acetic acid ethenyl ester]	15,000

[1] The mixture exemption in **40 CFR Part 68.115(b)(1)** does not apply to the substance.

CAS Number	**TABLE 3** **LIST OF REGULATED TOXIC AND FLAMMABLE SUBSTANCES** **FOR PURPOSES OF ACCIDENTAL RELEASE PREVENTION** **(~~37~~44-160)** --- **Part BBRegulated Flammable Substances** **Chemical Name**	**Threshold Quantity Stored or Present Onsite (Lbs.)**
75-07-0	Acetaldehyde	10,000
74-86-2	Acetylene [Ethyne]	10,000
598-73-2	Bromotrifluorethylene [Ethene, bromotrifluoro-]	10,000
106-99-0	1,3-Butadiene	10,000
106-97-8	Butane	10,000
106-98-9	1-Butene	10,000
107-01-7	2-Butene	10,000
25167-67-3	Butene	10,000
590-18-1	2-Butene-cis	10,000
624-64-6	2-Butene-trans [2-Butene]	10,000
463-58-1	Carbon oxysulfide [Carbon oxide sulfide (COS)]	10,000
7791-21-1	Chlorine monoxide [Chlorine oxide]	10,000
557-98-2	2-Chloropropylene [1-Propene, 2-Chloro-]	10,000
590-21-6	1-Chloropropylene [1-Propene, 1-chloro-]	10,000
460-19-5	Cyanogen [Ethanedinitrile]	10,000
75-19-4	Cyclopropane	10,000
4109-96-0	Dichlorosilane [Silane, dichloro-]	10,000
75-37-6	Difluoroethane [Ethane, 1,1-difluoro-]	10,000
124-40-3	Dimethylamine [Methanamine, N-methyl-]	10,000

CAS Number	**TABLE 3** **LIST OF REGULATED TOXIC AND FLAMMABLE SUBSTANCES** **FOR PURPOSES OF ACCIDENTAL RELEASE PREVENTION** **(~~37~~44-160)** ---------- **Part BBRegulated Flammable Substances** **Chemical Name**	**Threshold Quantity Stored or Present Onsite (Lbs.)**
463-82-1	2,2-Dimethylpropane [Propane, 2,2-dimethyl-]	10,000
84-84-0	Ethane	10,000
107-00-6	Ethyl acetylene [1-Butyne]	10,000
75-04-7	Ethylamine [Ethanamine]	10,000
75-00-3	Ethyl chloride [Ethane, chloro-]	10,000
74-85-1	Ethylene [Ethene]	10,000
60-29-7	Ethyl ether [Ethane, 1,1'-oxybis-]	10,000
75-08-1	Ethyl mercaptan [Ethanethiol]	10,000
109-95-5	Ethyl nitrite [Nitrous acid, ethyl ester]	10,000
1333-74-0	Hydrogen	10,000
75-28-5	Isobutane [Propane, 2-methyl]	10,000
78-78-4	Isopentane [Butane, 2-methyl-]	10,000
78-79-5	Isoprene [1,3-Butadiene, 2-methyl-]	10,000
75-31-0	Isopropylamine [2-Propanamine]	10,000
75-29-6	Isopropy.l Chloride [Propane, 2-chloro-]	10,000
74-82-8	Methane	10,000
74-89-5	Methylamine [Methanamine]	10,000
563-45-1	3-Methyl-1-butene	10,000
563-46-2	2-Methyl-1-butene	10,000
115-10-6	Methyl ether [Methane, oxybis-]	10,000

CAS Number	**TABLE 3** **LIST OF REGULATED TOXIC AND FLAMMABLE SUBSTANCES** **FOR PURPOSES OF ACCIDENTAL RELEASE PREVENTION** **(~~37~~44-160)** --- **Part BBRegulated Flammable Substances** **Chemical Name**	**Threshold Quantity Stored or Present Onsite (Lbs.)**
107-31-3	Methyl formate [Formic acid, methyl ester]	10,000
115-11-7	Methylpropene [1-Propene, 2-methyl-]	10,000
504-60-9	1,3-Pentadiene	10,000
109-66-0	Pentane	10,000
109-67-1	1-Pentene	10,000
646-04-8	2-Pentene	10,000
627-20-3	2-Pentene	10,000
463-49-0	Propadiene [1,2-Propadiene]	10,000
74-98-6	Propane	10,000
115-07-1	Propylene [1-Propene]	10,000
74-99-7	Propyne [1-Propyne]	10,000
7803-62-5	Silane	10,000
116-14-3	Tetrafluoroethylene [Ethene, tetrafluoro-]	10,000
75-76-3	Tetramethylsilane [Silane, tetramethyl-]	10,000
10025-78-2	Trichlorosilane [Silane, trichloro-]	10,000
79-38-9	Trifluororochloroethylene [Ethene, chlorotrifluoro-]	10,000
75-50-3	Trimethylamine [Methanamine, N,N-dimethyl-]	10,000
689-97-4	Vinyl acetate [1-Buten-3-yne]	10,000
75-01-4	Vinyl chloride [Ethene chloro-1]	10,000

CAS Number	**TABLE 3** **LIST OF REGULATED TOXIC AND FLAMMABLE SUBSTANCES** **FOR PURPOSES OF ACCIDENTAL RELEASE PREVENTION** **(~~37~~44-160)** --- **Part BBRegulated Flammable Substances** **Chemical Name**	**Threshold Quantity Stored or Present Onsite (Lbs.)**
109-92-2	Vinyl ethyl ether [Ethene, ethoxy-]	10,000
75-02-5	Vinyl fluoride [Ethene, fluoro-]	10,000
75-35-4	Vinylidene chloride [Ethene, 1, 1-dichloro-]	10,000
75-38-7	Vinylidene fluoride [Ethene, 1,1,-difluoro-]	10,000
107-25-5	Vinyl methyl ether [Ethene, methoxy-]	10,000

(Table 3 Original Adoption 06/11/02)

Lane Regional Air Protection Agency

TITLE 45

LRAPA LOCAL HAZARDOUS AIR POLLUTANT PROGRAM

Section 45-010 Policy and Purpose

The purpose of LRAPA's local air toxics program is to address threats to public health and the environment from toxic air pollutants that remain after implementing the state delegated technology-based strategies of the federal air toxics program. LRAPA's program meets the goals of the federal Urban Air Toxics Strategy by using a community-based effort that focuses on geographic areas of concern. It also addresses cases of elevated health risks from unregulated air toxics emissions at stationary sources and source categories of air toxics emissions.

Section 45-020 Adoption of Oregon's State HAPs Program by Reference

For purposes of this Title, LRAPA adopts by reference the program specified in **Division 246** of Oregon Department of Environmental Quality Rules.

LANE REGIONAL AIR ~~POLLUTION AUTHORITY~~PROTECTION AGENCY

TITLE 46

~~Standards of Performance for New Stationary Sources~~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 in XXXXXX, 2007. These rules are the same as DEQ's Standards of Performance for New Stationary Sources contained in OAR 340-~~25~~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 LRAPA Title 46 to specify requirements and procedures necessary for ~~the Authority~~LRAPA to implement and enforce the aforementioned Federal Regulations.

Section 46-510 Definitions

As used in Title 46:

- "Administrator" means the Administrator of the EPA or authorized representative.
- "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 ~~the Authority's~~ LRAPA's satisfaction to, in specific cases, produce results adequate for determination of compliance.
- "ASTM" means the American Society of Testing & Materials.
- "Authority or Agency" means the Lane Regional Air ~~Pollution Authority~~Protection Agency.
- "Board" means the Board of Directors of the Lane Regional Air ~~Pollution Authority~~Protection Agency.
- "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 latest 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.

( ) ~~(~~CFR" means Code of Federal Regulations.

( ) "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. A landfill is considered closed after meeting the criteria of 40 CFR 258.60.

( ) "Commenced" means, with respect to the definition of "new source" in section 111(a)(2) of the federal Clean Air Act, 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.

( ) "Commission" means the Oregon Environmental Quality Commission.

( ) "Construction" means fabrication, erection, or installation of a facility.

( ) "Department" means the Department of Environmental Quality.

( ) "Environmental Protection Agency" or "EPA" means the United States Environmental Protection Agency.

( ) "Existing municipal solid waste landfill" (existing landfill) means a municipal solid waste landfill that began construction, reconstruction or modification before 5/30/91 and has accepted waste at any time since 11/08/87 or has additional design capacity available for future waste deposition.

( ) "Equivalent Method" means any method of sampling and analyzing for an air pollutant which has been demonstrated to ~~the Authority's~~LRAPA's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

( ) "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.

( ) "Facility" means all or part of any public or private building, structure, installation, equipment~~,~~

~~vehicle or vessel, including, but not limited to, ships~~.

"Fixed Capital Cost" means the capital needed to provide all the depreciable components.

"Modification" ~~means any physical change in, or change in the method of operation of, an existing facility which increases the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted.~~

A. Except as provided in subsection (~~b~~B) of this section, 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 ~~OAR 340-238-0100~~Section 46-900 means an action that results in an increase in the design capacity of a landfill.

"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).

"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 5/30/91.

Particulate Matter" means any finely divided solid or liquid material, other than uncombined water, as measured by an applicable reference method, or an equivalent or alternative method.

"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**.

"Reference Method" means any method of sampling and analyzing for an air pollutant as

specified in the Department's Source Sampling Manual, January 1992, The Department's Continuous Monitoring Manual, January 1992, or an applicable subpart of **40 CFR Part 60** (July 1, 1993).

- "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.

- "Standard" means a standard of performance proposed or promulgated under **40 CFR Part 60**.

- "State Plan" means a plan developed for the control of a designated pollutant provided under 40 CFR Part 60.

- "Stationary Source" means any building, structure, facility, or installation that emits or may emit any air pollutant subject to regulation under the federal Clean Air Act.

- "Volatile Organic Compounds" or "VOC" means any organic compounds that participate in atmospheric photochemical reactions; or that are measured by a reference method, an equivalent method, or an alternative method; or that are determined by procedures specified under any applicable rule.

Section 46-515 Statement of Policy

It is the policy of the Board to consider the performance standards for new stationary sources contained in Title 46 to be minimum standards; and as technology advances, conditions warrant, and ~~Authority~~ LRAPA rules require or permit, additional rules may be adopted.

Section 46-520 Delegation

1. The Commission authorizes ~~the Authority~~LRAPA to implement and enforce, within its boundaries, the provisions of OAR 340-~~25-505 through 340-25-805~~238.

2. The Commission authorizes ~~the Authority~~LRAPA to implement and enforce its own provisions upon a finding that such provisions are at least as stringent as a corresponding provision in OAR 340-~~25-505 through 340-25-805~~238. ~~The Authority~~LRAPA may implement and enforce provisions authorized by the Commission in place of any or all of OAR 340-~~25-505 through 340-25-805~~238 upon receipt of delegation from EPA. Delegation may be withdrawn for cause by the Commission.

Section 46-525 Applicability

LRAPA Title 46 shall be applicable to stationary sources identified in Title 46 for which construction, reconstruction, or modification has commenced.

Section 46-530 General Provisions

1. Except as provided in subsection 2 of this section, **40 CFR, Part 60, Subpart A** ~~(July 1, 1993)~~ is by this reference adopted and incorporated herein.

2. Where "Administrator" or "EPA" appears in **40 CFR Part 60, Subpart A**, "~~Authority~~LRAPA" shall be substituted, except in any section of **40 CFR Part 60** for which a federal rule or delegation specifically indicates that authority will not be delegated to the state or regional authority.

PERFORMANCE STANDARDS

Section 46-535 Federal Regulations Adopted by Reference

1. Except as provided in subsection 2 of this section, **40 CFR Part 60, Subparts D through XX** ~~**and**~~ **, BBB through NNN** ~~**and**~~**, PPP through** ~~**VVV**~~ WWW ~~**(July 1, 1993)**~~, and AAAA and CCCC are by this reference adopted and incorporated herein. **40 CFR Part 60, Subpart OOO** ~~**(July 1, 1993)**~~ is by this reference adopted and incorporated herein for major sources only.

2. Where "Administrator" or "EPA" appears in **40 CFR Part 60**, "~~Authority~~LRAPA" shall be substituted, except in any section of **40 CFR Part 60** for which a federal rule or delegation specifically indicates that authority will not be delegated to the state or regional authority.

3. 40 CFR Part 60 Subparts adopted by this rule are titled as follows:

   A. Subpart D -- Fossil-fuel-fired steam generators for which construction is commenced after August 17, 1971;

   B. Subpart Da -- Electric utility steam generating units for which construction is commenced after September 18, 1978;

   C. Subpart Db -- Industrial-commercial-institutional steam generating units;

   D. Subpart Dc -- Small industrial-commercial-institutional steam generating units;

   E. Subpart E -- Incinerators;

   F. Subpart Ea -- Municipal waste combustors for which construction is commenced after December 20, 1989 and on or before September 20, 1994;

   G. Subpart Eb -- Municipal waste combustors for which construction is commenced

after September 20, 1994;

H. Subpart Ec -- Hospital/Medical/Infectious waste incinerators that commenced construction after June 20, 1996, or for which modification is commenced after March 16, 1998;

I. Subpart F -- Portland cement plants;

J. Subpart G -- Nitric acid plants;

K. Subpart H -- Sulfuric acid plants;

L. Subpart I -- Hot mix asphalt facilities;

M. Subpart J -- Petroleum refineries;

N. Subpart K -- Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after June 11, 1973, and before May 19, 1978;

O. Subpart Ka -- Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after May 18, 1978, and before July 23, 1984;

P. Subpart Kb -- Volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984;

Q. Subpart L -- Secondary lead smelters;

R. Subpart M -- Secondary brass and bronze production plants;

S. Subpart N -- Primary emissions from basic oxygen process furnaces for which construction is commenced after June 11, 1973;

T. Subpart Na -- Secondary emissions from basic oxygen process steelmaking facilities for which construction is commenced after January 20, 1983;

U. Subpart O -- Sewage treatment plants;

V. Subpart P -- Primary copper smelters;

W. Subpart Q -- Primary Zinc smelters;

X. Subpart R -- Primary lead smelters;

Y. Subpart S -- Primary aluminum reduction plants;

Z. Subpart T -- Phosphate fertilizer industry: wet-process phosphoric acid plants;

AA. Subpart U -- Phosphate fertilizer industry: superphosphoric acid plants;

BB. Subpart V -- Phosphate fertilizer industry: diammonium phosphate plants;

CC. Subpart W -- Phosphate fertilizer industry: triple superphosphate plants;

DD. Subpart X -- Phosphate fertilizer industry: granular triple superphosphate storage facilities;

EE. Subpart Y -- Coal preparation plants;

FF. Subpart Z -- Ferroalloy production facilities;

GG. Subpart AA -- Steel plants: electric arc furnaces constructed after October 21, 1974 and on or before August 17, 1983;

HH. Subpart AAa -- Steel plants: electric arc furnaces and argon-oxygen decarburization vessels constructed after August 7, 1983;

II. Subpart BB -- Kraft pulp mills;

JJ. Subpart CC -- Glass manufacturing plants;

KK. Subpart DD -- Grain elevators;

LL. Subpart EE -- Surface coating of metal furniture;

MM. Subpart GG -- Stationary gas turbines;

NN. Subpart HH -- Lime manufacturing plants;

OO. Subpart KK -- Lead-acid battery manufacturing plants;

PP. Subpart LL -- Metallic mineral processing plants;

QQ. Subpart MM -- Automobile and light-duty truck surface coating operations;

RR. Subpart NN -- Phosphate rock plants;

SS. Subpart PP -- Ammonium sulfate manufacture;

TT. Subpart QQ -- Graphic arts industry: publication rotogravure printing;

UU. Subpart RR -- pressure sensitive tape and label surface coating operations;

VV. Subpart SS -- Industrial surface coating: large appliances;

WW. Subpart TT -- Metal coil surface coating;

XX. Subpart UU -- Asphalt processing and asphalt roofing manufacture;

YY. Subpart VV -- Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry;

ZZ. Subpart WW -- Beverage can surface coating industry;

AAA. Subpart XX -- Bulk gasoline terminals;

BBB. Subpart BBB -- Rubber tire manufacturing industry;

CCC. Subpart DDD -- Volatile organic compound (VOC) emissions for the polymer manufacture industry;

DDD. Subpart FFF -- Flexible vinyl and urethane coating and printing;

EEE. Subpart GGG -- equipment leaks of VOC in petroleum refineries;

FFF. Subpart HHH -- Synthetic fiber production facilities;

GGG. Subpart III -- Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) air oxidation unit processes;

HHH. Subpart JJJ -- Petroleum dry cleaners;

III. Subpart KKK -- Equipment leaks of VOC from onshore natural gas processing plants;

JJJ. Subpart LLL -- Onshore natural gas processing; SO2 emissions;

KKK. Subpart NNN -- Volatile organic compound (VOC) emissions from synthetic organic chemical manufacturing industry (SOCMI) distillation operations;

LLL. Subpart OOO -- Nonmetallic mineral processing plants (adopted by reference for major sources only);

MMM. Subpart PPP -- Wool fiberglass insulation manufacturing plants;

NNN. Subpart QQQ -- VOC emissions from petroleum refinery wastewater systems;

OOO. Subpart RRR -- Volatile organic compound emissions from synthetic organic chemical manufacturing industry (SOCMI) reactor processes;

PPP. Subpart SSS -- Magnetic tape coating facilities;

QQQ. Subpart TTT -- Industrial surface coating: surface coating of plastic parts for business machines;

RRR. Subpart UUU -- Calciners and dryers in mineral industries;

SSS. Subpart VVV -- Polymeric coating of supporting substrates facilities;

TTT. Subpart WWW -- Municipal solid waste landfills, as clarified by OAR 340-238-0100;

UUU. Subpart AAAA -- Small municipal waste combustion units;

VVV. Subpart CCCC -- Commercial and industrial solid waste incineration units.

~~Where a discrepancy is determined to exist between LRAPA Title 46 and **40 CFR Part 60, 40 CFR Part 60** shall apply.~~

~~Section 46-550 Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction Commenced After August 17, 1971~~

~~1. Applicability~~

~~A. Except as provided in sub-subsections B and C of this subsection and subsection 3 of this section, this section applies to the following steam generating units for which construction or modification commenced after August 17, 1971:~~

~~(1) each fossil-fuel-fired steam generating unit or more than 250 million Btu per hour; and~~
~~(2) each fossil-fuel and wood-residue-fired steam generating unit capable of firing fossil fuel at a heat input rate of more than 250 million Btu per hour.~~

~~B. A lignite-fired steam generating unit for which construction or modification commenced on or before December 22, 1976 is not subject to **40 CFR sections 60.44(a)(4), 60.44(a)(5), 60.44(b), 60.44(d) and 60.45(f)(4)(vi)**.~~

~~C. A steam generating unit subject to Section 46-610 is not subject to this section.~~

~~2. Requirements. Steam generating units subject to this section shall comply with **40 CFR Part 60, Subpart D**, as adopted under LRAPA Section 46-535.~~

~~3. Special provisions. Any change to an existing fossil-fuel-fired steam generating unit to accommodate the use of combustible materials other than fossil fuels shall not subject the steam generating unit to this section.~~

~~4. Definitions. As used in this section:~~

~~A. "Fossil fuel" means natural gas, petroleum, coal, and any form of solid, liquid, or gaseous fuel derived from such materials for the purpose of creating useful heat.~~

~~B. "Steam generating unit" means a furnace or boiler used in the process of burning fossil fuel or wood residue for the purpose of producing steam by heat transfer.~~

~~C. "Wood residue" means bark, sawdust, slabs, chips, shavings, mill trim, and other wood~~

products derived from wood processing and forest management operations.

