A G E N D A

LANE REGIONAL AIR PROTECTION AGENCY
MONTHLY BOARD OF DIRECTORS MEETING
THURSDAY JANUARY 11, 2024
12:15 P.M.

Virtual Participation
By Video: https://us02web.zoom.us/j/82551664224
By Audio: +1 253 215 8782
Meeting ID: 825 5166 4224
[Note: Start times for agenda items are approximate.]

In-Person Participation
LRAPA
1010 Main Street
Springfield, OR 97477

CALL TO ORDER:

1. **Call to Order** *(12:15 p.m.)*

2. **Adjustments to Agenda** *(12:15 p.m.)*

3. **Public Participation (time limited to three minutes per speaker)** *(12:20 p.m.)*
   A. **Comments on an Item on Today's Agenda**
   B. **Comments on a Topic Not Included on Today's Agenda**
   (Note: This is an opportunity for the public to bring up unscheduled items. The Board may not act at this time but, if it is deemed necessary, place such items on future agendas. Issues brought up under this agenda item are to be limited to three minutes' speaking time by the person raising the issue. If additional time is necessary, the item may be placed on a future agenda.)

4. **Comments from Board Members** *(Note: This is an opportunity for Board Members to bring up unscheduled items regarding today's public comments, and/or written/electronic comments they have received. The board may not act at this time but if it deems necessary place such items on future agendas.)*

5. **Consent Calendar** *(12:25 p.m.)*
   A. Approval of Minutes for December 14, 2023 Board of Directors Meeting
   B. Approval of Financial Report November 2023

6. **Citizens Advisory Committee** *(12:30 p.m.)* *Information*
   A. Jim Daniels
   B. Report
   C. Board Discussion

7. **Executive Director Search** *(12:35 p.m.)* *Information*
   A. Bryan Cutchen
   B. Karras Consulting Introductions

8. **Employee Handbook** *(12:45 p.m.)* *Action*
    A. Susannah Sbragia
    B. Staff Report
    C. Board Discussion

9. **Audit FY23 Report** *(1:00 p.m.)* *Action*
    A. Isler CPA
    B. Staff Report
    C. Resolution adopting corrective action plan for FY 2022-23 audit findings
    D. Board Discussion

10. **Budget QR 1 Update** *(1:20 p.m.)* *Information*
    A. Jenilee Easter
    B. Staff Report
    C. Board Discussion

11. **Permitting Rules Public Hearing Request** *(1:30 p.m.)* *Action*
    A. Max Hueftle
    B. Staff Report
    C. Board Discussion

12. **Upcoming Appointments on Board and Committees** *(1:50 p.m.)* *Information*
    A. Travis Knudsen
    B. Staff Report
    C. Board Discussion

13. **Employee Recognition** *(2:00 p.m.)* *Information*
    A. Susannah Sbragia
    B. Board Discussion

14. **Director's Report** *(2:05 p.m.)* *Information*
    A. Management Team
    B. Report
    C. Board Discussion

15. **Adjournment** of LRAPA Board Meeting *(2:15 p.m.)*

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Nos esforzamos por proporcionar accesibilidad pública a los servicios, programas y actividades de LRAPA para personas con discapacidades. Las personas que necesiten adaptaciones especiales, como dispositivos de asistencia auditiva, formatos accesibles como letra grande, Braille, documentos electrónicos o cintas de audio, deben comunicarse con la oficina de LRAPA con al menos 72 horas de anticipación. Para las personas que requieren servicios de interpretación de idiomas, incluyendo la interpretación calificada de ASL, comuníquese con la oficina de LRAPA al menos con 5 días laborables de anticipación para que LRAPA pueda proporcionar los servicios de interpretación que sean lo más completos disponibles. Para todas las solicitudes, envíe un correo electrónico al Coordinador de Antidiscriminatoria de LRAPA a accessibility@lrapa.org o llame a la oficina de LRAPA al 541-736-1056.

LRAPA
Lane Regional Air Protection Agency

BOARD OF DIRECTORS
MEETING MINUTES
JANUARY 11, 2024

MEETING VIA ZOOM/ LRAPA BUILDING, SPRINGFIELD OREGON

ATTENDANCE	
BOARD PRESENT:	**STAFF PRESENT:**
Chair Bryan Cutchen	Susannah Sbragia, Interim Director
Vice-Chair Howard Saxion	Travis Knudsen, Public Affairs Manager
Director Mike Fleck	Max Hueftle, Operations Manager
Director Jared Hensley	Colleen Wagstaff, Finance & Enforcement Manager
Director Matt Keating	Lance Giles, Technical Services Manager
Director Michael Johnston	Jenilee Easter, Finance Manager
Director David Loveall	Heather Gravelle, Administrative Assistant
Director Dylan Plummer	Amanda Atkins, Policy & Permit Coordinator
Director Joe Pishioneri	Beth Erickson, Permit Writer
	Jonathan Wright, Permit Writer
BOARD ABSENT/EXCUSED:	Robbye Robinson, Finance & Permit Coordinator
None.	Aaron Speck, Field Inspector/Compliance Officer
	Karyssa Dubach, Accounts Payable
	OTHERS PRESENT:
	Dennis Karras, CEO, Karras Consulting
	Marissa Karras, Vice-President, Karras Consulting

AGENDA	**ACTION**
REGULAR MEETING	
1. Call to Order. 2. Adjustments to the Agenda.	**Chair Cutchen** called the regular meeting to order at 12:15 p.m. None.
3. Public Participation. A. Comments on an Item on Today's Agenda. B. Comments on a Topic Not Included on Today's Agenda.	None. **Chair Cutchen** noted he will not be present at the next Board meeting. **Vice-Chair Saxion** will chair the meeting in his absence.