Section 46-553 Standards of Performance for Industrial/Commercial/Institutional Steam Generating Units

1. Applicability

A. Except as provided in sub-subsection B of this subsection and subsection 3 of this section, this section applies to each steam generating unit that commences construction, modification, or reconstruction after June 19, 1984, and that has a heat input capacity from fuels combusted in the steam generating unit of greater than 100 million Btu/hour.

B. A steam generating unit subject to Section 46-610, Standards of Performance for Electric Steam Generating Units, is not subject to this section.

2. Requirements

A. Steam generating units subject to this section for which construction, modification, or reconstruction commenced on or before June 19, 1986 shall comply with **40 CFR 60.40b(b)**.

B. Steam generating units subject to this section for which construction, modification, or reconstruction commenced after June 19, 1986 shall comply with **40 CFR Part 60, Subpart Db**, as adopted under Section 46-535.

3. Special provisions

A. A steam generating unit subject to this section and to Section 46-580, Standards of Performance for Petroleum Refineries, shall comply with particulate matter and nitrogen oxide standards under **40 CFR Part 60, Subpart Db** and the sulfur dioxide standard under **40 CFR Part 60, Subpart J**.

B. A steam generating unit subject to this section and to Section 46-555, Standards of Performance for Incinerators, shall comply with nitrogen oxide and particulate matter standards under **40 CFR Part 60, Subpart Db**.

C. Any change to an existing steam generating unit for the sole purpose of combusting gases containing TRS as defined in Section 46-630 is not considered a modification, and the steam generating unit is not subject to this section.

4. Definitions. As used in this section:

A. "Heat input" means heat derived from combustion of fuel in a steam generating unit and does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust gases from other sources (such as stationary gas turbines, internal combustion engines, and kilns).

B. "Heat transfer medium" means any material that is used to transfer heat from one point to another point.

C. "Process heating" means the device that is primarily used to heat a material to initiate or promote a chemical reaction in which the material participates as a reactant or catalyst.

D. "Steam generating unit" means a device that combusts any fuel or by-product/waste to produce steam or to heat water or any other heat transfer medium. This term includes any municipal-type solid waste incinerator with a heat recovery steam generating unit or any steam generating unit that combusts fuel and is part of a cogeneration system or a combined cycle system. This term does not include process heaters.

Section 46-554 Standards of Performance for Small Industrial/Commercial/ Institutional Steam Generating Units

1. Applicability. This section applies to each steam generating unit for which construction, modification, or reconstruction is commenced after June 9, 1989 and that has a maximum design heat input capacity of 100 million Btu per hour (Btu/hr) or less, but greater than or equal to 10 million Btu/hr.

2. Requirements. Steam generating units subject to this section shall comply with **40 CFR Part 60, Subpart Dc**, as adopted under Section 46-535.

3. Definitions. As used in this section:

A. "Heat input" means heat derived from combustion of fuel in a steam generating unit and does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust gases from other sources (such as stationary gas turbines, internal combustion engines, and kilns).

B. "Steam generating unit" means a device that combusts any fuel and produces steam or heats water or any other heat transfer medium. This term includes any duct burner that combusts fuel and is part of a combined cycle system. This term does not include process heaters.

Section 46-555 Standards of Performance for Incinerators

1. Applicability. This section applies to each incinerator of more than 50 tons per day charging rate that commenced construction or modification after August 17, 1971.

2. Requirements. Incinerators subject to this section shall comply with **40 CFR Part 60, Subpart E**, as adopted under Section 46-535.

3. Definitions. As used in this section, "incinerator" means any furnace used in the process of burning solid waste for the purpose of reducing the volume of the waste by removing combustible matter.

Section 46-556 Standards of Performance for Municipal Waste Combustors

1. Applicability

A. Except as provided in sub-subsections B through D of this subsection and subsection 3 of this section, this section applies to each Municipal Waste Combustor with an MWC unit capacity greater than 250 tons per day of MSW or RDF for which construction, modification, or reconstruction commenced after December 20, 1989.

B. Cofired combustors that are subject to a federally enforceable permit limiting the operation of the combustor to no more than 250 tons per day of MSW or RDF are not subject to this section.

C. MWC units combusting solely medical waste are not subject to this section.

D. Cofired combustors which fire less than 30 percent segregated medical waste and no other municipal solid waste are not subject to this section.

2. Requirements

A. Except as provided in sub-subsections B and C of this subsection, MWC units subject to this section shall comply with **40 CFR Part 60, Subpart Ea**, as adopted under Section 46-535.

B. An MWC unit combusting tires or fuel derived solely from tires and that combusts no other MSW or RDF is only subject to the initial reporting in **40 CFR 60.59a(a)**.

C. Cofired combustors are only subject to the initial reporting in **40 CFR 60.59a(a)**, and records and reports of the daily weight of MSW or RDF and other fuels fired as required under **40 CFR 60.59a(b)(14) and 40 CFR 60.59a(m)**.

3. Special provisions. Physical or operational changes made to an existing MWC unit solely to comply with emission guidelines under **40 CFR Part 60, Subpart Ca**, are not considered a

modification or reconstruction and do not subject an existing MWC unit to this section.

4. Definitions. As used in this section:

A. "Cofired combustor" means a unit combusting municipal-type solid waste or refuse-derived fuel with a non MSW fuel and subject to a federally enforceable permit limiting the unit to combusting a fuel feed stream, 30 percent or less of the weight of which is comprised, in aggregate, of MSW or RDF as measured on a 24-hour daily basis. A unit combusting a fuel feed stream, more than 30 percent of the weight of which is comprised, in aggregate, of MSW or RDF shall be considered a municipal waste combustor unit and not a cofired combustor.

B. "Medical waste" means any solid waste which is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in production or testing of biologicals. Medical waste does not include any hazardous waste identified under subtitle C of the Resource Conservation and Recovery Act or any household waste as defined in regulations under subtitle C of the Resource Conservation and Recovery Act.

C. "Municipal-type solid waste" or "MSW" means household, commercial/ retail, and/or institutional waste.

(1) Household waste includes material discarded by single and multiple residential dwellings, hotels, motels, and other similar permanent or temporary housing establishments or facilities.

(2) Commercial/retail waste includes material discarded by stores, offices, restaurants, warehouses, nonmanufacturing activities at industrial facilities and other similar establishments or facilities.

(3) Institutional waste includes material discarded by schools and hospitals, and nonmanufacturing activities at prisons and government facilities and other similar establishments or facilities.

(4) Household, commercial/retail, and institutional waste do not include sewage, wood pallets, construction and demolition wastes, industrial process or manufacturing wastes, or motor vehicles (including motor vehicle parts or vehicle fluff). Municipal-type solid waste does include motor vehicle maintenance materials, limited to vehicle batteries, used motor oil, and tires. Municipal-type solid waste does not include wastes that are solely segregated medical wastes. However, any mixture of segregated medical wastes and other wastes which contains more than 30 percent medical waste discards, is considered to be municipal-type solid waste.

D. "Municipal waste combustor" or "MWC" or "MWC unit" means any device that combusts solid, liquid, or gasified MSW including, but not limited to, field-erected incinerators (with or without heat recovery), modular incinerators (starved air or excess

air), boilers (i.e., steam generating units), furnaces (whether suspension-fired, grate-fired, mass-fired, or fluidized bed-fired) and gasification/combustion units. This does not include combustion units, engines, or other devices that combust landfill gases collected by landfill gas collection systems.

E. "MWC unit capacity" means the maximum design charging rate of an MWC unit expressed in megagrams per day (tons per day) of MSW combusted, calculated according to the procedures under **40 CFR 60.58a(j)**. Municipal waste combustor unit capacity is calculated using a design heating value of 4,500 British thermal units per pound for MSW and 8,500 British thermal units per pound for medical waste. The calculation procedures under **40 CFR 60.58a(j)** include procedures for determining MWC unit capacity for batch MWCs and cofired combustors and combustors firing mixtures of medical waste and other MSW.

F. "Refuse derived fuel" or "RDF" means a type of MSW produced by processing MSW through shredding and size classification. This includes all classes of RDF including low-density fluff RDF through densified RDF and RDF fuel pellets.

Section 46-560 Standards of Performance for Portland Cement Plants

1. Applicability. This section applies to the following facilities in portland cement plants for which construction or modification commenced after August 17, 1971:

A. kiln;
B. clinker cooler;
C. raw mill system;
D. finish mill system;
E. raw mill dryer;
F. raw material storage;
G. clinker storage;
H. finished product storage;
I. conveyor transfer points;
J. bagging and bulk loading; and
K. unloading system.

2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart F**, as adopted under Section 46-535.

3. Definitions. As used in this section, "portland cement plant" means any facility manufacturing portland cement by either the wet or dry process.

Section 46-565 Standards of Performance for Nitric Acid Plants

1. Applicability. This section applies to each nitric acid production unit for which construction or

modification commenced after August 17, 1971.

2. Requirements. Nitric acid production units subject to this section shall comply with **40 CFR Part 60, Subpart G**, as adopted under 46-535.

3. Definitions. As used in this section, "nitric acid production unit" means any facility producing weak nitric acid by either the pressure or atmospheric pressure process.

Section 46-570 Standards of Performance for Sulfuric Acid Plants

1. Applicability. This section applies to each sulfuric acid production unit for which construction or modification commenced after August 17, 1971.

2. Requirements. Sulfuric acid production units subject to this section shall comply with **40 CFR part 60, Subpart H**, as adopted under Section 46-535.

3. Definitions. As used in this section, "sulfuric acid production unit" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfides and mercaptans, or acid sludge, but does not include facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

Section 46-575 Standards of Performance for Hot Mix Asphalt Facilities

1. Applicability. This section applies to each hot mix asphalt facility for which construction or modification commenced after June 11, 1973.

2. Requirements. Hot mix asphalt facilities subject to this section shall comply with **40 CFR Part 60, Subpart I**, as adopted under Section 46-535.

3. Definitions. As used in this section, "hot mix asphalt facility" means any combination of the following used to manufacture hot mix asphalt by heating and drying aggregate and mixing with asphalt cements:

A. dryers;

B. systems for screening, handling, storing, and weighing hot aggregate;

C. systems for loading, transferring, and storing mineral filler;

D. systems for mixing hot asphalt; and

E. loading, transfer, and storage systems associated with emission control systems.

Section 46-580 Standards of Performance for Petroleum Refineries

1. Applicability

A. Except as provided in sub-subsections B through D of this subsection and Subsection 3 of this section, this section applies to the following facilities in petroleum refineries:

(1) fluid catalytic cracking unit catalyst regenerators and fuel gas combustion devices for which construction or modification commenced after June 11, 1973; and
(2) all Claus sulfur recovery plants, including those physically located outside the boundaries of a petroleum refinery which process gases produced within a petroleum refinery, for which construction or modification commenced after October 4, 1976.

B. Claus plants of 20 long tons per day (LTD) or less are not subject to this section.

C. A fluid catalytic cracking unit catalyst regenerator for which construction or modification commenced on or before January 17, 1984, is not subject to **40 CFR 60.104(b)**.

D. A fluid catalytic cracking unit in which a contact material reacts with petroleum derivatives to improve feedstock quality, and in which the contact material is regenerated by burning off coke and/or other deposits, and for which construction or modification commenced on or before January 17, 1984, is not subject to this section.

2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart J**, as adopted under Section 46-535.

3. Special provisions. For the purposes of **40 CFR Part 60, Subpart J**, the term "fixed capital cost of all depreciable components" as used in determining if a facility has been reconstructed, includes the fixed capital cost of all depreciable components which are or will be replaced pursuant to all continuous programs of component replacement which are commenced within any 2-year period following January 17, 1984. For purposes of this section, "commenced" means that an owner or operator has undertaken a continuous program of component replacement or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of component replacement.

4. Definitions. As used in this section:

A. "Claus sulfur recovery plant" means a process unit which recovers sulfur from hydrogen sulfide by a vapor phase catalytic reaction of sulfur dioxide and hydrogen sulfide.

B. "Coke burn-off" means the coke removed from the surface of the fluid catalytic cracking unit catalyst by combustion in the catalyst regenerator. The rate of coke burn-ff is calculated by the formula specified in **40 CFR 60.106**.

C. "Fluid catalytic cracking unit" means a refinery process unit in which petroleum derivatives are continuously charged; hydrocarbon molecules in the presence of a catalyst suspended in a fluidized bed are fractured into small molecules, or react with a contact material suspended in a liquidized bed to improve feedstock quality for additional processing; and the catalyst or contact material is continuously regenerated by burning off coke and other deposits. The unit includes the riser, reactor, regenerator, air blowers, spent catalyst or contact material stripper, catalyst or contact material recovery equipment, and regenerator equipment for controlling air pollutant emissions and for heat recovery.

D. "Fluid catalytic cracking unit catalyst regenerator" means one or more regenerators (multiple regenerators) which comprise that portion of the fluid catalytic cracking unit in which coke burn-off and catalyst or contact material regeneration occurs, and includes the regenerator combustion air blower(s).

E. "Fuel gas" means any gas which is generated at a petroleum refinery and which is combusted. Fuel gas also includes natural gas when the natural gas is combined and combusted in any proportion with a gas generated at a refinery. Fuel gas does not include gases generated by catalytic cracking unit catalyst regenerators and fluid coking burners.

F. "Fuel gas combustion device" means any equipment, such as process heater, boilers, and flares used to combust fuel gas, except facilities in which gases are combusted to produce sulfur or sulfuric acid.

G. "Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

H. "Petroleum refinery" means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through the distillation of petroleum or through the redistillation, cracking or reforming of unfinished petroleum derivatives.

Section 46-585 Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978

1. Applicability

A. Except as provided in sub-subsection B of this subsection, this section applies to each storage vessel for petroleum liquids which has a storage capacity greater than 40,000 gallons; and

(1) has a capacity not exceeding 65,000 gallons and for which construction or modification commenced after March 8, 1974, and prior to May 19, 1978; or

(2) has a capacity greater than 65,000 gallons for which construction or modification commenced after June 11, 1973 and prior to May 19, 1978.

B. A storage vessel for petroleum or condensate stored, processed, and/or treated at a drilling and production facility prior to custody transfer is not subject to this section.

2. Requirements. Storage vessels subject to this section shall comply with **40 CFR Part 60, Subpart K**, as adopted under Section 46-535.

3. Definitions. As used in this section:

A. "Condensate" means hydrocarbon liquid separated from natural gas that condenses due to changes in the temperature or pressure, or both, and remains liquid at standard conditions.

B. "Custody transfer" means the transfer of produced petroleum and/or condensate, after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

C. "Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

D. "Petroleum liquids" means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Nos. 2 through 6 fuel oils as specified in ASTM D396-78, gas turbine fuel oils Nos. 2-GT through 4-GT as specified in ASTM D2880-78, or diesel fuel oils Nos. 2-D and 4-D as specified in ASTM D975-78.

E. "Petroleum refinery" means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through the distillation of petroleum or through the redistillation, cracking or reforming of unfinished petroleum derivatives.

F. "Storage vessel" means any tank, reservoir, or container used for the storage of petroleum liquids, but does not include:

(1) pressure vessels which are designed to operate in excess of 15 pounds per square inch gauge without emissions to the atmosphere, except under emergency conditions;
(2) subsurface caverns or porous rock reservoirs; or
(3) underground tanks, if the total volume of petroleum liquids added to and taken from a tank annually does not exceed twice the volume of the tank.

Section 46-586 Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July

~~23, 1984~~

~~1. Applicability~~

~~A. Except as provided in sub-subsection B of this subsection, this section applies to each storage vessel for petroleum liquids which has a storage capacity greater than 40,000 gallons and for which construction commenced after May 18, 1978.~~

~~B. Any petroleum liquid storage vessel with a capacity of less than 420,000 gallons used for petroleum or condensate stored, processed, or treated prior to custody transfer is not subject to this section.~~

~~2. Requirements. Storage vessels subject to this section shall comply with~~ **~~40 CFR Part 60, Subpart Ka~~**~~, as adopted under Section 46-535.~~

~~3. Definitions. As used in this section:~~

~~A. "Condensate" means hydrocarbon liquid separated from natural gas that condenses due to changes in the temperature or pressure, or both, and remains liquid at standard conditions.~~

~~B. "Custody transfer" means the transfer of produced petroleum and/or condensate, after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.~~

~~C. "Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.~~

~~D. "Petroleum liquids" means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Nos. 2 through 6 fuel oils as specified in ASTM D396-78, gas turbine fuel oils Nos. 2-GT through 4-GT as specified in ASTM D2880-78, or diesel fuel oils Nos. 2-D and 4-D as specified in ASTM D975-78.~~

~~E. "Storage vessel" means any tank, reservoir, or container used for the storage of petroleum liquids, but does not include:~~

~~(1) pressure vessels which are designed to operate in excess of 15 pounds per square inch gauge without emissions to the atmosphere, except under emergency conditions;~~
~~(2) subsurface caverns or porous rock reservoirs; or~~
~~(3) underground tanks, if the total volume of petroleum liquids added to and taken from a tank annually does not exceed twice the volume of the tank.~~

~~Section 46-587 Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced After July 23, 1984~~

~~1. Applicability~~

~~A. Except as provided in sub-subsections B through D of this subsection, this section applies to each storage vessel with a capacity greater than or equal to 40 cubic meters (m^3) used to store volatile organic liquids (VOLs), for which construction, reconstruction, or modification commenced after July 23, 1984.~~

~~B. Except for record-keeping requirements specified in **40 CFR 60.116b(a) and (b)**, storage vessels with design capacity less than 75 m^3 are not subject to Section 46-530 or this section.~~

~~C. Except for record-keeping requirements specified in **40 CFR 60.116(a) and (b)**, vessels either with a capacity greater than or equal to 151 m^3 storing a liquid with a maximum true vapor pressure less than 3.5 kPa or with a capacity greater than or equal to 75 m^3 but less than 151 m^3 storing a liquid with a maximum true vapor pressure less than 15.0 kPa are not subject to Section 46-530 or this section.~~

~~D. The following storage vessels are not subject to this section:~~

~~(1) vessels at coke oven by-product plants;~~
~~(2) pressure vessels designed to operate in excess of 204.9 kPa and without emissions to the atmosphere;~~
~~(3) vessels permanently attached to mobile vehicles such as trucks, rail cars, barges, or ships;~~
~~(4) vessels with a design capacity less than or equal to 1,589.874 m^3 used for petroleum or condensate stored, processed, or treated prior to custody transfer;~~
~~(5) vessels located at bulk gasoline plants;~~
~~(6) storage vessels located at gasoline service stations; and~~
~~(7) vessels used to store beverage alcohol.~~

~~2. Requirements. Storage vessels subject to this section shall comply with **40 CFR Part 60, Subpart Kb**, as adopted under Section 46-535.~~

~~3. Definitions. As used in this section:~~

~~A. "Bulk gasoline plant" means any gasoline distribution facility that has a gasoline throughput less than or equal to 75,700 liters per day. Gasoline throughput shall be the maximum calculated design throughput as may be limited by compliance with an enforceable condition under federal requirement or federal, state or local law, and discoverable by the Authority and any other person.~~

B. "Condensate" means hydrocarbon liquid separated from natural gas that condenses due to changes in the temperature or pressure, or both, and remains liquid at standard conditions.

C. "Custody transfer" means the transfer of produced petroleum and/or condensate, after processing and/or treatment in the producing operations, from storage vessels or automatic transfer facilities to pipelines or any other forms of transportation.

D. "Maximum true vapor pressure" means the equilibrium partial pressure exerted by the stored VOL at the temperature equal to the highest calendar month average of the VOL storage temperature for VOLs stored above or below the ambient temperature, or at the local maximum monthly average temperature as reported by the National Weather Service for VOLs stored at the ambient temperature:

(1) as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, Evaporation Loss From External Floating Roof Tanks;
(2) as obtained from standard reference texts;
(3) as determined by ASTM Method D2879-83; or
(4) as determined by any other method approved by the Authority.

E. "Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

F. "Petroleum liquids" means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery.

G. "Storage vessel" means each tank, reservoir, or container used for the storage of volatile organic liquids, but does not include:

(1) frames, housing, auxiliary supports, or other components that are not directly involved in the containment of liquids or vapors; or
(2) subsurface caverns or porous rock reservoirs.

H. "Volatile organic liquid" or "VOL" means any organic liquid which can emit volatile organic compounds into the atmosphere except those VOLs that emit only those compounds which the Authority has determined do not contribute appreciably to the formation of ozone. These compounds are identified in **42 FR 35314, 44 FR 32042, 45 FR 32424, and 45 FR 48941**.

Section 46-590 Standards of Performance for Secondary Lead Smelters

1. Applicability. This section applies to the following facilities in secondary lead smelters for which construction or modification commenced after June 11, 1973:

A. pot furnaces of more than 550 lb charging capacity;
B. blast (cupola) furnaces; and
C. reverberatory furnaces.

2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart L**, as adopted under Section 46-535.

3. Definitions. As used in this section:

A. "Reverberatory furnace" includes the following types of reverberatory furnaces:

(1) stationary;
(2) rotating;
(3) rocking; and
(4) tilting.

B. "Secondary lead smelter" means any facility producing lead from a leadbearing scrap material by smelting to the metallic form.

Section 46-595 Standards of Performance for Secondary Brass and Bronze Production Plants

1. Applicability

A. Except as provided in sub-subsection B of this subsection, this section applies to the following facilities in secondary brass or bronze production plants for which construction or modification commenced after June 11, 1973:

(1) reverberatory and electric furnaces of 2205 lb or greater production capacity; and

(2) blast (cupola) furnaces of 550 lb/h or greater production capacity.

B. Furnaces from which molten brass or bronze are cast into the shape of finished products, such as foundry furnaces, are not subject to this section.

2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart M**, as adopted under Section 46-535.

3. Definitions. As used in this section:

A. "Blast furnace" means any reduction furnace to which sinter is charged and which forms separate layers of molten slag and lead bullion.

B. "Brass" or "bronze" means any metal alloy containing copper as its predominant constituent, and lesser amounts of zinc, tin, lead, or other metals.

C. "Electric furnace" means any furnace which uses electricity to produce over 50 percent of the heat required in the production of refined brass or bronze.

D. "Reverberatory furnace" includes the following types of reverberatory furnaces:

(1) stationary;
(2) rotating;
(3) rocking; and
(4) tilting.

Section 46-600 Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction Commenced After June 11, 1973

1. Applicability. This section applies to each basic oxygen process furnace for which construction or modification commenced after June 11, 1973.

2. Requirements. Basic oxygen process furnaces subject to this section shall comply with **40 CFR Part 60, Subpart N**, as adopted under Section 46-535.

3. Definitions. As used in this section, "basic oxygen process furnace" or "BOPF" means any furnace with a refractory lining in which molten steel is produced by charging scrap metal, molten iron and flux materials or alloy additions into a vessel and by introducing a high volume of oxygen-rich gas. This does not include open hearth, blast, and reverberatory furnaces.

Section 46-602 Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction Commenced After January 20, 1983

1. Applicability. This section applies to the following facilities in an iron and steel plant for which construction, modification, or reconstruction commenced after January 20, 1983:

A. top-down BOPFs; and

B. hot metal transfer stations and skimming stations used with bottom-blown or top-blown BOPFs.

2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart Na** and those provisions of **40 CFR Part 60, Subpart N**, as adopted in Section 46-535, applicable to facilities commencing construction, modification or reconstruction after January 20, 1983.

3. Definitions. As used in this section:

A. "Basic oxygen process furnace" or "BOPF" means any furnace with a refractory lining in which molten steel is produced by charging scrap metal, molten iron, and flux materials or alloy additions into a vessel and by introducing a high volume of oxygen-rich gas. This does not include open hearth, blast, and reverberatory furnaces.

B. "Bottom-blown furnace" means any BOPF in which oxygen and other combustion gases are introduced to the bath of molten iron through tuyeres in the bottom of the vessel or through tuyeres in the bottom and sides of the vessel.

C. "Skimming station" means the facility where slag is mechanically raked from the top of the bath of molten iron.

D. "Top-blown furnace" means any BOPF in which oxygen is introduced to the bath of molten iron by means of an oxygen lance inserted from the top of the vessel.

Section 46-605 Standards of Performance for Sewage Treatment Plants

1. Applicability. This section applies to the following incinerators for which construction or modification commenced after June 11, 1973:

A. each incinerator that combusts wastes containing more than 10 percent sewage sludge (dry basis) produced by municipal sewage treatment plants; or

B. each incinerator that charges more than 2,205 pounds per day municipal sewage sludge (dry basis).

2. Requirements. Incinerators subject to this section shall comply with **40 CFR Part 60, Subpart O**, as adopted under Section 46-535.

Section 46-606 Standards of Performance for Primary Copper Smelters

1. Applicability. This section applies to the following facilities in primary copper smelters for which construction or modification commenced after October 16, 1974:

A. dryer;
B. roaster;
C. smelting furnace; and
D. copper converter.

2. Requirements. Emission units subject to this section shall comply with **40 CFR Part 60, Subpart P**, as adopted under Section 46-535.

3. Definitions. As used in this section:

A. "Copper converter" means any vessel to which copper matte is charged and oxidized to copper.

B. "Dryer" means any facility in which a copper sulfide ore concentrate charge is heated in the presence of air to eliminate a portion of the moisture from the charge, provided less than 5 percent of the sulfur contained in the charge is eliminated in the facility.

C. "Primary copper smelter" means any installation or any intermediate process engaged in the production of copper from copper sulfide ore concentrates through the use of pyrometallurgical techniques.

D. "Roaster" means any facility in which a copper sulfide ore concentrate charge is heated in the presence of air to eliminate a significant portion (5 percent or more) of the sulfur contained in the charge.

E. "Smelting" means processing techniques for the melting of a copper sulfide ore concentrate or calcine charge leading to the formation of separate layers of molten slag, molten copper, and/or copper matte.

F. "Smelting furnace" means any vessel in which the smelting of copper sulfide ore concentrates or calcines is performed and in which the heat necessary for smelting is provided by an electric current, rapid oxidation of a portion of the sulfur contained in the concentrate as it passes through an oxidizing atmosphere, or the combustion of a fossil fuel.

Section 46-607 Standards of Performance for Primary Zinc Smelters

1. Applicability. This section applies to the following facilities in primary zinc smelters for which construction or modification commenced after October 16, 1974:

A. roaster; and
B. sintering machine.

2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart Q**, as adopted in Section 46-535.

3. Definitions. As used in this section:

A. "Primary zinc smelter" means any installation engaged in the production, or any intermediate process in the production, of zinc or zinc oxide from zinc sulfide ore concentrates through the use of pyrometallurgical techniques.

B. "Roaster" means any facility in which a copper sulfide ore concentrate charge is heated in the presence of air to eliminate a significant portion (10 percent or more) of the sulfur

~~contained in the charge.~~

~~C. "Sintering machine" means any furnace in which calcines are heated in the presence of air to agglomerate the calcines into a hard porous mass called sinter.~~

~~Section 46-608 Standards of Performance for Primary Lead Smelters~~

~~1. Applicability. This section applies to the following facilities in primary lead smelters for which construction or modification commenced after October 16, 1974:~~

~~A. sintering machine;~~
~~B. sintering machine discharge end;~~
~~C. blast furnace;~~
~~D. dross reverberatory furnace;~~
~~E. electric smelting furnace; and~~
~~F. converter.~~

~~2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart R**, as adopted under Section 46-535.~~

~~3. Definitions. As used in this section:~~

~~A. "Blast furnace" means any furnace used to recover metal from slag.~~

~~B. "Converter" means any vessel to which lead concentrate or bullion is charged and refined.~~

~~C. "Dross reverberatory furnace" means any furnace used for the removal or refining of impurities from lead bullion.~~

~~D. "Electric smelting furnace" means any furnace in which the heat necessary for smelting of the lead sulfide ore concentrate charge is generated by passing an electric current through a portion of the molten mass in the furnace.~~

~~E. "Primary lead smelter" means any installation or any intermediate process engaged in the production of lead from lead sulfide ore concentrates through the use of pyrometallurgical techniques.~~

~~F. "Sintering machine" means any furnace in which a lead sulfide ore concentrate charge is heated in the presence of air to agglomerate the charge into a hard porous mass called sinter.~~

~~G. "Sintering machine discharge end" means any apparatus which receives sinter as it is~~

discharged from the conveying grate of a sintering machine.

Section 46-609 Standards of Performance for Primary Aluminum Reduction Plants

1. Applicability. This section applies to the following facilities in primary aluminum reduction plants for which construction or modification commended after October 23, 1974:

   A. potroom groups; and
   B. anode bake plants.

2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart S**, as adopted under Section 46-535.

3. Definitions. As used in this section:

   A. "Anode bake plant" means a facility which produces carbon anodes for use in a primary aluminum reduction plant.

   B. "Potroom" means a building unit which houses a group of electrolytic cells in which aluminum is produced.

   C. "Potroom group" means an uncontrolled potroom, a potroom which is controlled individually, or a group of potrooms or potroom segments ducted to a common control system.

   D. "Primary aluminum reduction plant" means any facility manufacturing aluminum by electrolytic reduction.

Section 46-610 Standards of Performance for Electric Utility Steam Generating Units for Which Construction Commenced After September 18, 1978

1. Applicability. Except as provided in subsection 3 of this section, this section applies to the following facilities for which construction or modification commended after September 18, 1978:

   A. each electric utility steam generating unit that is capable of combusting more than 250 million Btu/hour heat input of fossil fuel (either alone or in combination with any other fuel); and

   B. each electric utility combined cycle gas turbine that is capable of combusting more than 250 million Btu/hour heat input of fossil fuel in the steam generator, only for emissions resulting from combustion of fuels in the steam generating unit.

2. Requirements. Facility subject to this section shall comply with **40 CFR Part 60, Subpart Da**, as adopted under Section 46-535.

3. Special provisions. The following changes shall not subject a facility to this section:

A. any change to an existing fossil-fuel-fired steam generating unit to accommodate the use of combustible materials, other than fossil fuels; or

B. any change to an existing steam generating unit originally designed to fire gaseous or liquid fossil fuels, to accommodate the use of any other fossil or nonfossil fuel.

4. Definitions. As used in this section:

A. "Combined cycle gas turbine" means a stationary turbine combustion system where heat from the turbine exhaust gases is recovered by a steam generating unit.

B. "Electric utility steam generating unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam applied to a steam distribution system for the purpose of providing steam to a steam electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the unit.

C. "Fossil fuel" means natural gas, petroleum, coal, and any form of solid, liquid, or gaseous fuel derived from such materials for the purpose of creating useful heat.

D. "Steam generating unit" means any furnace, boiler, or other device used for combusting fuel for the purpose of producing steam, including fossil fuel-fired steam generators associated with combined cycle gas turbines, but excluding nuclear steam generators.

Section 46-611 Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants

1. Applicability. This section applies to each superphosphoric acid plant with a design capacity of more than 15 tons of equivalent P_2O_5 feed per calendar day for which construction or modification commenced after October 22, 1974, including any combination of evaporators, hot wells, acid sumps, and cooling tanks.

2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart U**, as adopted under Section 46-535.

3. Definitions. As used in this section:

A. "Equivalent P_2O_5 feed" means the quantity of phosphorus, expressed as phosphorous

pentoxide, fed to the process.

B. "Superphosphoric acid plant" means any facility which concentrates wet-process phosphoric acid to 66 percent or greater P_2O_5 content by weight for eventual consumption as a fertilizer.

Section 46-612 Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants

1. Applicability. This section applies to each granular diammonium phosphate plant with a design capacity of more than 15 tons of equivalent P_2O_5 feed per calendar day for which construction or modification commenced after October 22, 1974, and includes any combination of reactors, granulators, dryers, coolers, screens, and mills.

2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart V**, as adopted under Section 46-535.

3. Definitions. As used in this section:

A. "Equivalent P_2O_5 feed" means the quantify of phosphorus, expressed as phosphorous pentoxide, fed to the process.

B. "Granular diammonium phosphate plant" means any plant manufacturing granular diammonium phosphate by reacting phosphoric acid with ammonia.

Section 46-613 Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants

1. Applicability. This section applies to each triple superphosphate plant with a design capacity of more than 15 tons of equivalent P_2O_5 feed per calendar day for which construction or modification commenced after October 22, 1974, including any combination of mixers, curing belts (dens), reactors, granulators, dryers, cookers, screens, mills, and facilities which store run-of-pile triple superphosphate.

2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart W**, as adopted under Section 46-535.

3. Definitions. As used in this section:

A. "Equivalent P_2O_5 feed" means the quantity of phosphorus, expressed as phosphorous pentoxide, fed to the process.

B. "Run-of-pile triple superphosphate" means any triple superphosphate that has not been processed in a granulator and is composed of particles, at least 25 percent by weight of which (when not caked) will pass through a 16 mesh screen.

C. "Triple superphosphate plant" means any facility manufacturing triple superphosphate by reacting phosphate rock with phosphoric acid. A run-of-pile triple superphosphate plant includes curing and storing.

Section 46-614 Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities

1. Applicability. This section applies to each granular triple superphosphate storage facility for which construction or modification commenced after October 22, 1974, including any combination of storage or curing piles, conveyors, elevators, screens, and mills.

2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart X**, as adopted under Section 46-535.

3. Definitions. As used in this section, "granular triple superphosphate storage facility" means any facility curing or storing granular triple superphosphate.

Section 46-615 Standards of Performance for Coal Preparation Plants

1. Applicability. This rule applies to the following facilities in coal preparation plants which process more than 200 tons per day, and for which construction or modification commenced after October 24, 1974:

A. thermal dryers;
B. pneumatic coal-cleaning equipment (air tables);
D. coal processing and conveying equipment (including breakers and crushers);
E. coal transfer and loading systems.

2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart Y**, as adopted under Section 46-535.

3. Definitions. As used in this section:

A. "Coal" means all solid fossil fuels classified an anthracite, bituminous, subbituminous, or lignite by ASTM Designation D388-77.

B. "Coal preparation plant" means any facility (excluding underground mining operations) which prepares coal by one or more of the following processes: breaking, crushing, screening, wet or dry cleaning, and thermal drying.