4. Comments from Board Members.	**Director Keating** requested that the Board be informed of any legislative activity that may impact the agency's work during the February Legislative Session.
5. Consent Calendar. A. Approval of Minutes for December 14, 2023 Board of Directors Meeting. B. Approval of Financial Report November 2023.	**MOTION: Director Fleck** moved, and **Director Saxion** seconded the approval of the Consent Calendar. **The motion passed unanimously.**
6. Citizens Advisory Committee.	**Jim Daniels**, Chair of the Citizens Advisory Committee (CAC), provided the board with an overview of the November 2023 CAC meeting.
7. Executive Director Search.	**Dennis and Marissa Karras**, Co-Founders of **Karras Consulting,** presented their strategy and timeline for finding LRAPA's next Executive Director. The Board discussed and agreed to set the Executive Director's salary between **$130,000 and $160,000** and formed a subcommittee comprising Vice-Chair Saxion, Director Hensley, Director Pishioneri, and Director Fleck to assist in the recruitment process for the new Executive Director.
8. Employee Handbook.	**Susannah Sbragia,** Interim Director, noted the revisions to the Employee Handbook Version 2024. **MOTION: Director Fleck** moved, and **Director Loveall** seconded the approval of the revised Employee Handbook Version 2024 with a review every two years, or as needed. **The motion passed unanimously.**
9. Audit FY 23 Report.	**Gatlin Hawkins**, Partner, Isler CPA, and **Jenilee Easter,** Finance Manager**,** provided the Board details on the Audit FY 23 report. **Director Fleck** requested that the Board receive a copy of the full audit. **MOTION: Director Fleck** moved, and **Director Saxion** seconded the approval of Resolution 24-01, adopting a corrective action plan for FY 2023 Audit Findings. **The motion passed unanimously.**
10. Budget QR 1 Update.	**Jenilee Easter,** Finance Director, supplied the Board with a budget QR1 update.
11. Permitting Rules Public Hearing Request.	**Max Hueftle**, Operations Manager, and **Jonathan Wright**, Permit Writer, shared details regarding the proposed revisions to the permitting rules.

	MOTION: Director Saxion moved, and **Director Johnston** seconded the authorization of a public hearing on the proposed air quality permitting rule revisions for the April 11, 2024 Board meeting. **The motion passed unanimously.**
12. Upcoming Appointments on Board and Committees.	**Travis Knudsen**, Public Affairs Manager, briefed the Board on upcoming appointments on Board and Committees and noted vacancies on the budget committee for the Board to help recruit memberships.
13. Employee Recognition.	**Chair Cutchen** and the Board presented **Lance Giles** with a 30-year service award and congratulated him on his long-standing commitment to the organization.
14. Directors Report.	**Ms. Sbragia** presented the Board with key points from the Director's Report and announced that a new A**ir Quality Permit Writer** was hired and would join the team on **January 22**.
15. Adjournment of LRAPA Board Meeting	**Chair Cutchen** adjourned the Board meeting at 2:10 p.m.

(Minutes recorded by Heather Gravelle)

LRAPA CITIZENS ADVISORY COMMITTEE
(CAC) Meeting Minutes
VIA ZOOM/In Person

November 28, 2023

Present:	Jim Daniels, Chair; Kelly Wood, Vice-Chair; Peter Dragovich; Paul Metzler and Teresa Roark
Absent:	Mysti Frost; Evelina Davidova-Kamis and Chris Cline
Staff:	Susannah Sbragia; Max Hueftle, Travis Knudsen and Heather Gravelle

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I. Call to Order/Agenda Review.

Chair Jim Daniels called the meeting to order at 12:00 p.m.

II. Public Participation.

There was no public participation or public statements made.

III. Board Meeting Overview.

Chair Daniels provided members with an overview of the November 9, 2023 Board of Directors meeting. Topics included an Airmetrics business plan update; the Oakridge Air Project Status Report; a public hearing request for title 47 outdoor burning rules and the Director's Report.

IV: Draft CAC 2023 Annual Report.

Chair Daniels announced that he had completed the draft CAC 2023 Annual Report and invited feedback. After receiving none, he presented a copy of the report and declared it as final. He then signed it and submitted it for the record to Interim Acting Director, Susannah Sbragia.

V. Permitting Rulemaking Review.

Max Hueftle, Operations Manager, discussed the proposed changes to the permitting rules and explained that the revisions mainly concern industrial and commercial permitted sources. He mentioned that these changes would align with the Department of Environmental Quality (DEQ) rules that the Environmental Quality Commission (EQC) adopted last year. **Mr. Hueftle** shared that they plan to request a public hearing on the matter at the January 11, 2023 Board of Directors meeting. A detailed review of the proposed changes followed.

Peter Dragovich inquired about receiving copies of public comments regarding the proposed rulemaking before the Board took action. **Mr. Hueftle** confirmed that they would incorporate the request to receive copies of public comments into the process and provide the CAC with copies. Discussion followed.

VI. Committee Interview Process (continued discussion).

This item was tabled to the January 2024 CAC meeting.

VII: Round Table.

Chair Daniels – None.

Kelly Wood – **None.**

Peter Dragovich – None.