C. "Coal processing and conveying equipment" means any machinery used to reduce the size of coal or to separate coal from refuse, and the equipment used to convey coal to or remove coal and refuse from the machinery. This includes, but is not limited to, breakers, crushers, screens, and conveyor belts.

D. "Coal storage system" means any facility used to store coal except for open storage piles.

E. "Pneumatic coal cleaning equipment" means any facility which classifies bituminous coal by size or separates bituminous coal from refuse by application of air stream(s).

F. "Thermal dryer" means any facility in which the moisture content of bituminous coal is reduced by contact with a heated gas stream which is exhausted to the atmosphere.

G. "Transfer and loading systems" means any facility used to transfer and load coal for shipment.

Section 46-618 Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants

1. Applicability. This section applies to each wet-process phosphoric acid plant with a design capacity of more than 15 tons of equivalent P_2O_5 feed per calendar day for which construction or modification commenced after October 22, 1974, including any combination of reactors, filters, evaporators, and hot wells.

2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart T**, as adopted under Section 46-535.

3. Definitions. As used in this section:

A. "Equivalent P_2O_5 feed" means the quantify of phosphorus, expressed as phosphorous pentoxide, fed to the process.

B. "Wet-process phosphoric acid plant" means any facility manufacturing phosphoric acid by reacting phosphate rock and acid.

Section 46-620 Standards of Performance for Ferroalloy Production Facilities

1. Applicability. This section applies to the following facilities for which construction or modification commenced after October 21, 1974:

A. electric submerged arc furnaces which produce silicon metal, ferrosilicon, calcium silicon, silicomanganese zirconium, ferrochrome silicon, silvery iron, high-carbon ferrochrome, charge chrome, standard ferromanganese, silicomanganese, ferromanganese

~~silicon, or calcium carbide; and~~

~~B. dust-handling equipment.~~

~~2. Requirements. Ferroalloy production facilities subject to this section shall comply with **40 CFR Part 60, Subpart Z**, as adopted under Section 46-535.~~

~~3. Definitions. As used in this section:~~

~~A. "Calcium carbide" means material containing 70 to 85 percent calcium carbide by weight.~~

~~B. "Calcium silicon" means that alloy as defined by ASTM Designation A495-76.~~

~~C. "Charge chrome" means that alloy containing 52 to 70 percent by weight chromium, 5 to 8 percent by weight carbon, and 3 to 6 percent by weight silicon.~~

~~D. "Dust-handling equipment" means any equipment used to handle particulate matter collected by the air pollution control device (and located at or near such device) serving an electric submerged arc furnace subject to this section.~~

~~E. "Electric submerged arc furnace" means any furnace in which electrical energy is converted to heat energy by transmission of current between electrodes partially submerged in the furnace charge.~~

~~F. "Ferrochrome silicon" means that alloy as defined by ASTM Designation A482-76.~~

~~G. "Ferromanganese silicon" means that alloy containing 63 to 66 percent by weight manganese, 28 to 32 percent by weight silicon, and a maximum of 0.08 percent by weight carbon.~~

~~H. "Ferrosilicon" means that alloy as defined by ASTM Designation A100-69 grades A, B, C, D, and E, which contains 50 or more percent by weight silicon.~~

~~I. "High-carbon ferrochrome" means that alloy as defined by ASTM Designation A101-73.~~

~~J. "Silicomanganese" means that alloy as defined by ASTM Designation A483-64.~~

~~K. "Silicomanganese zirconium" means that alloy containing 60 to 65 percent by weight silicon, 1.5 to 2.5 percent by weight calcium, 5 to 7 percent by weight zirconium, 0.75 to 1.25 percent by weight aluminum, 5 to 7 percent by weight manganese, and 2 to 3 percent by weight barium.~~

~~L. "Silvery iron" means that alloy as defined by ASTM Designation A100-69, which~~

~~contains less than 30 percent silicon.~~

~~M. "Silicon metal" means any silicon alloy containing more than 96 percent silicon by weight.~~

~~N. "Standard ferromanganese" means that alloy as defined by ASTM Designation A99-76.~~

~~Section 46-625 Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and On or Before August 17, 1983~~

~~1. Applicability. This rule applies to the following facilities in steel plants that produce carbon, alloy, or specialty steels for which construction, modification or reconstruction commenced after October 21, 1974, and on or before August 17, 1983:~~

~~A. electric arc furnaces; and~~
~~B. dust-handling systems.~~

~~2. Requirements. Facilities subject to this rule shall comply with **40 CFR Part 60, Subpart AA**, as adopted under Section 46-535.~~

~~3. Definitions. As used in this section:~~

~~A. "Dust-handling equipment" means any equipment used to handle particulate matter collected by the air pollution control device (and located at or near such device) serving an electric arc furnace subject to this rule.~~

~~B. "Electric arc furnace" or "EAF" means a furnace that produces molten steel and heats the charge materials with electric arcs from carbon electrodes.~~

~~Section 46-626 Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983~~

~~1. Applicability.~~

~~A. Except as provided in sub-subsection B of this subsection, this rule applies to the following facilities in steel plants that produce carbon, alloy, or specialty steels for which construction, modification, or reconstruction commences after August 17, 1983:~~

~~(1) electric arc furnaces;~~
~~(2) argon-oxygen decarburization vessels; and~~
~~(3) dust-handling systems.~~

~~B. Furnaces that continuously feed direct-reduced iron ore pellets as the primary source of iron are not subject to this rule.~~

2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart AAa**, as adopted under Section 46-535.

3. Definitions. As used in this section:

A. "Argon-oxygen decarburization vessel" or "AOD vessel" means any closed-bottom refractory-lined converter vessel with submerged tuyeres through which gaseous mixtures containing argon and oxygen or nitrogen may be blown into molten steel for further refining.

B. "Dust-handling system" means equipment used to handle particulate matter collected by the control device for an electric arc furnace or AOD vessel subject to this section. For the purposes of this section, the dust-handling system shall consist of the control device dust hoppers, the dust-conveying equipment, any central dust storage equipment, the dust-treating equipment, dust transfer equipment (from storage to truck), and any secondary control devices used with the dust transfer equipment.

C. "Electric arc furnace" or "EAF" means a furnace that produces molten steel and heats the charge materials with electric arcs from carbon electrodes. An electric arc furnace shall consist of the furnace shell and roof and the transformer.

Section 46-630 Standards of Performance for Kraft Pulp Mills

1. Applicability. Except as provided in subsection 3 of this section and **40 CFR 60.283(a)(1)(iv)**, this section applies to the following facilities in kraft pulp mills for which construction or modification commenced after September 24, 1976:

A. digester system;
B. brown stock washer system;
C. multiple-effect evaporator system;
D. recovery furnace;
E. smelt dissolving tank;
F. lime kiln; and
G. condensate stripper system

2. Requirements. Facilities subject to this rule shall comply with **40 CFR Part 60, Subpart BB**, as adopted under Section 46-535.

3. Special Provisions. In pulp mills where kraft pulping is combined with neutral sulfite semichemical pulping, this rule applies when any portion of the material charged to an affected facility is produced by the kraft pulping operation.

4. Definitions. As used in this section:

A. "Brown stock washer system" means brown stock washers and associated knotters, vacuum pumps, and filtrate tanks used to wash the pulp following the digestion system. Diffusion washers are excluded from this definition.

B. "Condensate stripper system" means a column and associated condensers used to strip, with air or steam, TRS compounds from condensate streams from various processes within a kraft pulp mill.

C. "Digester system" means each continuous digester or each batch digester used for the cooking of wood in white liquor, and associated flash tank(s), blow tank(s), chip steamer(s), and condenser(s).

D. "Kraft pulp mill" means any stationary source which produces pulp from wood by cooking (digesting) wood chips in a water solution of sodium hydroxide and sodium sulfide (white liquor) at high temperature and pressure. Regeneration of the cooking chemicals through a recovery process is also considered part of kraft pulp mill.

E. "Lime kiln" means a unit used to calcine lime mud, which consists primarily of calcium carbonate, into quicklime, which is calcium oxide.

F. "Multiple-effect evaporator system" means the multiple-effect evaporators and associated condenser(s) and hotwell(s) used to concentrate the spent cooking liquid that is separated from the pulp (black liquor).

G. "Neutral sulfite semichemical pulping operation" means any operation in which pulp is produced from wood by cooking (digesting) wood chips in a solution of sodium sulfite and sodium bicarbonate, followed by mechanical defibrating (grinding).

H. "Recovery furnace" means either a straight kraft recovery furnace or a cross recovery furnace, and includes the direct-contact evaporator for a direct-contact furnace.

I. "Smelt-dissolving tank" means a vessel used for dissolving the smelt collected from the recovery furnace.

J. "Total reduced sulfur" or "TRS" means the sum of the sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide, that are released during the kraft pulping operation and measured by EPA Reference method 16.

Section 46-635 Standards of Performance for Glass Manufacturing Plants

1. Applicability

A. Except as provided in sub-subsection B of this subsection, this section applies to each glass melting furnace for which construction or modification commenced after June 15, 1979.

B. The following facilities are not subject to this section:

(1) hand glass melting furnaces;
(2) glass melting furnaces designed to produce less than 4,550 kilograms of glass per day; and
(3) all-electric melters.

2. Requirements. Glass melting furnaces subject to this section shall comply with **40 CFR Part 60, Subpart CC**, as adopted under Section 46-535.

3. Definitions. As used in this section:

A. "All-electric melters" means a glass melting furnace in which all the heat required for melting is provided by electric current from electrodes submerged in the molten glass, although some fossil fuel may be charged to the furnace as raw material only.

B. "Glass melting furnace" means a unit comprising a refractory vessel in which raw materials are charged, melted at high temperature, refined, and conditioned to produce molten glass. The unit includes foundations, superstructure and retaining walls, raw material charger systems, heat exchangers, melter cooling system, exhaust system, refractory brick work, fuel supply and electrical boosting equipment, integral control systems and instrumentation, and appendages for conditioning and distributing molten glass to forming apparatuses. The forming apparatuses, including the float bath used in flat glass manufacturing and flow channels in wool fiberglass and textile fiberglass manufacturing, are not considered part of the glass melting furnace.

C. "Hand glass melting furnace" means a glass melting furnace where the molten glass is removed from the furnace by a glassworker using a blowpipe or a pontil.

Section 46-640 Standards of Performance for Grain Elevators

1. Applicability. Except as provided in **40 CFR 60.304(b)**, this section applies to each of the following facilities at any grain terminal elevator or any grain storage elevator, for which construction, modification, or reconstruction commenced after August 3, 1978:

A. truck loading station;
B. truck unloading station;
C. barge and ship loading station;

~~D. barge and ship unloading station;~~
~~E. railcar loading station;~~
~~F. railcar unloading station;~~
~~G. grain dryer; and~~
~~H. all grain handling operations.~~

~~2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart DD**, as adopted under Section 46-535.~~

~~3. Definitions. As used in this section:~~

~~A. "Grain" means corn, wheat, sorghum, rice, rye, oats, barley, and soybeans.~~

~~B. "Grain elevator" means any plant or installation at which grain is unloaded, handled, cleaned, dried, stored, or loaded.~~

~~C. "Grain storage elevator" means any grain elevator located at any wheat flour mill, wet corn mill, dry corn mill (human consumption), rice mill, or soybean oil extraction plant which has a permanent grain storage capacity of 1 million bushels.~~

~~D. "Grain handling operations" include bucket elevators or legs (excluding legs used to unload barges or ships), scale hoppers and surge bins (garners), turn heads, scalpers, cleaners, trippers, and the headhouse and other such structures.~~

~~E. "Grain terminal elevator" means any grain elevator which has a permanent storage capacity of more than 2.5 million U. S. bushels, except those located at animal food manufacturers, pet food manufacturers, cereal manufacturers, breweries, and livestock feedlots.~~

~~F. "Rail car" means railroad hopper car or boxcar.~~

~~Section 46-642 Standards of Performance for Metal Furniture Surface Coating~~

~~1. Applicability~~

~~A. Except as provided for in sub-subsection B of this subsection, this section applies to each metal furniture surface coating operation in which organic coatings are applied and for which construction, modification, or reconstruction commenced after November 28, 1980.~~

~~B. Any metal furniture surface coating operation which uses less than 3,842 liters of coating (as applied) per year, and keeps purchase or inventory records or other data necessary to substantiate annual coating usage at the facility for at least 2 years, is not subject to any other provisions of this section.~~

2. Requirements. Metal furniture surface coating operations subject to this section shall comply with **40 CFR Part 60, Subpart EE**, as adopted under Section 46-535.

3. Definitions. As used in this section, "organic coating" means any coating used in a surface coating operation, including dilution solvents, from which volatile organic compound emissions occur during the application or the curing process. As used in this section, this term does not include powder coatings.

Section 46-645 Standards of Performance for Gas Turbines

1. Applicability. This section applies to all stationary gas turbines with a heat input at peak load equal to or greater than 10.7 gigajoules per hour, based on the lower heating value of the fuel fired, for which construction, modification, or reconstruction commenced after October 3, 1977, except as provided in **40 CFR 60.332(e) and (j)**.

2. Requirements. Stationary gas turbines subject to this section shall comply with **40 CFR Part 60, Subpart GG**, as adopted under Section 46-535.

3. Definitions. As used in this section, "stationary gas turbine" means any simple cycle gas turbine, regenerative cycle gas turbine, or any gas turbine portion of a combined cycle steam/electric generating system that is not self-propelled. It may, however, be mounted on a vehicle for portability.

Section 46-647 Standards of Performance for Lime Manufacturing Plants

1. Applicability

A. Except as provided for in sub-subsection B of this subsection, this section applies to each rotary lime kiln used in the manufacture of lime for which construction or modification commenced after May 3, 1977.

B. Facilities used in the manufacture of lime at kraft pulp mills are not subject to this section.

2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart HH**, as adopted under Section 46-535.

3. Definitions. As used in this section:

A. "Lime manufacturing plant" means any plant which uses a rotary lime kiln to produce lime product from limestone by calcination.

B. "Rotary lime kiln" means a unit with an inclined rotating drum that is used to produce a

lime product from limestone by calcination.

Section 46-650 Standards of Performance for Lead-Acid Battery Manufacturing Plants

1. Applicability. This section applies to the following facilities at any lead-acid battery manufacturing plant that produces or has the design capacity to produce in one day (24 hours) batteries containing an amount of lead equal to or greater than 6.5 tons, and for which construction or modification commenced after January 14, 1980:

A. grid casting facility;
B. paste mixing facility;
C. three-process operation facility;
D. lead oxide manufacturing facility;
E. lead reclamation facility; and
F. other lead-emitting operations.

2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart KK**, as adopted under Section 46-535.

3. Definitions. As used in this section:

A. "Grid casting facility" means the facility which includes all lead melting pots and machines used for casting the grid used in battery manufacturing.

B. "Lead-acid battery manufacturing plant" means any plant that produces a storage battery using lead and lead compounds for the plates and sulfuric acid for the electrolyte.

C. "Lead oxide manufacturing facility" means a facility that produces lead oxide from lead, including product recovery.

D. "Lead reclamation facility" means the facility that remelts lead scrap and casts it into lead ingots for use in the battery manufacturing process, and which is not a furnace subject to Section 46-590.

E. "Other lead-emitting operation" means any lead-acid battery manufacturing plant operation from which lead emissions are collected and ducted to the atmosphere and which is not part of a grid casting, lead oxide manufacturing, lead reclamation, paste mixing, or three-process operation facility, or a furnace subject to Section 46-590.

F. "Paste mixing facility" means the facility including lead oxide storage, conveying, weighting, metering, and charging operations; paste blending, handling, and cooling operation; and plate pasting, takeoff, cooling, and drying operations.

G. "Three-process operation facility" means the facility including those processes involved

with plate stacking, burning or strap casting, and assembly of elements into the battery case.

Section 46-652 Standards of Performance for Metallic Mineral Processing Plants

1. Applicability

A. Except as provided for in sub-subsections B and C of this subsection, this section applies to the following facilities in metallic mineral processing plants for which construction or modification commenced after August 24, 1982:

(1) each crusher and screen in open-pit mines; and
(2) each crusher, screen, bucket elevator, conveyor belt transfer point, thermal dryer, product packaging station, storage bin, enclosed storage area, truck loading station, truck unloading station, rail car loading station, and rail car unloading station at the mill or concentrator.

B. Facilities located in underground mines are not subject to this section.

C. At uranium ore processing plants, all facilities subsequent to and including the beneficiation of uranium ore are not subject to this section.

2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart LL**, as adopted under Section 46-535.

3. Definitions. As used in this section:

A. "Crusher" means a machine used to crush any metallic minerals and includes feeders or conveyors located immediately below the crushing surfaces. Crushers include, but are not limited to, the following types: jaw, gyratory, cone, and hammermill.

B. "Metallic mineral processing plant" means any combination of equipment that produces metallic mineral concentrates from ore. Metallic mineral processing commences with the mining of ore and includes all operations either:

(1) up to and including the loading of wet or dry concentrates or solutions of metallic minerals for transfer to facilities at non-adjacent locations that will subsequently process metallic concentrates into purified metals (or other products, or
(2) up to and including all material transfer and storage operations that precede the operations that produce refined metals (or other products) from metallic mineral concentrates at facilities adjacent to the metallic mineral processing plant.

This definition shall not be construed as requiring that mining of ore be conducted in order for the combination of equipment to be considered a metallic mineral processing

plant.

C. "Product packaging station" means the equipment used to fill containers with metallic compounds or metallic mineral concentrates.

D. "Rail car loading station" means that portion of a metallic mineral processing plant where metallic minerals or metallic mineral concentrates are loaded by a conveying system into rail cars.

E. "Rail car unloading station" means that portion of a metallic mineral processing plant where metallic ore is unloaded from a rail car into a hopper, screen, or crusher.

F. "Screen" means a device for separating material according to size by passing undersize material through one or more mesh surfaces (screens) in series and retaining oversize material on the mesh surfaces (screens).

G. "Storage bin" means a facility for storage (including surge bins and hoppers) of metallic minerals prior to further processing or loading.

H. "Thermal dryer" means a unit in which the surface moisture content of a metallic mineral or a metallic mineral concentrate is reduced by direct or indirect contact with a heated gas stream.

I. "Truck loading station" means that portion of a metallic mineral processing plant where metallic minerals or metallic mineral concentrates are loaded by a conveying system into trucks.

J. "Truck unloading station" means that portion of a metallic mineral processing plant where metallic ore is unloaded from a truck into a hopper, screen, or crusher.

Section 46-653 Standards of Performance for Automobile and Light-Duty Truck Surface Coating Operations

1. Applicability

A. Except as provided in sub-subsection B of this subsection, this section applies to the following facilities in an automobile or light-duty truck assembly plant, for which construction, reconstruction, or modification commenced after October 5, 1979:

(1) each prime coat operation;
(2) each guide coat operation; and
(3) each topcoat operation.

B. Operations used to coat plastic body components or all-plastic automobile or light-duty

truck bodies on separate coating lines are not subject to this section. The attachment of plastic body parts to a metal body before the body is coated does not cause the metal body coating operation to be exempted.

2. Requirements. Facilities subject to this rule shall comply with **40 CFR Part 60, Subpart MM**, as adopted under Section 46-535.

3. Definitions. As used in this section:

A. "Automobile" means a motor vehicle capable of carrying no more than 12 passengers.

B. "Automobile and light-duty truck body" means the exterior surface of an automobile or light-duty truck including hoods, fenders, cargo boxes, doors, and grill opening panels.

C. "Guide coat operation" means the guide coat spray booth, flash-off area and bake oven(s) which are used to apply and dry or cure a surface coating between the prime coat and topcoat operations on the components of automobile and light-duty truck bodies.

D. "Light-duty truck" means any motor vehicle rated at 3,850 kilograms gross vehicle weight or less, designed mainly to transport property.

E. "Plastic body" means an automobile or light-duty truck body constructed of synthetic organic material.

F. "Prime coat operation" means the prime coat spray booth or dip tank, flash-off area, and bake oven(s) which are used to apply and dry or cure the initial coating on components of automobile or light-duty truck bodies.

Section 46-655 Standards of Performance for Phosphate Rock Plants

1. Applicability

A. Except as provided in sub-subsection B of this subsection, this section applies to the following facilities used in phosphate rock plants which have a maximum plant production capacity greater than 4 tons/hr. and for which construction, modification, or reconstruction commenced after September 21, 1979:

(1) dryers;
(2) calciners;
(3) grinders; and
(4) ground rock handling and storage facilities.

B. Facilities used in producing or preparing phosphate rock solely for consumption in elemental phosphorus production are not subject to this section.

2. Requirements. Facilities subject to this rule shall comply with **40 CFR Part 60, Subpart NN**, as adopted under Section 46-535.

3. Definitions. As used in this section:

A. "Calciner" means a unit in which the moisture and organic matter of phosphate rock is reduced within a combustion chamber.

B. "Dryer" means a unit in which the moisture content of phosphate rock is reduced by contact with a heated gas stream.

C. "Grinder" means a unit which is used to pulverize dry phosphate rock to the final product size used in the manufacture of phosphate fertilizer and does not include crushing devices used in mining.

Section 46-656 Standards of Performance for Ammonium Sulfate Manufacture

1. Applicability. This section applies to each ammonium sulfate dryer within an ammonium sulfate manufacturing plant in the caprolactam by-product, synthetic, and coke over by-product sectors of the ammonium sulfate industry for which construction or modification commenced after February 4, 1980.

2. Requirements. Ammonium sulfate dryers subject to this section shall comply with **40 CFR part 60, Subpart PP**, as adopted under Section 46-535.

3. Definitions. As used in this section:

A. "Ammonium sulfate dryer" means a unit or vessel into which ammonium sulfate is charged for the purpose of reducing the moisture content of the product using a heated gas stream. The unit includes foundations, superstructure, material charger systems, exhaust systems, and integral control systems and instrumentation.

B. "Ammonium sulfate manufacturing plant" means any plant which produces ammonium sulfate.

C. "Caprolactam by-product ammonium sulfate manufacturing plant" means any plant which produces ammonium sulfate as a by-product from process streams generated during caprolactam manufacture.

D. "Coke oven by-product ammonium sulfate manufacturing plant" means any plant which produces ammonium sulfate by reacting sulfuric acid with ammonia recovered as a by-product from the manufacture of coke.

E. "Synthetic ammonium sulfate manufacturing plant" means any plant which produces ammonium sulfate by direct combination of ammonia and sulfuric acid.

Section 46-660 Standards of Performance for Graphics Arts Industry Publication: Rotogravure Printing

1. Applicability

A. Except as provided in sub-subsection B of this subsection, this section applies to each publication rotogravure printing press for which construction, modification, or reconstruction commenced after October 28, 1980.

B. Proof presses are not subject to this section.

2. Requirements. Publication rotogravure printing presses subject to this section shall comply with **40 CFR Part 60, Subpart QQ**, as adopted under Section 46-535.

3. Definitions. As used in this section:

A. "Proof press" means any device used only to check the quality of the image formation of newly engraved or etched gravure cylinders and print only non-saleable items.

B. "Publication rotogravure printing press" means any number of rotogravure printing units capable of printing simultaneously on the same continuous web or substrate and includes any associated device for continuously cutting and folding the printed web, where the following saleable paper products are printed:

(1) catalogues, including mail order and premium;
(2) direct mail advertisements, including circulars, letters, pamphlets, cards, and printed envelopes;
(3) display advertisements, including general posters, outdoor advertisements, car cards, window posters, counter and floor displays, point-of-purchase, and other printed display material;
(4) magazines;
(5) miscellaneous advertisements, including brochures, pamphlets, catalogue sheets, circular folders, announcements, package inserts, book jackets, market circulars, magazine inserts, and shopping news;
(6) newspapers, magazine and comic supplements for newspapers, and preprinted newspaper inserts, including hi-fi and spectacolor rolls and section;
(7) periodicals; and
(8) telephone and other directories, including business reference services.

Section 46-662 Standards of Performance for Tape and Label Surface Coating Operations

1. Applicability. This section applies to each coating line used in the manufacture of pressure-sensitive tape and label materials for which construction, modification, or reconstruction commenced after December 30, 1980.

2. Requirements

A. Except as provided in sub-subsection B of this subsection, facilities subject to this section shall comply with **40 CFR Part 60, Subpart RR**, as adopted under Section 46-535.

B. Any facility which inputs to the coating process 45 Mg of VOC or less per 12-month period is not subject to the emission limits of **40 CFR 60.442(a)** unless and until the amount of VOC input exceeds 45 Mg per 12-month period.

3. Definitions. As used in this section:

A. "Coating line" means any number or combination of adhesive, release, or precoat coating applicators, flashoff areas, and ovens which coat a continuous web, located between a web unwind station and a web rewind station, to produce pressure-sensitive tape and label materials.

B. "Flashoff area" means the portion of a coating line after the coating applicator and usually before the oven entrance.

Section 46-665 Standards of Performance for Industrial Surface Coating: Large Appliances

1. Applicability. This section applies to each surface coating operation in a large appliance surface coating line for which construction, modification or reconstruction commenced after December 24, 1980.

2. Requirements. Surface coating operations subject to this rule shall comply with **40 CFR Part 60, Subpart SS**, as adopted under Section 46-535.

3. Definitions. As used in this section:

A. "Coating application station" means that portion of the coating operation where a prime coat or a topcoat is applied to large appliance parts or products.

B. "Large appliance surface coating line" means that portion of a large appliance assembly plant engaged in the application and curing of organic surface coatings on large appliance

parts or products.

C. "Surface coating operation" means the system on a large appliance surface coating line used to apply and dry or cure an organic coating on the surface of large appliance parts or products. The surface coating operation may be a prime coat or a topcoat operation and includes the coating application station(s), flashoff area, and curing oven.

Section 46-670 Standards of Performance for Metal Coil Surface Coating

1. Applicability. This section applies to the following facilities in a metal coil surface coating operation for which construction, modification or reconstruction commenced after January 5, 1981:

A. each prime coat operation;

B. each finish coat operation; and

C. each prime and finish coat operation combined when the finish coat is applied wet on wet over the prime coat and both coatings are cured simultaneously.

2. Requirements. Facilities subject to this rule shall comply with **40 CFR Part 60, Subpart TT**, as adopted under Section 46-535.

3. Definitions. As used in this section:

A. "Coating" means any organic material that is applied to the surface of metal coil.

B. "Coating application station" means that portion of the coating operation where the coating is applied to the surface of the metal coil, including the flashoff area between the coating application station and the curing oven.

C. "Finish coat operation" means the coating application station, curing oven, and quench station used to apply and dry or cure the final coating(s) on the surface of the metal coil. Where only a single coating is applied to the metal coil that coating is considered a finish coat.

D. "Metal coil surface coating operation" means the application system used to apply an organic coating to the surface of any continuous metal strip with thickness of 0.006 inches or more that is packaged in a roll or coil.

E. "Prime coat operation" means the coating application station, curing oven, and quench station used to apply and dry or cure the initial coating(s) of the surface of the metal coil.

Section 46-675 Standards of Performance for Asphalt Processing and Asphalt Roofing

~~Manufacture~~

~~1. Applicability~~

~~A. Except as provided in sub-subsection B of this subsection, this section applies to the following facilities:~~

~~(1) each saturator and each mineral handling and storage facility at asphalt roofing plants for which construction or modification commenced after November 18, 1980; and~~
~~(2) each asphalt storage tank and each blowing still at asphalt processing plants, petroleum refineries, and asphalt roofing plants that processes and/or stores:~~
~~(a) asphalt used for roofing only or for roofing and other purposes for which construction or modification commenced after November 18, 1980; or~~
~~(b) only nonroofing asphalts for which construction or modification commenced after May 26, 1981.~~

~~B. Storage tanks containing cutback asphalts (asphalts diluted with solvents to reduce viscosity for low temperature applications) and emulsified asphalts (asphalts dispersed in water with an emulsifying agent) are not subject to this section.~~

~~2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart UU**, as adopted under Section 46-535.~~

~~3. Definitions. As used in this section:~~

~~A. "Asphalt processing" means the storage and blowing of asphalt.~~

~~B. "Asphalt processing plant" means a plant which blows asphalt for use in the manufacture of asphalt products.~~

~~C. "Asphalt roofing plant" means a plant which produces asphalt roofing products (shingles, roll roofing, siding, or saturated felt).~~

~~D. "Asphalt storage tank" means any tank used to store asphalt at asphalt roofing plants, petroleum refineries, and asphalt processing plants.~~

~~E. "Blowing still" mean the equipment in which air is blown through asphalt flux to change the softening point and penetration rate.~~

~~F. "Mineral handling and storage facility" means the areas in asphalt roofing plants in which minerals are unloaded from a carrier, the conveyor transfer points between the carrier and the storage silos, and the storage silos.~~

G. "Saturator" means the equipment in which asphalt is applied to felt to make asphalt roofing products. The term saturator includes the saturator, wet looper, and coater.

Section 46-680 Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemical Manufacturing Industry (SOCMI)

1. Applicability. This section applies to the group of all fugitive emissions equipment within a process unit in the synthetic organic chemicals manufacturing industry for which construction or modification commenced after January 5, 1981.

2. Requirements

A. Except as provided in sub-subsection B of this subsection, facilities subject to this section shall comply with **40 CFR Part 60, Subpart VV**, as adopted under Section 46-535.

B. The following facilities are not subject to **40 CFR 60.482** provided that records are maintained as required in **40 CFR 60.486(i):**

(1) any facility with the design capacity to produce less than 1,000 Mg/yr.;
(2) a facility producing heavy liquid chemicals only from heavy liquid feed or raw materials;
(3) any facility that produces beverage alcohol; or
(4) any facility that has no equipment in VOC service.

3. Special Provisions. Addition or replacement of equipment for the purpose of process improvement which is accomplished without a capital expenditure shall not by itself be considered a modification under this rule.

4. Definitions. As used in this section:

A. "Connector" means flanged, screwed, welded, or other joined fittings used to connect two pipelines or a pipeline and a piece of process equipment.

B. "Fugitive emissions equipment" means each pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, valve, and flange or other connector in VOC service and any devices or systems required by **40 CFR Part 60, Subpart VV**.

C. "Open-ended valve or line" means any valve, except safety relief valves, having one side of the valve seat in contact with process fluid and one side open to the atmosphere, either directly or through open piping.

D. "Process unit" means components assembled to produce, as intermediate or final product, one or more of the chemicals listed in **40 CFR 60.489**. A process unit can operate

~~independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product.~~

~~E. "Synthetic organic chemicals manufacturing industry" or "SOCMI," means the industry that produces, as intermediates or final products, one or more of the chemicals listed in **40 CFR 60.489**.~~

~~Section 46-685 Standards of Performance for the Beverage Can Surface Coating Industry~~

~~1. Applicability. This section applies to the following facilities in beverage can surface coating lines for which construction, modification, or reconstruction commenced after November 26, 1980:~~

~~A. each exterior base coat operation;~~
~~B. each overvarnish coating operation; and~~
~~C. each inside spray coating operation.~~

~~2. Requirements. Facilities subject to this rule shall comply with **40 CFR Part 60, Subpart WW**, as adopted under Section 46-535.~~

~~3. Definitions. As used in this section:~~

~~A. "Beverage can" means any two-piece steel or aluminum container in which soft drinks or beer, including malt liquor, are packaged. This does not include containers in which fruit or vegetable juices are packaged.~~

~~B. "Exterior base coating operation" means the system on each beverage can surface coating line used to apply a coating to the exterior of a two-piece beverage can body. The exterior base coat provides corrosion resistance and a background for lithography or printing operations. The exterior base coat operation consists of the coating application station, flashoff area, and curing oven. The exterior base coat may be pigmented or clear (unpigmented).~~

~~C. "Inside spray coating operation" means the system on each beverage can surface coating line used to apply a coating to the interior of a two-piece beverage can body. This coating provides a protective film between the contents of the beverage can and the metal can body. The inside spray coating operation consists of the coating application station, flashoff area, and curing oven. Multiple applications of an inside spray coating are considered to be a single coating operation.~~

~~D. "Overvarnish coating operation" means the system on each beverage can surface coating line used to apply a coating over ink which reduces friction for automated beverage can filling equipment, provides gloss, and protects the finished beverage can body from abrasion and corrosion. The overvarnish coating is applied to two-piece beverage can~~

bodies. The overvarnish coating operation consists of the coating application station, flashoff area, and curing oven.

E. "Two piece can" means any beverage can that consists of a body manufactured from a single piece of steel or aluminum and a top. Coatings for a two-piece can are usually applied after fabrication of the can body.

Section 46-690 Standards of Performance for Bulk Gasoline Terminals

1. Applicability. Except as provided in subsection 3 of this section, this section applies to the total of all the loading racks at a bulk gasoline terminal which deliver liquid product into gasoline tank trucks for which construction or modification commenced after December 17, 1980.

2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart XX**, as adopted under Section 46-535.

3. Special provisions. Any replacement of components of an existing facility which commenced before August 18, 1983 in order to comply with any emission standard adopted by the Commission, the Authority, or a political subdivision of the state shall not be considered a reconstruction for purposes of this section.

4. Definitions. As used in this section:

A. "Bulk gasoline terminal" means any gasoline facility which receives gasoline by pipeline, ship or barge, and has a gasoline throughput greater than 75,700 liters per day. Gasoline throughput shall be the maximum calculated design throughput as may be limited by compliance with an enforceable condition under federal, state or local law and discoverable by the Authority and any other person.

B. "Gasoline" means any petroleum distillate or petroleum distillate/ alcohol blend having a Reid vapor pressure of 27.6 kilopascals or greater which is used as a fuel for internal combustion engines.

C. "Gasoline tank truck" means a delivery tank truck used at bulk gasoline terminals for loading gasoline or which has loaded gasoline on the immediately previous load.

D. "Loading rack" means the loading arms, pumps, meters, shutoff valves, relief valves, and other piping and valves necessary to fill delivery tank trucks.

Section 46-695 Standards of Performance for the Rubber Tire Manufacturing Industry

1. Applicability. This section applies to the following facilities in rubber tire manufacturing plants for which construction, modification, or reconstruction commenced after January 20, 1983:

   A. each undertread cementing operation;
   B. sidewall cementing operation;
   C. tread end cementing operation;
   D. bead cementing operation;
   E. green tire spraying operation;
   F. Michelin-A operation;
   G. Michelin-B operation; and
   H. Michelin-C automatic operation.

2. Requirements

   A. Except as provided in sub-subsection B of this subsection, facilities subject to this section shall comply with **40 CFR Part 60, Subpart BBB**, as adopted under Section 46-535, for all tire types, including those not listed under "tire" as defined in this section.

   B. Each undertread cementing operation and each sidewall cementing operation in rubber tire manufacturing plants, subject to sub-subsection A of this subsection, that commenced construction, modification, or reconstruction before September 15, 1987, shall have the option of complying with the alternate provisions in **40 CFR 60.542a** instead of **40 CFR 60.542**.

3. Definitions. As used in this section:

   A. "Bead cementing operation" means the system that is used to apply cement to the bead rubber before or after it is wound into its final circular form. A bead cementing operation consists of a cement application station, such as a dip tank, spray booth and nozzles, cement trough and roller or swab applicator, and all other equipment necessary to apply cement to wound beads or bead rubber and to allow evaporation of solvent from cemented beads.

   B. "Green tire spraying operation" means the system used to apply a mold release agent and lubricant to the inside and/or outside of green tires to facilitate the curing process and to prevent rubber from sticking to the curing press. A green tire spraying operation consists of a booth where spraying is performed, the spray application station, and related equipment, such as the lubricant supply system.