Evelina Davidova-Kamis - **None.**

Mysti Frost – **None.**

Chris Cline – None.

Paul Metzler shared that he got a job as a field coordinator for the Monique DeSpain campaign for U.S. Congress. Next, he mentioned the issue of abandoned RVs on the street, highlighting the environmental risks and potential health hazards associated with asbestos. The conversation ended with a discussion on the prevalence of asbestos in older vehicles and its health risks.

Teresa Rourk – None.

VIII. Adjournment

Chair Jim Daniels adjourned the meeting at 1:00 p.m.

Next Meeting January 30, 2024

(Minutes recorded by Heather Gravelle)

LRAPA
Lane Regional Air Protection Agency

Financial Update
FY 2023-24
November 2023

General Fund	Prior Yr. Actuals FY 22-23 November 2022	FY 23-24 November 2023	FY 23-24 Final Budget	FY 23-24 Budget Variance
Revenues				
Federal & State Revenues	175,688	292,762	1,078,514	(785,752)
Local Dues	196,273	201,550	201,550	0
Permit Fees	1,155,694	1,131,328	1,260,739	(129,411)
Other Revenues	4,691	40,935	50,000	(9,065)
Total Revenue Received	**1,532,346**	**1,666,575**	**2,590,803**	**(924,228)**
Expenditures ^				
Personnel Services	681,273	812,982	1,761,213	46%
Materials & Services	261,587	250,305	743,870	34%
Capital Improvements	0	80,928	130,000	62%
Total Expenditures	**942,860**	**1,063,287**	**2,505,083**	42%
General Fund Net	**589,486**	**603,288**		

Special Revenue (Title V)	Prior Yr. Actuals FY 22-23 November 2022	FY 23-24 November 2023	FY 23-24 Final Budget	FY 23-24 Budget Variance
Revenues				
Permit Fees	424,246	594,144	515,417	78,730
Miscellaneous Revenue	0	0	0	0
Total Revenue Received	**424,246**	**594,144**	**515,417**	**78,730**
Expenditures ^				
Personnel Services	227,063	179,054	475,939	38%
Materials & Services	298	8,331	17,207	48%
Capital Outlay	0	0	0	0%
Total Expenditures	**227,361**	**187,385**	**493,146**	38%
Special Revenue Net	**196,886**	**406,759**		

Grant Fund	Prior Yr. Actuals FY 22-23 November 2022	FY 23-24 November 2023	FY 23-24 Final Budget	FY 23-24 Budget Variance
Revenues				
EAP Tag 1 &2	0	401,666	1,403,000	(1,001,300)
Miscellaneous Revenue	0	0	0	0
Total Revenue Received	**0**	**401,666**	**1,403,000**	**(1,001,300)**
Expenditures ^				
Personnel Services	22,185	19,771	75,616	26%
Materials & Services	336,519	297,131	1,327,384	22%
Capital Outlay	0	1,937	0	0%
Total Expenditures	**358,705**	**316,902**	**1,403,000**	23%
Grant Fund Net	**(358,705)**	**84,764**		

Enterprise Fund (AirMetrics)	Prior Yr. Actuals FY 22-23 November 2022	FY 23-24 November 2023	FY 23-24 Final Budget	FY 23-24 Budget Variance
Revenues				
Sales: Portable Samplers PM2.5	118,393	131,835	243,000	(111,200)
Sales: Portable Samplers PM10	0	3,596	100,000	(96,400)
Sales: Portable Samplers TSP	0	0	50,000	(50,000)
Sales: Portable Samplers APM	0	0	50,000	(50,000)
Sales: Accessories	41,561	38,941	103,000	(64,100)
Sampler Rental Income	700	0	6,300	(6,300)
Sampler Calibration Fee	2,070	1,050	8,050	(7,000)
Interest, Misc. & Freight	13,014	11,156	23,289	(12,100)
Total Revenue Received	**175,738**	**186,578**	**583,639**	**(397,061)**
Expenditures ^				
Personnel Services	61,189	64,219	160,870	40%
Materials & Services	122,196	168,080	397,269	42%
Capital Outlay	0	0	0	
Total Expenditures	**183,385**	**232,299**	**558,139**	42%
* % Spent is YTD Actuals divided by FY Budget.: Red: 91% & above / Yellow: 81%-90% / Green: up to 80%				
Airmetrics Net	**(7,647)**	**(45,721)**		

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^ does not include Transfers & Contingencies

Jim Daniels,
LRAPA Citizens' Advisory Committee Chair
jimdaniels@rosboro.com

November 30, 2023

Susannah Sbragia
Acting Interim Director, LRAPA
SSbragia@LRAPA.org

RE: 2023 Annual Citizens' Advisory Committee Report

Acting Interim Director Sbragia:

This 2023 annual report is filed with you as Acting Interim Director for distribution to the LRAPA Board of Directors as required by Article VII-2. of the Advisory Committee Bylaws.

The Advisory Committee activities for 2023 are summarized as follows:

- Public Survey – Expanding on the re-issuance of the permitted source survey that was completed in late 2022, the Citizens' Advisory Committee worked on a general public survey from January through June of 2023.

  The survey questions are tailored to the representative group for the individual taking the survey, with separate survey branches for the following: Member of the Public, Environmental Group Representative, Industry/Association Representative, Permittee/Employee of Regulated Company, Public/Elected Official, Attorney/Consultant, or Neighborhood/Community Representative. The final product is live on the LRAPA website.
- Title 47 Rulemaking – In July at the request of the LRAPA Director, the committee reviewed the proposed Title 47 updates regarding outdoor burning season in the community of Lowell, which would make the outdoor burning season limits consistent with other communities in Lane County. The committee voted to refer the proposed Title 47 to the Board of Directors.
- Greenhouse Gas Reduction Grant – In September the committee engaged in a brainstorming discussion about potential opportunities for putting available Greenhouse Gas Reduction Grants to effective use in Lane County.
- New Committee Members – The Advisory Committee interviewed two potential new members during the past year. On the committee's recommendation the Board appointed Teresa Roark to represent Public Health. The Agriculture representative seat opened in 2023. We continue to seek a new representative.

With regard to the anticipated activities for 2024, the Advisory Committee has started discussions about improving our committee applicant process. We will continue the established annual permitted source survey database by encouraging sources to take the website survey, then collate the responses and reporting the results to the Board of Directors.

As always, the Advisory Committee serves at the Board's discretion and looks forward to working on projects that the Board may assign.

Sincerely,
Jim Daniels, CAC Chair

KARRAS
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A. TITLE PAGE



Executive Search Firm – LRAPA Executive Director

RFP 11-23-01-DS

Date of Submittal: November 20, 2023

Karras Consulting
1802 Black Lake Blvd SW Suite 101
Olympia, Washington 98512
Contact Person: Marissa Karras
Phone: 360-956-1336
www.karrasconsulting.net

KARRAS
CONSULTING

November 20, 2023

Dear Search Committee Members

Thank you for the opportunity to submit a proposal to perform executive search services for the Lane Regional Air Protection Agency (LRAPA). The following information is intended to lay out our approach and how our firm can best assist in the search for your new Executive Director.

We work exclusively with public sector clients and local government agencies and have more than 25 years of experience providing executive search services. We devote full energy to providing our clients with specialized expertise, tailored to the demands of the public sector. We are uniquely qualified in that we have been in human resource leadership positions and understand the nuances of running large and complicated organizations. We offer four important characteristics you will require in an executive search consultant:

1. Experience working with clean air agencies. We conducted the recruitment for the current Executive Director of the Puget Sound Clean Air Agency as well as the Director of Air Quality Programs and Senior Air Engineer for the Puget Sound Clean Air Agency. In addition, we conducted the recruitment of the Executive Director of the Washington State Department of Ecology.

2. Long-term sustained and successful experience providing executive search services and filling very visible senior leadership positions. We have successfully conducted hundreds of CEO and Executive Director recruitments.

3. Experience conducting executive recruitments that involve working closely with board members and stakeholders. From conducting recruitments during Gubernatorial transitions where there is extensive advisory committee engagement to conducting executive searches for associations, almost all of our executive search experience involves board member and stakeholder participation.

4. Our candidate repository is broad, consisting of a proprietary viable pool of more than 2,000 highly qualified and successful public, not-for-profit and private sector executives.

We employ state-of-the-art techniques, including the use of technology to conduct searches, which allows our operations to continue, even during the current national health crisis. In addition, while we recruit nationwide, we have an unparalleled understanding of the west coast employment market. Our strong connections to the region are more important than ever in today's environment.

We specialize in executive level searches. We have developed long-lasting relationships with clients and are proud that over 90% of our work is repeat business and referrals from satisfied customers. Our firm is in an excellent position to provide the balance and comprehensive approach that will identify the truly exceptional candidates who will have the leadership and vision to execute LRAPA's strategic plan. We are more than a search service; we are experts in executive search, partners you can depend on to meet your recruitment needs.

Best Regards,
Marissa Karras and Dennis Karras

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B. INTRODUCTION

Karras Consulting is a leader in providing executive search services to the public sector and local government on the West Coast. We have been in business for 15 years and bring a problem-solving approach to each assignment and our seamless network, time-proven processes, leadership assessments and broad expertise combine to ensure our clients maintain a competitive advantage through their people.

Persons authorized to make representation and bind the firm:
Dennis Karras, Partner and Principal Consultant
360-867-1410

Marissa Karras, Partner and Principal Consultant
360-956-1336

C. PROPOSED PROCESS

1. Statement of Work to Be Performed

We are confident we can help LRAPA fill the Executive Director position. Karras Consulting has a proven track record of helping organizations with an environmental focus through the CEO recruitment and selection process. Our firm's recent and deep experience, of recruiting CEOs for government, non-profits and associations allows us to draw on a broad pool of potential candidates for this role.

Our mission is to not simply search for an executive, but rather an extraordinary leader with the technical skills, ethics, integrity and experience to maintain and enhance LRAPA's reputation.

a. Description of the process and approach our firm will use to develop the LRAPA Executive Director position:

Due Diligence-Understanding your organization
We understand that LRAPA has a myriad of important internal and external stakeholders who are invested in its future. We will spend time in both individual and group sessions with board members, search committee members, staff and stakeholders. We recognize that these conversations are important to the success of the search and ultimately, to legitimizing the selection of the new Executive Director. These conversations also highlight any issues that should be resolved at the beginning of the process and provide us with an understanding of the unique opportunities and challenges associated with the position, thereby allowing us to have rich discussions with sources and prospective candidates.