C. "Sidewall cementing operation" means the system used to apply cement to a continuous strip of sidewall component or any other continuous strip component (except combined tread/sidewall component) that is incorporated into the sidewall of a finished tire. A sidewall cementing operation consists of a cement application station and all other equipment, such as the cement supply system and feed and takeaway conveyors, necessary to apply cement to sidewall strips or other continuous strip component (except combined tread/sidewall component) and to allow evaporation of solvent from the cemented rubber.

D. "Tire" means any agricultural, airplane, industrial, mobile home, light-duty truck and/or passenger vehicle tire that has a bead diameter less than or equal to 19.7 inches and a cross section dimension less than or equal to 12.8 inches, and that is mass produced in an assembly line fashion.

E. "Tread end cementing operation" means the system used to apply cement to one or both ends of the tread or combined tread/sidewall component. A tread end cementing operation consists of a cement application station and all other equipment, such as the cement supply system and feed and takeaway conveyors, necessary to apply cement to tread ends and to allow evaporation of solvent from the cemented tread ends.

F. "Undertread cementing operation" means the system used to apply cement to a continuous strip of tread or combined tread/sidewall component. An undertread cementing operation consists of a cement application station and all other equipment, such as the cement supply system and feed and takeaway conveyors, necessary to apply cement to tread or combined tread/sidewall strips and to allow evaporation of solvent from the cemented tread or combined tread/sidewall.

Section 46-697 Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry

1. Applicability

A. Except as provided in sub-subsections B through G of this subsection and subsection 3 of this section, this section applies to facilities in the manufacture of polypropylene, polyethylene, polystyrene, or poly (ethylene terephthalate) as specified in this subsection.

(1) Polypropylene and polyethylene manufacturing. This subsection applies to emissions specified in this paragraph from all equipment at any facility used in the manufacture of polypropylene or polyethylene for which construction, modification or reconstruction commenced after January 10, 1989 or, for process units specified in **40 CFR 60.560 Table 1**, after September 30, 1987. If more than one polyolefin is produced at a facility for which the applicability date is determined under **40 CFR 60.560 Table 1**, the owner or operator shall select one of the polymer/production process combinations in such Table for purposes of determining applicability.

(a) Process emissions. This subsection applies to continuous and intermittent process emissions from each raw materials preparation section, each polymerization reaction section, each material recovery section, each product finishing section, and each product storage section at facilities using a continuous manufacturing process.

(b) Equipment leaks. This subsection applies to each group of fugitive emissions equipment within any process unit.

(2) Polystyrene manufacturing. This subsection applies to emissions from facilities specified in this paragraph that are used in the manufacture of polystyrene for which construction, modification or reconstruction commenced after September 30, 1987.

(a) Process emissions. This subsection applies to continuous process emissions from each material recovery section at facilities using a continuous manufacturing process.

(b) Equipment leaks. This subsection applies to each group of fugitive emissions equipment within any process unit.

(3) Poly(ethylene terephthalate) manufacturing. This subsection applies to continuous process emissions from process sections at facilities using a continuous process specified in this paragraph that are used in the manufacture of poly(ethylene terephthalate) for which construction, modification or reconstruction commenced after September 30, 1987:

(a) each polymerization reaction section;

(b) each material recovery section for facilities using dimethyl terephthalate; and

(c) each raw materials preparation section for facilities using terephthalic acid.

B. Any polypropylene or polyethylene facility with a September 30, 1987 applicability date as determined under **40 CFR 60.560 Table 1** with an uncontrolled emission rate at or below the rate listed in **40 CFR 60.560 Table 2** is not subject to **40 CFR 60.562-1** unless and until its uncontrolled emission rate exceeds the rate specified in **40 CFR 60.560 Table 2** or it is modified or reconstructed after January 10, 1989.

C. Any modified or reconstructed facility used in the manufacture of polystyrene or poly(ethylene terephthalate):

(1) with an uncontrolled emission rate at or below the rate listed in **40 CFR 60.560 Table 2** is not subject to **40 CFR 60.562-1** unless and until its uncontrolled emission rate exceeds the rate specified in **40 CFR 60.560 Table 2**; or

(2) with an existing control device and uncontrolled emission rate greater than the rate listed in **40 CFR 60.560 Table 2** is not subject to **40 CFR 60.562-1** unless and until the existing control device is modified, reconstructed or replaced.

D. Any process section of an experimental process line is not subject to this subsection.

E. At polypropylene or polyethylene facilities, individual vent streams that have continuous emissions with uncontrolled annual emissions of less than 1.6 megagrams per year or

with a weight percent total organic compounds (measured in accordance with **40 CFR 60.564**) of less than 0.10 percent are not subject to **40 CFR 60.562-1(a)(1)** unless and until the uncontrolled annual emissions equal or exceed 1.6 megagrams per year or the weight percent total organic compounds equals or exceeds 0.10 percent.

F. Emergency vent streams at polypropylene or polyethylene facilities are not subject to **40 CFR 60.562-1(a)(2)**.

G. Facilities with a design capacity of less than 1,000 megagrams per year are not subject to **40 CFR 60.562-2**.

2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart DDD**, as adopted under Section 46-535.

3. Special provisions. Additional or replacement of fugitive emissions equipment for the purposes of improvement which is accomplished without a capital expenditure, as defined in **40 CFR 60.561**, shall not by itself be considered a modification under **40 CFR 60.562-2**.

4. Definitions. As used in this section:

A. "Connector" means flanged, screwed, welded, or other joined fittings used to connect two pipelines or a pipeline and a piece of process equipment.

B. "Control device" means an enclosed combustion device, vapor recovery system or flare.

C. "Fugitive emissions equipment" means each pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, valve, and flange or other connector in VOC service and any devices or systems required by **40 CFR Part 60, Subpart VV**.

D. "Open-ended valve or line" means any valve, except safety relief valves, having one side of the valve seat in contact with process fluid and one side open to the atmosphere, either directly or through open piping.

E. "Process unit" means equipment assembled to perform any of the physical and chemical operations in the production of polypropylene, polyethylene, polystyrene (general-purpose, crystal, or expandable), or poly (ethylene terephthalate) or one of their copolymers. A process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product. Examples of process units are raw materials handling and monomer recovery.

F. "Polyethylene" means a thermoplastic polymer or copolymer comprised of at least 50 percent ethylene by weight.

G. "Poly (ethylene terephthalate)" or "PET" means a polymer or copolymer comprised of at least 50 percent bis-(2-hydroxyethyl)-terephthalate (BHET) by weight.

H. "Poly (ethylene terephthalate) manufacture using dimethyl terephthalate" means the manufacturing of poly (ethylene terephthalate) based on the esterification of dimethyl terephthalate (DMT) with ethylene glycol to form the intermediate monomer bis-(2-hydroxyethyl)-terephthalate (BHET) that is subsequently polymerized to form PET.

I. "Poly (ethylene terephthalate) manufacture using terephthalic acid" means the manufacturing of poly (ethylene terephthalate) based on the esterification reaction of terephthalic acid (TPA) with ethylene glycol to form the intermediate monomer bis-(2-hydroxyethyl)-terephthalate (BHET) that is subsequently polymerized to form PET.

J. "Polypropylene" or "PP" means a thermoplastic polymer or copolymer comprised of at least 50 percent propylene by weight.

K. "Polystyrene" or "PS" means a thermoplastic polymer or copolymer comprised of at least 80 percent styrene or para-methylstyrene by weight.

L. "Vent stream" means any gas stream released to the atmosphere directly from an emission source or indirectly either through another piece of process equipment or a material recovery device that constitutes part of the normal recovery operations in a polymer process line where potential emissions are recovered for recycle or resale, and any gas stream directed to an air pollution control device. The emissions released from an air pollution control device are not considered a vent stream unless, as noted above, the control device is part of the normal material recovery operations in a polymer process line where potential emissions are recovered for recycle or resale.

Section 46-701 Standards of Performance for Flexible Vinyl and Urethane Coating and Printing

1. Applicability. Except as provided in subsection 3, this section applies to each rotogravure printing line used to print or coat flexible vinyl or urethane products for which construction, modification, or reconstruction commenced after January 18, 1983.

2. Requirements. Facilities subject to this rule shall comply with **40 CFR Part 60, Subpart FFF**, as adopted under Section 46-535.

3. Special provisions. For facilities controlled by a solvent recovery emission control device, the provisions of **40 CFR 60.584(a)** requiring monitoring of operations will not apply until EPA has promulgated performance specifications under **40 CFR Part 60, Appendix B** for the

continuous monitoring system. After the promulgation of performance specifications, these provisions will apply to each rotogravure printing line subject to this section. Facilities controlled by a solvent recovery emission control device that become subject to the standard prior to promulgation of performance specifications must conduct performance tests in accordance with **40 CFR 60.13(b)** after performance specifications are promulgated.

4. Definitions. As used in this section, "flexible vinyl and urethane products" means those products, except for resilient floor coverings (1977 Standard Industry Code 3996) and flexible packaging that are more than 50 micrometers (0.002 inches) thick, and that consist of or contain a vinyl or urethane sheet or a vinyl or urethane coated web.

Section 46-702 Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries

1. Applicability

A. Except as provided in sub-subsection B of this subsection, this section applies to the following facilities in petroleum refineries for which construction or modification commenced after January 4, 1983:

(1) a compressor; and
(2) the group of all the fugitive emissions equipment within a process unit.

B. Facilities subject to Section 46-680 or Section 46-708 are not subject to this section.

2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart GGG**, as adopted under Section 46-535.

3. Special provisions. Addition or replacement of equipment for the purpose of process improvement which is accomplished without a capital expenditure shall not by itself be considered a modification under this rule.

4. Definitions. As used in this section:

A. "Connector" means flanged, screwed, welded, or other joined fittings used to connect two pipelines or a pipeline and a piece of process equipment.

B. "Fugitive emissions equipment" means each valve, pump, pressure relief device, sampling connection system, open-ended valve or line, and flange or other connector in VOC service. For the purposes of recordkeeping and reporting only, compressors are considered equipment.

C. "Open-ended valve or line" means any valve, except safety relief valves, having one side

of the valve seat in contact with process fluid and one side open to the atmosphere, either directly or through open piping.

D. "Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

E. "Petroleum refinery" means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through the distillation of petroleum or through the redistillation, cracking or reforming of unfinished petroleum derivatives.

F. "Process unit" means components assembled to produce intermediate or final products from petroleum, unfinished petroleum derivatives, or other intermediates; a process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product.

Section 46-704 Standards of Performance for Synthetic Fiber Production Facilities

1. Applicability

A. Except as provided in sub-subsections B and C of this subsection, this section applies to each solvent-spun synthetic fiber process that produces more than 500 megagrams of fiber per year for which construction or reconstruction commenced after November 23, 1982.

B. Facilities using the reaction spinning process to produce spandex fiber or the viscose process to produce rayon fiber are not subject to this section.

C. Facilities for which modification, but not reconstruction, commenced after November 23, 1982 are not subject to this section.

2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart HHH**, as adopted under Section 46-535.

3. Definitions. As used in this section:

A. "Rayon fiber" means a manufactured fiber composed of regenerated cellulose, as well as manufactured fibers composed of regenerated cellulose in which substituents have replaced not more than 15 percent of the hydrogens of the hydroxyl groups.

B. "Reaction spinning process" means the fiber-forming process where a prepolymer is extruded into a fluid medium and solidification takes place by chemical reaction to form the final polymeric material.

C. "Solvent-spun synthetic fiber" means any synthetic fiber produced by a process that uses an organic solvent in the spinning solution, the precipitation bath, or processing of the spun fiber.

D. "Spandex fiber" means a manufactured fiber in which the fiber-forming substance is a long-chain synthetic polymer comprised of at least 85 percent of a segmented polyurethane.

E. "Viscose process" means the fiber-forming process where cellulose and concentrated caustic soda are reacted to form soda or alkali cellulose. This reacts with carbon disulfide to form sodium cellulose xanthate, which is then dissolved in a solution of caustic soda. After ripening, the solution is spun into an acid coagulating bath. This precipitates the cellulose in the form of a regenerated cellulose filament.

Section 46-706 Standards of Performance for Petroleum Dry Cleaners

1. Applicability

A. Except as provided in sub-subsection B of this subsection, this section applies to the following facilities at a petroleum dry cleaning plant with a total manufacturers' rated dryer capacity equal to or greater than 84 pounds and for which construction or modification commenced after December 14, 1982:

(1) petroleum solvent dry cleaning dryers;
(2) washers;
(3) filters;
(4) stills; and
(5) settling tanks.

B. A dryer installed between December 14, 1982 and September 21, 1984, in a plant with an annual solvent consumption level of less than 4,700 gallons, is not subject to this section.

2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart JJJ**, as adopted under Section 46-535.

3. Special provisions. The calculation of manufacturers' rated dryer capacity shall be in accordance with this subsection.

A. When the facility is installed in an existing plant that is not expanding the manufacturers' rated capacity of its petroleum solvent dryer(s), the total manufacturers' rated dryer capacity is the summation of the manufacturers' rated capacity for each existing petroleum solvent dryer.

B. When the facility is installed in a plant that is expanding the manufacturers' rated capacity of its petroleum solvent dryers, the total manufacturers' rated dryer capacity is the summation of the manufacturers' rated dryer capacity for each existing and proposed new petroleum solvent dryer.

C. When the facility is installed in a new plant, the total manufacturers' rated dryer capacity is the summation of the manufacturers' rated dryer capacity for each proposed new petroleum solvent dryer.

D. The petroleum solvent dryers considered in the determination of the total manufacturers' rated dryer capacity are those new and existing dryers in the plant that will be in service at any time after the proposed new source or modification commences operation.

4. Definitions. As used in this section:

A. "Dryer" means a machine used to remove petroleum solvent from articles of clothing or other textile or leather goods, after washing and removing of excess petroleum solvent, together with the piping and ductwork used in the installation of this device.

B. "Manufacturers' rated dryer capacity" means the dryer's rated capacity of articles, in pounds or kilograms of clothing articles per load, dry basis, that is typically found on each dryer on the manufacturer's name-plate or in the manufacturer's equipment specifications.

C. "Petroleum dry cleaner" means a dry cleaning facility that uses petroleum solvent in a combination of washers, dryers, filters, stills, and settling tanks.

D. "Washer" means a machine which agitates fabric articles in a petroleum solvent bath and spins the articles to remove the solvent, together with the piping and ductwork used in the installation of this device.

Section 46-707 Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes

1. Applicability. This section applies to the following facilities that produce any of the chemicals listed in **40 CFR 60.617** as a product, co-product, by-product, or intermediate and for which construction, modification, or reconstruction commenced after October 21, 1983:

A. each air oxidation reactor not discharging its vent stream into a recovery system;

B. each combination of an air oxidation reactor and the recovery system into which its vent stream is discharged; and

C. each combination of two or more air oxidation reactors and the common recovery system into which their vent streams are discharged.

2. Requirements

A. Except as provided in sub-subsection B of this subsection, facilities subject to this section shall comply with **40 CFR Part 60, Subpart III**, as adopted under Section 46-535.

B. Each facility with a total resource effectiveness index value greater than 4.0 shall comply with **40 CFR 60.612, 60.614(f), 60.615(h), and 60.615(l)** and is exempt from all other provisions of **40 CFR Part 60, Subpart III**.

3. Definitions. As used in this section:

A. "Air oxidation reactor" means any device or process vessel in which one or more organic reactants are combined with air, or a combination of air and oxygen, to produce one or more organic compounds; this includes ammoxidation and oxychlorination reactions.

B. "Recovery system" means an individual recovery device or series of such devices applied to the same process stream.

C. "Total resource effectiveness index value" means a measure of the supplemental total resource requirement per unit reduction of TOC associated with an individual air oxidation vent stream, based on vent stream flow rate, emission rate of TOC, net heating value, and corrosion properties (whether or not the vent stream is halogenated), as quantified by the equation give under **40 CFR 60.614(e)**.

D. "Vent stream" means any gas stream containing nitrogen which was introduced as air to the air oxidation reactor, released to the atmosphere directly from any air oxidation reactor recovery train or indirectly, after diversion through other process equipment. The vent stream excludes equipment leaks and relief valve discharges including, but not limited to, pumps, compressors, and valves.

Section 46-708 Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants

1. Applicability

A. Except as provided in sub-subsections B and C of this subsection and subsection 3 of this section, this section applies to the following facilities in onshore natural gas processing plants for which construction, reconstruction, or modification commenced after January 20, 1984:

(1) a compressor in VOC service or in wet gas service;
(2) the group of all fugitive emissions equipment, except compressors, within a process unit.

B. Facilities subject to Section 46-680 or 46-702 are not subject to this section.

C. A compressor station, dehydration unit, sweetening unit, underground storage tank, field gas gathering system, or liquefied natural gas unit which is not located at an onshore natural gas processing plant is not subject to this section.

2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart KKK**, as adopted under Section 46-535.

3. Special provisions. Addition or replacement of fugitive emissions equipment for the purpose of process improvement that is accomplished without a capital expenditure shall not by itself be considered a modification for purposes of this section.

4. Definitions. As used in this section:

A. "Connector" means flanged, screwed, welded, or other joined fittings used to connect two pipelines or a pipe line and a piece of process equipment.

B. "Field gas" means feedstock gas entering the natural gas processing plant.

C. "Fugitive emissions equipment" means each pump, pressure relief device, open-ended valve or line, valve, compressor, and flange or other connector that is in VOC service or in wet gas service, and any device or system required by **40 CFR part 60, Subpart KKK**.

D. "Natural gas processing plant" means any processing site engaged in the extraction of natural gas liquids from field gas, fractionation of mixed natural gas liquids to natural gas products, or both.

E. "Onshore" means all facilities except those that are located in the territorial seas or on the outer continental shelf.

F. "Open-ended valve or line" means any valve, except safety relief valves, having one side of the valve seat in contact with process fluid and one side open to the atmosphere, either directly or through open piping.