Soliciting Input:
An important step in our pre-search activities is to meet with the LRAPA Search Committee and staff to brainstorm the skills, abilities, knowledge and qualities necessary to succeed in the role. In the first weeks of the recruitment we will interview staff and meet with key stakeholders whose insights are deemed critical to the process so we can gain perspective to help us best represent the opportunity and assess potential candidates. This will help us to complete the overall picture of your organization.

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Developing the candidate profile:
We will work with you to establish the candidate profile and qualifications of the Executive Director. We will begin with a review of the duties of the position. The purpose of the review is twofold: First, it will allow us to gain a comprehensive understanding of the day-to-day duties, ongoing roles, and strategic responsibilities of the job. This is vital to identify the qualities and experience required in successful candidates. Second, the review enables our firm to provide direct input to the applicability of the current components of the job description, desirable qualifications and performance standards.

Once we have a firm understanding of the job description, organizational culture, desirable qualifications, performance dimensions and key competencies of the job, Karras Consulting will develop the candidate profile for the approval by the LRAPA Search Committee. All candidates will be measured by this profile.

b. Description of the recruiting methodologies most effective to advertise the LRAPA Executive Director position.

Design advertising and outreach strategy
We go above and beyond the traditional job boards and print media advertising methods. We maintain an extensive candidate database. None-the-less we are experts at industry specific job boards and are able to maximize advertising resources by recommending best choices. We will develop a comprehensive advertising strategy tailored to LRAPA with hundreds of paid and free advertising sources we recommend to promote the opportunity.

Recruiting Tools:
Tools we would utilize to recruit include:

- Posting the job announcement on the Karras Consulting website which receives thousands of hits each month.
- Job announcement e-mailed personally to hundreds of qualified not-for-profit, public and private sector executives from our proprietary candidate database.
- Use social media such as LinkedIn and Twitter to promote the opportunity.
- Place personal phone calls directly to highly qualified executives who are currently employed and not actively searching for a new job.
- Place ads with online job search engines, professional associations, trade publications, diversity groups, journals and other print media.
- Outreach to other clean air organizations and partners. Examples include:
    - National Association of Clean Air Agencies (NACAA)
    - Air and Waste Management Association (A&WMA)
    - United State Environmental Protection Agency (EPA)
    - Oregon Department of Environmental Quality
    - Pacific Northwest Air and Waste Management Association (PNWIS)
    - Washington State Department of Ecology
    - Washington State Environmental Health Association
    - Climate Solutions
    - Benton Air Agency
    - Olympia Region Clean Air Agency
    - Spokane County Air Pollution Control Authority

- Yakima Regional Clean Air Authority
- Lane Regional Air Pollution Authority
- Alaska Department of Environmental Conservation
- Community Coalition for Environmental Justice
- Earth Economics
- Association of Washington Cities
- NW Emerging Government Leaders Network
- Solutions for Humanity, Community and the Environment
- Washington City-County Management Association
- Washington Association of Counties
- Arizona Department of Environmental Quality
- Maricopa County Air Quality Department
- Pima County Department of Environmental Quality
- Pinal County Air Quality District
- California Air Resources Board
- Imperial County Air Pollution Control District
- Mojave Desert Air Quality Management District
- Northern Sierra Air Quality Management District
- San Diego Air Pollution Control District
- Sacramento Metropolitan Air Quality Management District
- San Francisco Bay Area Air Quality Management District
- San Joaquin Valley Unified Air Pollution Control District
- San Luis Obispo County Air Pollution Control District
- Santa Barbara County Air Pollution Control District
- South Coast Air Quality Management District
- Ventura County Air Pollution Control District
- Hawaii State Department of Health
- Idaho Department of Environmental Quality
- New York Department of Environmental Conservation
- Lake Michigan Air Directors Consortium
- Mid-Atlantic Regional Air Management Association
- Northeast States for Coordinated Air Use Management
- Sierra Club
- Clean Air Task Force
- Public Employees for Environmental Responsibility
- American Lung Association
- The Pew Charitable Trusts/Environmental Group

c. Description of the approach we will take to directly solicit candidates:

Finding Qualified Candidates:
Generating a diverse and qualified pool of applicants means reaching out to those looking for new opportunities in addition to capturing the attention of outstanding individuals who are not “on the market.” One of our key strengths is identifying and recruiting individuals who are satisfied in their current roles and not actively looking for a new job, but would be an excellent fit for the job.

Networking
We have conducted hundreds of national and international executive searches over the past 15 years and retain a repository of names from past recruitments who made up the top group of each search. This includes dozens of Executive Director and CEO recruitments. Our database includes more than 2,000 potential candidates to directly notify of the job opportunity. Every Executive Director search we have conducted has resulted in a robust and diverse pool of quality candidates.

Networking is a key component of our searches. Our firm is well connected across the country and as a result of our recent recruitment and outreach efforts we have developed relationships with public sector leaders around the nation who have the qualities, skills and experience necessary to succeed as the LRAPA Executive Director.

2. Proposed Strategy to Complete the Recruitment

Karras Consulting is a boutique search firm. Our services are designed to provide specialized expertise tailored to the culture and specific needs of LRAPA. Our candidate screening and interview processes are comprehensive.

Accept applications and resumes
Many people look good on paper. Others interview extremely well. But how can you judge who will really fit into your organization's vision and culture? We will help you evaluate the candidates' ability to walk the talk.

We do not wait for the application deadline to pass before we begin the screening process. We evaluate applicants as they apply and are currently using video conference technology to interview candidates. All candidates who appear qualified on paper are interviewed by Karras Consulting in order for us to learn more about their experience, skills, education, management style and philosophy. All of this information is then compared to the pre-determined attributes and core-competencies necessary to excel in the position. We spend a significant amount of time on this part of the process, typically interviewing about 25%-35% of the candidate pool, in order to bring you the best qualified candidates. We communicate with every candidate to notify them their application materials have been received and also to update them on their status as the recruitment progresses.

We are very familiar with Oregon's Veterans Preference requirements and understand how they pertain to the applicant screening process.

Joint screening of applicants
Our selection process is designed for you to participate in the screening process at key points during the recruitment. The three main opportunities for joint screening are: 1) Review of all candidates, 2) Review of "A" and "B" list recommendations and 3) Search Committee and Board of Director interview processes.

Prepare written summaries of candidates' qualifications
Karras Consulting will meet with you to review the backgrounds of pre-qualified prospects – the "A" and "B" list. We provide written reports on each candidate's education, experience and qualifications. The purpose of this meeting is for you to select semi-finalist candidates to interview in a panel setting.

Search Committee Interviews:
We assist you in developing appropriate processes, resources and materials for use in selecting candidates as

finalists. We assist in designing appropriate and behaviorally based, content valid interview questions. We will draft recommended interview questions for your review. The more methodical and systematic the interview process, the more likely it is to produce the kind of information needed to make good judgments about an individual's chances for success. Liability releases are required of all viable candidates to limit exposure to legal liabilities.

Finalist Interviews and Candidate Selection:
The objective of the final interviews is to observe candidates in various settings and determine how likely they are to succeed in the position and fit into your workplace.

Final interviews
We design interview questions that will reveal pertinent information about each candidate's ability to meet the core competencies of the position. Questions are constructed to meet EEOC guidelines. All materials (application, resume, cover letter and supplemental responses) are included in booklets that are provided in advance to the Board of Directors.

Perform comprehensive background checks of finalists(s)
A thorough background check is critical because it provides an overarching picture of the behavioral pattern of the candidate. It is our practice to go beyond references listed on the resume. We find that candidate supplied references provide less balanced information about the candidate than information acquired from other supervisors, peers and subordinates. We go deeper, and consequently provide a more complete picture of each candidate's strengths and challenges. A comprehensive, written report is provided for each finalist that reveals the background information we have gathered which is linked to the job's key competencies. We also conduct a thorough criminal background check, media check, education verification, credit and civil litigation check.

Employment Offer:
After LRAPA has selected the top candidate we are available and would welcome the opportunity to assist in negotiating the employment agreement.

Equity, Diversity and Inclusion
Our team has established external outreach networks to support LRAPA in reaching a diverse pool of candidates. We have a proven track record of providing diverse candidates to our clients. In the past five years our average of placing women and minority candidates in executive-level positions is 58%. Our team has established external outreach networks to support LRAPA in reaching a diverse and culturally responsive pool of candidates. We reach out to a broad list of local and national diversity recruitment sources and have developed relationships with a wide range of diverse individuals and organizations. We have laid the foundation for future recruiting success by building strong, personal relationships with key contacts. It is through these relationships that we are able to recruit qualified candidates from communities of color, historically marginalized populations and veterans.

In addition to identifying and attracting diverse talent we also ensure that every candidate is treated equitably throughout the hiring process. We strive to build a positive and consistent image of your organization in the minds of potential candidates. We ensure that candidates have a rewarding experience in their interactions with our firm and LRAPA throughout the recruitment and selection process. We commit that the application and screening processes are bias-free and we also have developed training to ensure that panel members do not let their subtle biases or cultural sensitivity knowledge gaps negatively impact the hiring process.

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3. List of Successful Executive Level Placements

Listed below is a sampling of our recent and most relevant experience conducting nationwide recruitments for executive level positions. All of our recruitments are for positions with management responsibility. The client organizations below range in size from 20 employees to over 15,000 employees.

Dennis Karras and Marissa Karras were both engaged in each search listed below:

- Executive Director, Puget Sound Clean Air Agency
- Executive Director, Washington State Department of Ecology
- Air Quality Programs Director, Puget Sound Clean Air Agency
- Executive Director, Pacific Northwest Waterways Association
- Senior Air Quality Engineer, Puget Sound Clean Air Agency
- Chief Operating Officer, Metro Portland
- Executive Director, Association of Washington Health Insurance Plans
- Executive Vice President, Building Industry Association of Washington
- Executive Director, Association of Washington Cities
- CEO, TVW
- CEO, Sound Transit
- Executive Director, Washington Public Ports Association
- Executive Director, Washington State Wine Commission
- CEO, Port of Olympia
- Executive Director, Washington State Council of Presidents
- CEO, SAIF Corporation
- Executive Director, Transportation Choices
- CEO, Pierce Transit
- Vice President of HR, SAIF Corporation
- CEO, Honolulu Rapid Transportation Authority
- CEO, Washington State Student Achievement Council
- City Administrator, City of Issaquah
- Executive Director, Washington Health Care Authority
- Director, Washington State Department of Health
- Director, Data Management and Analytics, Washington Health Alliance
- Executive Director of Environmental Health, Public Health Seattle & King County
- Secretary, Washington State Department of Social and Health Services
- Executive Director, Puget Sound Regional Council
- City Administrator, City of Issaquah
- Chief Administrative Officer, City of Kent
- Director of Equity, Diversity and Inclusion, Port of Seattle