G. "Process unit" means equipment assembled for the extraction of natural gas liquids from field gas, the fractionation of the liquids into natural gas products, or other operations associated with the processing of natural gas. A process unit can operate independently if

supplied with sufficient feed or raw materials and sufficient storage facilities for the product.

H. "Wet gas service" means that a piece of equipment contains or contacts the field gas before the extraction step in the process.

Section 46-710 Standards of Performance for SO_2 from Onshore Natural Gas Processing Plants

1. Applicability

A. Except as provided in sub-subsection B of this subsection, this section applies to the following facilities that process natural gas, which are located on land, including facilities located onshore which process natural gas produced from either onshore or offshore wells and for which construction or modification commenced after January 20, 1984:

(1) each sweetening unit; and
(2) each sweetening unit followed by a sulfur recovery unit.

B. Sweetening facilities producing acid gas that is completely reinjected into oil-or-gas-bearing geologic strata or that is otherwise not released to the atmosphere are not subject to this section.

2. Requirements

A. Except as provided in sub-subsection B of this subsection, facilities subject to this section shall comply with **40 CFR Part 60, Subpart LLL**, as adopted under Section 46-535.

B. Facilities with a design capacity less than 2 long tons per day (LT/D) of hydrogen sulfide (H_2S) in the acid gas (expressed as sulfur) are subject to **40 CFR 60.647(c)**, but are not subject to **40 CFR 60.642 through 60.646**.

3. Definitions. As used in this section:

A. "Acid gas" means a gas stream of hydrogen sulfide H_2S and carbon dioxide (CO_2) that has been separated from sour natural gas by a sweetening unit.

B. "Natural gas" means a naturally occurring mixture of hydrocarbon and non hydrocarbon gases found in geologic formations beneath the earth's surface. The principal hydrocarbon constituent is methane.

C. "Onshore" means all facilities except those that are located in the territorial seas or on the outer continental shelf.

D. "Sweetening unit" means a process device that separates the H_2S and CO_2 contents from the sour natural gas stream.

Section 46-713 Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations

1. Applicability

A. Except as provided in sub-subsection B of this subsection, this section applies to the following facilities that are part of a process unit that produces any of the chemicals listed in **40 CFR 60.667** as a product, co-product, by-product, or intermediate for which construction, modification or reconstruction commenced after December 30, 1983:

(1) each distillation unit not discharging its vent stream into a recovery system;
(2) each combination of a distillation unit and the recovery system into which its vent stream is discharged; and
(3) each combination of two or more distillation units and the common recovery system into which their vent streams are discharged.

B. The following facilities are not subject to this section:

(1) any distillation unit operating as part of a process unit which produces coal tar or beverage alcohols, or which uses, contains, and produces no VOC;
(2) any distillation unit that is subject to Section 46-697; and
(3) any distillation unit that is designed and operated as a batch operation.

2. Requirements

A. Except as provided in sub-subsections B through D of this subsection, facilities subject to this section shall comply with **40 CFR Part 60, Subpart NNN**, as adopted under Section 46-535.

B. Each facility with a total resource effectiveness (TRE) index value greater than 8.0 is only subject to **40 CFR 60.662; 60.664(d), (e) and (f); and 60.665(h) and (l)**.

C. Facilities in a process unit with a total design capacity for all chemicals produced within that unit of less than one gigagram per year is only subject to the record-keeping and reporting requirements in **40 CFR 60.665(j), (l)(6), and (n)**.

D. Facilities operated with a vent stream flow rate less than 0.008 scm/min is only subject to the test method and procedure and the record-keeping and reporting requirements in **40 CFR 60.664(g) and 60.665(i), (l)(5), and (o)**.

3. Definitions. As used in this section:

A. "Batch distillation operation" means a noncontinuous distillation operation in which a discrete quantity or batch of liquid feed is charged into a distillation unit and distilled at one time. After the initial charging of the liquid feed, no additional liquid is added during the distillation operation.

B. "Distillation operation" means an operation separating one or more feed steam(s) into two or more exit stream(s), each exit stream having component concentrations different from those in the feed stream(s). The separation is achieved by the redistribution of the components between the liquid and vapor-phase as they approach equilibrium within the distillation unit.

C. "Distillation unit" means a device or vessel in which distillation operations occur, including all associated internals (such as trays or packing) and accessories (such as reboiler, condenser, vacuum pump, stream jet, etc.), plus any associated recovery system.

D. "Process unit" means equipment assembled and connected by pipes or ducts to produce, as intermediates or final products, one or more of the chemicals in **40 CFR 60.667**. A process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product.

E. "Product" means any compound or chemical listed in **40 CFR 60.667** that is produced for sale as a final product as that chemical, or for use in the production of other chemicals or compounds. By products, co-products, and intermediates are considered to be products.

F. "Recovery System" means an individual recovery device or series of such devices applied to the same vent stream.

Section 46-714 Standards of Performance for Nonmetallic Mineral Processing Plants

1. Applicability

A. Except as provided in sub-subsections B through D of this subsection, this section applies to the following facilities in fixed or portable nonmetallic mineral processing plants for which construction, reconstruction, or modification commenced after August 31, 1983:

(1) each crusher;
(2) each grinding mill;
(3) each screening operation;
(4) each bucket elevator;
(5) each belt conveyor;
(6) each bagging operation;
(7) each storage bin; and

~~(8) each enclosed truck or railcar loading station.~~

~~B. A facility that is not located at a major source is not subject to this section.~~

~~C. A facility that is subject to Section 46-560 or Section 46-575 or that follows in the plant process any facility subject to Section 46-560 or Section 46-575 is not subject to this section.~~

~~D. Facilities at the following plants are not subject to this section:~~

~~(1) fixed sand and gravel plants and crushed stone plants with capacities of 150 tons per hour or less; and~~
~~(2) portable sand and gravel plants and crushed stone plants with capacities of 150 tons per hour or less; and~~
~~(3) common clay plants and pumice plants with capacities of 10 tons per hour or less.~~

~~2. Requirements.~~

~~A. Except as provided in sub-subsection B of this subsection, facilities subject to this section shall comply with **40 CFR Part 60, Subpart OOO**, as adopted under Section 46-535.~~

~~B. When an existing facility is replaced by a piece of equipment of equal or smaller size, the new facility is exempt from **40 CFR 60.672, 60.764 and 60.675**, provided:~~

~~(1) the owner or operator of the facility complies with reporting requirements of **40 CFR 60.676(a) and (b)**; and~~

~~(2) the owner or operator is not replacing all existing facilities in a production line with new facilities.~~

~~3. Definitions. As used in this section:~~

~~A. "Belt conveyor" means a conveying device that transports material from one location to another by means of an endless belt that is carried on a series of idlers and routed around a pulley at each end.~~

~~B. "Bucket elevator" means a conveying device of nonmetallic minerals consisting of a head and foot assembly which supports and drives an endless single or double strand chain or belt to which buckets are attached.~~

~~C. "Capacity" means the cumulative rated capacity of all initial crushers that are part of the plant.~~

~~D. "Size" means the rated capacity in tons per hour of a crusher, grinding mill, bucket~~

~~elevator, bagging operation, or enclosed truck or railcar loading station; the total surface area of the top screen of a screening operation; the width of a conveyor belt; and the rated capacity in tons of a storage bin.~~

~~E. "Crusher" means a machine used to crush any nonmetallic minerals, and includes, but is not limited to, the following types: jaw, gyratory, cone, roll, rod mill, and hammermill, and impactor.~~

~~F. "Grinding mill" means a machine used for the wet or dry fine crushing of any nonmetallic mineral. Grinding mills include, but are not limited to, the following types: hammer, roller, rod, pepple and ball, and fluid energy. The grinding mill includes the air conveying system, air separator, or air classifier, where such systems are used.~~

~~G. "Major source" means a major source required to have a Federal Operating Permit, as defined in OAR 340-28-110 and in LRAPA Title 12.~~

~~H. Nonmetallic mineral" means any of the following minerals or any mixture of which the majority is any of the following minerals:~~

~~(1) crushed and broken stone, including limestone, dolomite, granite, traprock, sandstone, quartz, quartzite, marl, marble, slate, shale, oil shale, and shell;~~
~~(2) sand and gravel;~~
~~(3) clay, including kaolin, fireclay, bentonite, Fuller's earth, ball clay, and common clay;~~
~~(4) rock salt;~~
~~(5) gypsum;~~
~~(6) sodium compounds, including sodium carbonate, sodium chloride, and sodium sulfate;~~
~~(7) pumice;~~
~~(8) gilsonite;~~
~~(9) talc and pyrophyllite;~~
~~(10) boron, including borax, kernite and colemanite;~~
~~(11) barite;~~
~~(12) fluorospar;~~
~~(13) feldspar;~~
~~(14) diatomite;~~
~~(15) perlite;~~
~~(16) vermiculite;~~
~~(17) mica; or~~
~~(18) kyanite, including andalusite, sillimanite, topaz, and dumortierite.~~

~~I. "Nonmetallic mineral processing plant" means any combination of equipment that is used to crush or grind any nonmetallic mineral wherever located, including lime plants, power plants, steel mills, asphalt concrete plants, portland cement plants, or any other facility processing nonmetallic minerals, except as provided in subsections 46-714-1.D and C.~~

J. "Portable plant" means any nonmetallic Mineral processing plant that is mounted on any chassis or skids and may be moved by the application of a lifting or pulling force. In addition, there shall be no cable, chain, turnbuckle, bolt or other means (except electrical connections) by which any piece of equipment is attached or clamped to any anchor, slab, or structure, including bedrock that must be removed prior to the application of lifting or pulling force for the purpose of transporting the unit.

K. "Screening operation" means a device for separating material according to size by passing undersize material through one or more mesh surfaces (screens) in series, and retaining oversize material on the mesh surfaces (screens).

L. "Storage bin" means a facility for storage (including surge bins and hoppers) or metallic minerals prior to further processing or loading.

Note: Nonmetallic mineral processing facilities which are not located at a major source may be subject to ***40 CFR Part 60, Subpart OOO*** *under authority retained by EPA.)*

Section 46-715 Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants

1. Applicability. This section applies to each rotary spin wood fiberglass insulation manufacturing line for which construction, modification, or reconstruction commenced after February 7, 1984.

2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart PPP**, as adopted under Section 46-535.

3. Definitions. As used in this section:

A. "Manufacturing line" means the manufacturing equipment comprising the forming section, where molten glass is fiberized and a fiberglass mat is formed; the curing section, where the binder resin in the mat is thermally "set"; and the cooling system, where the mat is cooled.

B. "Rotary spin" means a process used to produce wool fiberglass insulation by forcing molten glass through numerous small orifices in the side wall of a spinner to form continuous glass fibers that are then broken into discrete lengths by a high-velocity air flow.

C. "Wool fiberglass insulation" means a thermal insulation material composed of glass fibers and made from glass produced or melted at the same facility where the manufacturing line is located.

~~Section 46-720 Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems~~

~~1. Applicability. This section applies to the following separate facilities in petroleum refineries for which construction, modification, or reconstruction is commenced after May 4, 1987:~~

~~A. each individual drain system;~~
~~B. each oil-water separator; and~~
~~C. each aggregate facility.~~

~~2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart QQQ**, as adopted under Section 46-535.~~

~~3. Special provisions. Notwithstanding **40 CFR 60.14(e)(2)**, the construction or installation of a new individual drain system shall constitute a modification to a facility described in subsection 1.C of this section. For purposes of this section, a new individual drain system shall be limited to all process drains and the first common junction box.~~

~~4. Definitions. As used in this section:~~

~~A. "Aggregate facility" means an individual drain system together with ancillary downstream sewer lines and oil-water separators, down to and including the secondary oil-water separator, as applicable.~~

~~B. "Individual drain system" means all process drains connected to the first common downstream junction box. The term includes all such drains and common junction box, together with their associated sewer lines and other junction boxes, down to the receiving oil-water separator.~~

~~C. "Junction box" means a manhole or access point to a wastewater sewer system line.~~

~~D. "Oil-water separator" means wastewater treatment equipment used to separate oil from water consisting of a separation tank, which also includes the forebay and other separator basins, skimmers, weirs, grit chambers, and sludge hoppers. Slop oil facilities, including tanks, are included in this term along with storage vessels and auxiliary drain systems and the oil-water separator. This term does not include storage vessels or auxiliary equipment which do not come in contact with or store oily wastewater.~~

~~E. "Petroleum refinery" means any facility engaged in producing gasoline kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through the distillation~~

of petroleum or through the redistillation, cracking, or reforming of unfinished petroleum derivatives.

Section 46-723 Standards of Performance for Magnetic Tape Coating Facilities

1. Applicability. This section applies to each coating operation and each piece of coating mix preparation equipment for which construction, modification, or reconstruction commenced after January 22, 1986.

2. Requirements.

A. Except as provided in sub-subsection B of this subsection, facilities subject to this section shall comply with **40 CFR Part 60, Subpart SSS**, as adopted under Section 46-535.

B. Any new coating operation that utilizes less than 38 m^3 of solvent or any modified or reconstructed coating operation that utilizes less than 370 m^3 of solvent for the manufacture of magnetic tape per calendar year is subject only to the requirements of **40 CFR 60.714(a), 60.717(b), and 60.717(c)**. If the amount of solvent utilized for the manufacture of magnetic tape equals or exceeds these amounts in any calendar year, the facility is subject to **40 CFR 60.712** and all other sections of **40 CFR Part 60, Subpart SSS**. Once a facility has become subject to **40 CFR 60.712** and all other sections of **40 CFR Part 60, Subpart SSS** it will remain subject to those requirements regardless of changes in annual solvent utilization.

3. Definitions. A used in this section:

A. "Coating mix preparation equipment" means all mills, mixers, holding tanks, polishing tanks, and other equipment used in the preparation of the magnetic coating formulation, but does not include those mills that do not emit VOC because they are closed, sealed, and operated under pressure.

B. "Coating operation" means any coating applicator, flashoff area and drying oven located between a base film unwind station and a base film rewind station that coat a continuous base film to produce magnetic tape.

C. "Flashoff area" means the portion of a coating operation between the coating applicator and the drying oven where the solvent begins to evaporate from the coated base film.

D. "Magnetic tape" means any flexible substrate that is covered on one or both sides with a coating containing magnetic particles and that is used for audio or video recording or information storage.

Section 46-725 Standards of Performance for Industrial Surface Coating: Surface Coating of

~~Plastic Parts for Business Machines~~

~~1. Applicability. This section applies to each spray booth in which plastic parts for use in the manufacture of business machines receive prime coats, color coats, texture coats, or touch up coats for which construction, modification, or reconstruction commenced after January 8, 1986.~~

~~2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart TTT**, as adopted under Section 46-535.~~

~~3. Definitions. As used in this section:~~

~~A. "Business machine" means a device that uses electronic or mechanical methods to process information, perform calculations, print or copy information, or convert sound into electrical impulses for transmission.~~

~~B. "Color coat" means the coat applied to a part that affects the color and gloss of the part, not including prime coat or texture coat. This definition includes fog coating, but does not include conductive sensitizers or electromagnetic interference/radio frequency interference shielding coatings.~~

~~C. "Plastic parts" means panels, housings, bases, covers, and other business machine components formed of synthetic polymers.~~

~~D. "Prime coat" means the initial coat applied to a part when more than one coating is applied, not including conductive sensitizers or electromagnetic interference/radio frequency interference shielding coatings.~~

~~E. Spray booth" means the structure housing automatic or manual spray application equipment where a coating is applied to plastic parts for business machines.~~

~~F. "Texture coat" means the rough coat that is characterized by discrete, raised spots on the exterior surface of the part. This definition does not include conductive sensitizers or EMI/RFI shielding coatings.~~

~~G. "Tough-up coat" means the coat applied to correct any imperfections in the finish after color or texture coats have been applied. This definition does not include conductive sensitizers or EMI/RFI shielding coatings.~~

~~Section 46-730 Standards of Performance for Calciners and Dryers in Mineral Industries~~

~~1. Applicability~~

~~A. Except as provided in sub-subsection B through E of this subsection, this section applies~~

to each calciner and dryer at a mineral processing plant for which construction, modification, or reconstruction commenced after April 23, 1986.

B. Feed and product conveyors are not subject to this section.

C. For the brick and related clay products industry, only the calcining and drying of raw material prior to firing of the brick are subject to this section.

D. A facility subject to Section 46-652 is not subject to this section.

E. The following processes and process units used at mineral processing plants are not subject to this rule:

(1) vertical shaft kilns in the magnesium compounds industry;
(2) the chlorination-oxidation process in the titanium dioxide industry;
(3) coating kilns, mixers, and aerators in the roofing granules industry; and
(4) tunnel kilns, tunnel dryers, apron dryers, and grinding equipment that also dries the process material used in any of the 17 mineral industries included in the definition of "mineral processing plant."

2. Requirements. Facilities subject to this section shall comply with **40 CFR Part 60, Subpart UUU**, as adopted under Section 46-535.

3. Definitions. As used in this section:

A. "Calciner" means the equipment used to remove combined (chemically bound) water and/or gases from mineral material through direct or indirect heating. This definition includes expansion furnaces and multiple hearth furnaces.

B. "Dryer" means the equipment used to remove uncombined (free) water from mineral material through director indirect heating.

C. "Mineral processing plant" means any unit that processes or produces any of the following minerals, concentrates or any mixture of which the majority (greater than 50 percent) is any of the following minerals or a combination of these minerals: alumina, ball clay, bentonite, diatomite, feldspar, fire clay, Fuller's earth, gypsum, industrial sand, daolin, lightweight aggregate, magnesium compounds, perlite, roofing granules, talc, titanium dioxide, and vermiculite.

Section 46-735 Standards of Performance for Polymeric Coating of Supporting Substrates Facilities

1. Applicability

A. Except as provided in sub-subsection B of this subsection, this section applies to each

coating operation and any on-site coating mix preparation equipment used to prepare coating for the polymeric coating of supporting substrates for which construction, modification, or reconstruction commenced after April 30, 1987.