- Chief Procurement Officer, King County
- Chief Information Officer, City of Seattle
- Director of External Relations, Port of Seattle
- Chief of Staff, King County Council
- Fire Chief, City of Olympia
- Budget and Finance Director, City of Kent
- King County Economic Development Director
- Director of Parks and Recreation, City of Lacey
- CFO, Pierce Transit
- Director of Administrative Services, City of Lacey
- Director of Administrative Services, City of Olympia
- Executive Director, Washington State Institute for Public Policy
- Director of Budget and Finance, Pierce County
- CIO, Washington State
- Deputy Chief Technology Officer, City of Seattle
- Director of Information Technology, Pierce County
- Director of Information Services, Snohomish County
- Director, Seattle Public Utilities
- Director of Water Resources, City of Olympia
- Director, Washington State Department of Fish and Wildlife
- Washington State Ferries Director
- Pierce County Superior Court Administrator
- Director of Human Resources, Pierce County
- Washington State Director of Human Resources
- HR Director, City of Kent
- HR Director, City of SeaTac
- Director of Human Resources, City of Seattle
- Director of Human Resources, City of Tigard
- Human Resources Director, Sound Transit
- Director of the Office of Planning and Community Development, City of Seattle
- City Attorney, City of Olympia
- Parks and Recreation Director, City of Redmond
- Court Administrator, City of Seattle
- Parks, Arts and Recreation Director, City of Olympia
- Director, Washington State Department of Labor and Industries
- Director, Washington State Department of Ecology
- Executive Director, Tacoma Pierce County Health Department

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Client References

Reference: Governor Jay Inslee
Contact: Kelly Wicker, Deputy Chief of Staff, Office of the Governor
Phone: 360-902-0612
kelly.wicker@gov.wa.gov
Recruitments: State Agency Directors

Reference: Pat McCarthy, Washington State Auditor *(Former Pierce County Executive)*
Phone: 360-902-0361 *(Teri Blair, Executive Assistant)*
mccarthyp@sao.wa.gov
Recruitments: Director of Administrative Services, Washington State Auditor and Pierce County Department Directors

Serena Cruz, COO
Multnomah County
Address: 501 SE Hawthorne Blvd Portland, OR 97214
Phone: 503-705-1513
Email: serena.cruz@multco.us
Contract description: Executive recruitments for Chief Diversity and Equity Officer and Chief Human Resources Officer

4. Consulting Staff

Karras Consulting is a father/daughter firm headquartered in Washington State providing customized executive search services. We are both fully engaged in the executive search process for the duration of the project. Our philosophy is to not compromise the quality and outcome of our work by taking on too many recruitments at one time.

Your search consultants will be the Dennis Karras and Marissa Karras. We have the resources to respond to tight timelines and complex assignments on short notice. We do not take on more work that we can handle and if additional resources are needed we have a group of HR professionals readily available for assistance. Karras Consulting has a record of being on time and within budget on every consulting contract. Your success is our success.



Dennis Karras, SPHR – Partner and Principal Consultant
Address: 1802 Black Lake Blvd SW, Suite 101 Olympia, WA 98512
E-Mail: dennis@karrasconsulting.net Phone: 360.867.1410

Dennis has more than 25 years of state government executive and legislative experience, including 10 years as the State Director of Personnel under two previous Governors. As a member of their Executive Cabinets, he administered the statewide human resource management system covering approximately 90,000 employees in more than 100 state agencies, colleges and universities. From

1993 to 2001, he oversaw Washington State's Executive Search Services providing solutions for public agencies seeking dynamic executive-level leaders. During this time, Executive Search Services successfully placed over 300 executives in state and local government, higher education, and boards and commissions. For the previous 12 years Dennis was the Committee Staff Director for the Washington State House of Representatives' Non-Partisan Budget, Research and Legal Departments. Dennis also served more than six years as the Senior Vice President of Human Resources for the $1.6 billion Washington State Employees Credit Union, the second largest not-for-profit credit union in Washington State. Dennis has personally conducted hundreds of executive search recruitments during his career. He has an undergraduate degree in liberal arts and a certificate from the University of Michigan's Graduate School of Business advanced Human Resource Executive Program and is certified as a Senior Professional in Human Resources by the Society for Human Resource Management.



Marissa Karras, Partner and Principal Consultant
Address: 1802 Black Lake Blvd SW, Suite 101 Olympia, WA 98512
E-Mail: marissa@karrasconsulting.net Phone: 360.956-1336

Marissa has extensive experience in the areas of executive recruitment and compensation. As a project manager for Karras Consulting during the past 15 years, she has played a key role in leading executive searches and developing compensation strategy. Prior to joining Karras Consulting, she was a public relations director in the high-tech industry. She has also worked in human resources for both the Washington State Department of Fish and Wildlife and the Office of the Superintendent of Public Instruction. Marissa is a 1999 graduate of the University of Washington Foster School of Business.

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5. Copy of Previous Executive Level Profile



PUGET SOUND
Clean Air Agency

Puget Sound Clean Air Agency
EXECUTIVE DIRECTOR
Recruitment Announcement

About The Agency

The Puget Sound Clean Air Agency (PSCAA) is a special-purpose, regional government agency chartered by state law in 1967. The Agency's jurisdiction covers King, Kitsap, Pierce, and Snohomish counties. These four counties are home to more than 4.1 million people, over half the state's population.