B. The following facilities are not subject to this section:

(1) coating mix preparation equipment used to manufacture coatings at one plant for shipment to another plant for use in a coating operation or for sale to another company for use in a coating operation;
(2) coating mix preparation equipment or coating operations during those times they are used to prepare or apply waterborne coatings, so long as the VOC content of the coating does not exceed 9 percent by weight of the volatile fraction; and
(3) wet coating operations that print an image on the surface of the substrate or any coating applied on the same printing line that applies the image.

2. Requirements

A. Except as provided in sub-subsection B of this section, facilities subject to this section shall comply with **40 CFR Part 60, Subpart VVV**, as adopted under Section 46-535.

B. Any facility for which the amount of VOC used is less than 95 Mg per 12-month period is subject only to the requirements of **40 CFR 60.744(b), 60.747(b), and 60.747(c)**. If the amount of VOC used is 95 MG or greater per 12-month period, the facility is subject to all the requirements of **40 CFR Part 60, Subpart VVV**. Once a facility has become subject to the requirements of **40 CFR Part 60, Subpart VVV**, it will remain subject to those requirements regardless of changes in annual VOC use.

3. Definitions. As used in this section:

A. "Coating mix preparation equipment" means all mixing vessels in which solvent and other materials are blended to prepare polymeric coatings.

B. "Coating operation" means any coating applicator, flashoff area, and drying oven located between a substrate unwind station and a rewind station that coats a continuous web to produce a substrate with a polymeric coating.

C. "Flashoff area" means the portion of a coating operation between the coating applicator and the drying oven where the solvent begins to evaporate from the coated base film.

D. "VOC used" means the amount of VOC delivered to the coating mix preparation equipment including any contained in premixed coatings or other coating ingredients prepared off the plant site for the formulation for polymeric coating to be applied to supporting substrate at the coating operation, plus any solvent added after initial formulation is complete. If premixed coatings that require no mixing at the plant site are

~~used, "VOC used" means the amount of VOC delivered to the coating applicator.~~

~~E. "Waterborne coating" means a coating which contains more than 5 weight percent water in its volatile fraction.~~

~~F. "Web coating" means the coating of products, such as fabric, paper, plastic film, metallic foil, metal coil, cord, and yarn, that are flexible enough to be unrolled from a large roll, and coated as a continuous substrate by methods including, but not limited to, knife coating, roll coating, dip coating, impregnation, rotogravure, and extrusion.~~

Section 46-800 Compliance

Compliance with standards set forth in LRAPA ~~Sections 46-505 through 46-800~~Title Section 46-535 shall 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 conflict between ~~Authority~~ LRAPA or Department rules and the Federal Regulations (**40 CFR part 60**), both shall apply.

Section 46-900 Municipal Solid Waste Landfills

1. Applicability. The following small and large municipal solid waste landfillsmust comply with **40 CFR Part 60, Subpart WWW**:

   A. Landfills constructed after 5/30/91;

   B. Existing landfills with modifications after 5/30/91;

   C. Landfills that closed after 11/08/87 with modifications after 5/30/91.

2. Permitting requirements. Landfills subject to **40 CFR Part 60, Subpart WWW** must comply with Oregon Title V Operating Permit Requirements as specified in OAR 340 Divisions 218 and 220:

   A. Existing large landfills with modifications after 5/30/91 must submit a complete Federal Operating Permit application by 3/12/97;

   B. Existing large landfills with modifications after 3/12/97 must submit a complete Federal Operating Permit application the earliest of one year from the date EPA approves the 111(d) State Plan for this rule, or within one year of the modification;

   C. New large landfills, which includes newly constructed large landfills after 3/12/96 and existing small landfills that become large landfills after 3/12/96 must submit a

complete Federal Operating Permit application within one year of becoming subject to this requirement;

D. New and modified existing small landfills that are major sources as defined in LRAPA Title 12 must submit a complete Federal Operating Permit application within one 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 subsection (1)(a) through (c) of this rule must:

1) Submit an Initial Design Capacity Report and an Initial Nonmethane Organic Compound Report within 30 days of the effective date of this rule; and

2) Submit an annual Nonmethane Organic Compound Report until nonmethane emissions are 50 mg/yr.

B. Small landfills listed in subsection (1)(a) through (c) of this rule must submit an Initial Design Capacity Report and an Initial Nonmethane Organic Compound Report within 30 days of the effective date of this rule;

C. Landfills subject to this rule after the effective date of this rule must submit an Initial Design Capacity Report and an Initial Nonmethane Organic Compound Report within 30 days of becoming subject to this rule.

LANE REGIONAL AIR ~~POLLUTION AUTHORITY~~PROTECTION AGENCY

TITLE 48

RULES FOR FUGITIVE EMISSIONS

Section 48-001 General Policy

In order to restore and maintain Lane County air quality in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the county, it is the policy of the Lane Regional Air ~~Pollution Authority~~Protection Agency to require the application of reasonable measures to minimize fugitive emissions to the greatest extent practicable.

Section 48-005 Definitions

(See Title 12, Definitions)

Section 48-010 General Applicability

1. Except for agricultural activities which are exempted by state statute, these rules 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

1. When fugitive emissions escape from a building or equipment in such a manner and amount as to violate any regulation, the Director may, in addition to other means of obtaining compliance, order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that air contaminants are controlled or removed before discharge to the open air. Fugitive emissions creating a nuisance shall be regulated by Title 49 of these rules.

   This section was amended 10/09/01

2. No person shall cause, suffer, allow or permit any materials to be handled, transported, or stored; or a building, its appurtenances, or a road to be used, constructed, altered, repaired or demolished; or any equipment to be operated, without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, but not be 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 asphalt, approved road oil, 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 oil, water or 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.

LANE REGIONAL AIR ~~POLLUTION AUTHORITY~~PROTECTION AGENCY

Title 49

Nuisance Control Requirements

Section 49-005 Definitions

Definitions of words or terms used in Title 49 can be found in LRAPA Title 12, ADefinitions.@

Section 49-010 Nuisance Prohibited

1. No person may cause or allow air contaminants from any source subject to regulation by ~~the Authority~~LRAPA to cause a nuisance.

2. Upon determining that a nuisance may exist, ~~the Authority~~LRAPA will provide written notice to the person creating the suspected nuisance. ~~The Authority~~LRAPA will endeavor to resolve observed nuisances in keeping with the policy outlined in Section 15-001. If ~~the Authority~~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 a nuisance, ~~the authority~~LRAPA may consider factors including, but not limited to, the following:

   A. ~~frequency~~ Frequency of the emissions;

   B. ~~duration~~ Duration of the emissions;

   C. ~~strength~~ Strength or intensity of the emissions, odors, or other offending properties of the emissions;

   D. ~~number~~ Number of people impacted;

   E. ~~the~~ The suitability of each party=s use to the character of the locality in which it is conducted;

   F. ~~extent~~ Extent and character of the harm to complainants; and

G. ~~the~~ 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 Title 34, 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, Apermit 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 ~~the Authority~~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 34, 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 ~~the Authority~~LRAPA provides written notification to the person subject to the agreement that:

A. ~~the~~ The agreement is superseded by conditions and requirements established later in a permit;

B. ~~the Authority~~LRAPA determines the activities that were the subject of the agreement no longer occur; or

C. ~~the Authority~~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~~ Monitoring and tracking the emissions of air contaminants;

B. ~~logging~~ Logging complaints and the source=s response to the complaints; and

C. ~~conducting~~ Conducting a study to propose further refinements to best work practices.

5. ~~The Authority~~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. ~~The Authority~~LRAPA will not require that complainants identify themselves to the source as part of the investigation and development of the Best Work Practices Agreement.

Section 49-040 Masking of Emissions

No person may cause or permit the installation or use of any device or use of any means designed to mask the emission of an air contaminant that causes or is likely to cause detriment to health, safety, or welfare of any person or otherwise violate any other regulation or requirement.

Section 49-050 General

1. Domestic residences of four or fewer family living units are exempt from the requirements of Title 49.

2. Compliance with any of the requirements of Title 49 does not preclude required compliance with any other requirement of the ~~Authority~~LRAPA=s Rules and Regulations.

LANE REGIONAL AIR ~~POLLUTION AUTHORITY~~PROTECTION AGENCY

TITLE 50

Ambient Air Standards and PSD Increments

Section 50-001 Definitions

The definitions in Title 12 and this rule apply to this title. If the same term is defined in this rule and Title 12, the definition in this rule applies to this title.

1. "Ambient Air" means that portion of the atmosphere external to buildings, to which the general public has access.

2. "Ambient Air Monitoring Site Criteria" means the general probe siting specifications as set forth in **Appendix E** of **40 CFR 58**.

3. "Approved Method" means an analytical method for measuring air contaminant concentrations described or referenced in **40 CFR 50** and Appendices. These methods are approved by LRAPA.

4. "Baseline Concentration" means:

   A. The ambient concentration level for sulfur dioxide and PM_{10} that existed in an area during the calendar year 1978. If no ambient air quality data is available in an area, the baseline concentration may be estimated using modeling based on actual emissions for 1978. Actual emission increases or decreases occurring before January 1, 1978 must be included in the baseline calculation, except that actual emission increases from any major source or major modification on which construction commenced after January 6, 1975 must not be included in the baseline calculation;

   B. The ambient concentration level for nitrogen oxides that existed in an area during the calendar year 1988.

5. "Oregon Standard Method" means any method of sampling and analyzing for an air contaminant approved by LRAPA. Oregon standard methods are kept on file by LRAPA.

6. "PPM" means parts per million by volume. It is a dimensionless unit of measurement for gases that expresses the ratio of the volume of one component gas to the volume of the entire sample mixture of gases.

Section 50-005 ~~General~~Purpose and Scope of Ambient Air Quality Standards

1. An ambient air quality standard is an established concentration, exposure time, and frequency of occurrence of an air contaminant or multiple contaminants in the ambient air that must not be exceeded. The ambient air quality standards set forth in Section 50-005 through 50-045 were established to protect both public health and public welfare.

2. Ambient air quality standards are not generally used to determine the acceptability or unacceptability of emissions from a specific source of air contamination. More commonly, the measured ambient air quality is compared with the ambient air quality standards to determine the adequacy or effectiveness of emission standards for all sources in a general area. However, if a source or combination of sources are singularly responsible for a violation of ambient air quality standards in a particular area, it may be appropriate to impose emission standards that are more stringent than those otherwise applied to the class of sources involved. Similarly, proposed construction of new sources or expansions of existing sources, that may prevent or interfere with the attainment and maintenance of ambient air quality standards are grounds for issuing an order prohibiting such proposed construction as authorized by ORS 468A.055 and pursuant to LRAPA 34-010 through 34-038 and OAR 340-218-0190.

3. In adopting the ambient air quality standards in this title, LRAPA recognizes that one or more of the standards are currently being exceeded in certain parts of the state. It is hereby declared to be the policy of LRAPA to achieve, by application of a timely but orderly program of pollution abatement, full compliance with ambient air quality standards throughout the state at the earliest possible date.

~~These ambient air standards are established to ensure the health and welfare of the citizens of Lane County. It is the policy of the Authority to take whatever legally available reasonable measures may be required to attain and maintain these standards.~~

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.

   ~~a.~~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.

~~The particle fallout rate as measured by an Authority-approved method at a location approved by the Authority, shall not exceed 3.5 grams per square meter per month, of which the concentration of calcium oxide shall not exceed 0.35 grams per square meter per month.~~

Section 50-015 Suspended Particulate Matter

1. Concentrations of suspended particulate matter at a location meeting ambient air monitoring site criteria, and as measured by an approved method, shall not exceed:

   ~~A. 60 micrograms of TSP per cubic meter (ug/m^3) of air as an annual geometric mean for any calendar year.~~

   ~~B. 150 ug/m^3 of TSP as a 24-hour average concentration more than once per year.~~

   ~~C~~A. 50 ug/m^3 of PM10 as an annual arithmetic mean. This standard is attained when the expected mean concentration, as determined in accordance with appendix **K of 40 CFR 50** is less than or equal to 50 ug/m^3.

   ~~D~~B. 150 ug/m^3 of PM10 as a 24-hour average concentration for any calendar day. This standard is attained when the expected number of days per calendar year with a 24-hour average concentration, rounded to the nearest 10 ug/m^3, above 150 ug/m^3, as determined in **Appendix K of 40 CFR 50** is equal to or less than one.

~~2. Concentrations of calcium oxide present as total suspended particulate (TSP), as measured at an Authority-approved site by an approved method shall not exceed 20 ug/m^3.~~

Section 50-020 Odors

(Deleted 10/09/01)

Section 50-025 Sulfur Dioxide

1. Concentrations of sulfur dioxide at a location meeting ambient air monitoring site criteria, and as measured by an approved method, shall not exceed:

   A. 0.02 ppm as an annual arithmetic mean for any calendar year;

   B. 0.10 ppm as a 24-hour average concentration more than once per year;

   C. 0.50 ppm as a 3-hour average concentration more than once per year.

Section 50-030 Carbon Monoxide

1. For comparison to the standard, averaged ambient concentrations of carbon monoxide shall be rounded to the nearest integer in parts per million (ppm). Fractional parts of 0.5 or greater shall be rounded up.

2. Concentrations of carbon monoxide at a location meeting ambient air monitoring site criteria, and as measured by an approved method, shall not exceed:

   A. 9 ppm as an 8-hour average concentration more than once per year;

   B. 35 ppm as a 1-hour average concentration more than once per year.

Section 50-035 Ozone

Concentrations of ozone in ambient air as measured by an approved method must not exceed 0.08 ppm as a daily maximum eight-hour average concentration. This standard is attained when, at any site the average of the annual fourth-highest daily maximum eight-hour average ozone concentration is equal to or less than 0.08 as determined by the method of **Appendix I**, **40 CFR 50**.~~Concentrations of ozone at a location meeting ambient air monitoring site criteria, and as measured by an approved method, shall not exceed 0.12 ppm as a 1-hour average concentration. This standard is attained when the expected number of days per calendar year with maximum hourly concentrations greater than 0.12 ppm is equal to or less than one as determined by **Appendix H, 40 CFR 50.9**.~~

Section 50-040 Nitrogen Dioxide

Concentrations of nitrogen dioxide at a location meeting ambient air monitoring site criteria, and as measured by an approved method, shall not exceed 0.053 ppm as an annual arithmetic mean.

Section 50-045 Lead

The lead concentration at a location meeting ambient air monitoring site criteria, and as measured by an approved method, shall not exceed 1.5 ug/m^3 as an arithmetic average concentration of all samples collected at that location during any one calendar quarter.

Prevention of Significant Deterioration Increments

Section 50-050 General

1. The purpose of LRAPA 50-050 through 50-060 is to implement a program to prevent significant deterioration of air quality in Lane County as required by the federal Clean Air Act Amendments of 1977.

2. LRAPA will review the adequacy of the State Implementation Plan on a periodic basis and within 60 days of such time as information becomes available that an applicable increment is being violated. Any Plan revision resulting from the reviews will be subject to the opportunity for public hearing in accordance with procedures established in the

Plan.

Section 50-055 Ambient Air Increments

1. This rule defines significant deterioration. In areas designated as Class I, II or III, emissions from new or modified sources must be limited such that increases in pollutant concentration over the baseline concentration must be limited to those set out in **Table 1**of this Title.

2. For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one such period per year at any one location.

Section 50-060 Ambient Air Ceilings

1. No concentration of a pollutant may exceed:

   A. The concentration permitted under the national secondary ambient air quality standard; or

   B. The concentration permitted under the national primary ambient air quality standard; or

   C. The concentration permitted under the state ambient air quality standard, whichever concentration is lowest for the pollutant for a period of exposure.

Table 1

LRAPA 50-055

Maximum Allowable Increase

Micrograms per cubic meter

CLASS I	
POLLUTANT	*Micrograms per cubic meter*
Particulate Matter ***PM10, Annual Arithmetic Mean*** PM10, 24-hour maximum	4 8
Sufur Dioxide: *Annual arithmetic mean* 24-hour maximum	2 5

3-hour maximum	25
Nitrogen Dioxide: *Annual arithmetic mean*	2.5
CLASS II	
Pollutant	*Micrograms per cubic meter*
Particulate Matter ***PM10, Annual Arithmetic Mean*** PM10, 24-hour maximum	17 30
Sufur Dioxide: *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 ***PM10, Annual Arithmetic Mean*** *PM10, 24-hour maximum*	34 60
Sufur Dioxide: *Annual arithmetic mean* 24-hour maximum 3-hour maximum	40 182 700
Nitrogen Dioxide: *Annual arithmetic mean*	50

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 200

GENERAL AIR POLLUTION PROCEDURES AND DEFINITIONS

General

340-200-0040

State of Oregon Clean Air Act Implementation Plan

(1) This implementation plan, consisting of Volumes 2 and 3 of the State of Oregon Air Quality Control Program, contains control strategies, rules and standards prepared by DEQ and is adopted as the state implementation plan (SIP) of the State of Oregon pursuant to the federal Clean Air Act, 42 U.S.C.A 7401 to 7671q.

(2) Except as provided in section (3), revisions to the SIP will be made pursuant to the Commission's rulemaking procedures in division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the United States Environmental Protection Agency for approval. The State Implementation Plan was last modified by the Commission on [Insert EQC adoption date]~~December 11, 2013~~.

(3) Notwithstanding any other requirement contained in the SIP, DEQ may:

(a) Submit to the Environmental Protection Agency any permit condition implementing a rule that is part of the federally-approved SIP as a source-specific SIP revision after DEQ has complied with the public hearings provisions of 40 CFR 51.102 (July 1, 2002); and

(b) Approve the standards submitted by a regional authority if the regional authority adopts verbatim any standard that the Commission has adopted, and submit the standards to EPA for approval as a SIP revision.

NOTE: Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the United States Environmental Protection Agency. If any provision of the federally approved Implementation Plan conflicts with any provision adopted by the Commission, DEQ shall enforce the more stringent provision.

Stat. Auth.: ORS 468.020 & 468.065, 468A.035 & 468A.070
Stats. Implemented: ORS 468A.035, 468A.135