PSCAA's vision is for everyone, everywhere to breathe clean, healthy air all the time – regardless of who they are or where they live. In addition to reducing air pollution overall, PSCAA is focused on equity, so nobody is more at risk because of where they live or their socioeconomic status. No community in the region should bear disproportionate burdens and exposure from air pollution.

The Agency's main strategic goals include improving public health by reducing air pollution, reducing existing inequities in air pollution exposure, and reducing greenhouse gas (GHG) emissions from the transportation sector to address climate change. The urgency of addressing climate change and the issues PSCAA faces as a region are unprecedented. The Agency requires sound and strategic leadership to respond to these significant challenges. PSCAA works to protect public health, improve neighborhood air quality, and reduce our region's contribution to climate change by:

- Following mandates in the federal Clean Air Act and the Washington Clean Air Act.
- Adopting and enforcing air quality regulations.
- Monitoring air pollution.
- Sponsoring voluntary initiatives.
- Educating people and businesses about clean-air and climate-friendly choices they can make.

The Board of Directors is composed of elected officials from each of the four counties, along with a representative from the largest city in each county, and one member representing the public-at-large.

The members of the Advisory Council represent large and small businesses, education, transportation, health, tribal nations, fire chiefs, environmental justice, the environmental community, local ports and the public-at-large across our four counties.

PSCAA's staff bring skill and expertise in air quality planning, engineering, compliance, atmospheric science, air monitoring, information technology, public education and outreach, law, human resources, financial management and administrative services.

PSCAA is an equal opportunity employer, values workplace diversity and inclusion and seeks to create an environment and culture that embraces a sense of belonging.

About the Executive Director Position

The Executive Director is responsible for strategic and inspirational leadership as well as overall operational management of the Puget Sound Clean Air Agency. The Executive Director serves as a key external face of the Agency, responsible for productive relationships between the Agency and the State Legislature, the State Department of Ecology, the Environmental Protection Agency (EPA), the National Association of Clean Agencies, and other local air agencies. In addition, the Executive Director ensures that staff members are aligned with the organization's mission and vision, and are working together to successfully achieve strategic objectives.

The Executive Director creates and maintains an expectation that the principles of equity and environmental justice are understood and incorporated in the work of the team. They serve as a champion, role model, and active participant for equity and environmental justice activities, programs, and initiatives. The Executive Director ensures the team's operational processes and procedures support the Agency's goals for equity and environmental justice for the region supported by the Agency.

The Executive Director reports to the Board and manages the operations of a full and part-time staff of about 75 employees. The position oversees the formulation, monitoring and reporting on the status of the Agency's $16.9 million annual budget.



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In addition, the Executive Director:

- Provides leadership and direction to assure the effective and efficient operation of the Agency. Oversees the implementation of programs, procedures, and services that support the Agency's strategic plan.
- Creates, communicates, and sustains a vision and strategic plan that capitalizes on the Agency's internal strengths and external opportunities. Engages, motivates, and inspires a broad range of internal and external stakeholders around a shared vision and mission.
- Translates big picture vision and goals into both long and short-range plans that are comprehensive, realistic, and effective.
- Ensures the Board of Directors (BOD) are apprised of policy issues affecting PSCCA and are fully aware of key aspects of the organization's state of affairs. Supplies the BOD with appropriate information to make budget and policy decisions and provide guidance and oversight.
- Acts as Agency liaison with the Advisory Council, building agendas and recruiting potential members for the BOD to consider.
- Builds the Agency's long-term financial strength and ensures fiscal accountability.
- Works with other air agencies and national partners to advocate for appropriate federal funding to meet the objectives in existing and new federal requirements.
- Creates and maintains a culture of high performance and recognition for the efforts of the team. Creates methods, techniques, and evaluation criteria for obtaining results.
- Acts as a key public spokesperson for the Agency, engaging people at all levels and doing so in a wide range of settings and through various media.
- Represents the Agency across all appropriate forums and makes presentations around the region with a focus on climate change and greenhouse gas reductions.
- Develops and maintains a culture that integrates environmental justice and equity principles into the day-to-day work and decisions of the Agency. Oversees the creation of climate policies that incorporate equity principles and reduce inequities in air pollution exposure.
- Creates a culture where information sharing, team-based resolutions, cross-training, and process improvements are encouraged, and staff is held accountable for goal achievement and results.







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The Opportunity

The Agency is facing unique and critical points of change and transition concurrently with the search for its new long-term Executive Director. The Agency is in the process of developing its next strategic plan, while also working actively to advance equity and environmental justice initiatives. The issues facing the Agency in the immediate future are unprecedented: particularly the urgency in addressing regional climate strategies, the reduction of greenhouse gas emissions and environmental justice. The incoming Executive Director must be prepared to attentively focus on the Agency's strategic objectives, while also actively strengthening organizational culture.

The Ideal Candidate

This is an exceptional opportunity for a strategic, forward-thinking leader. The ideal Executive Director candidate is a balanced leader; comfortable with managing and leading in a complex and transparent environment; and someone who is capable of building bridges internally and externally, supporting and managing change, and implementing innovative solutions to create opportunities for advancement of the Agency's strategic objectives.

PSCAA values workplace diversity and inclusion and works to build an environment and culture that creates a sense of belonging. The Executive Director will be expected to continue to support and enhance a diverse, equitable and inclusive workplace culture. In addition, the Executive Director will bring demonstrated and extensive experience working with community stakeholders, particularly in communities disproportionately impacted by air pollution.

PSCAA is seeking a talented and unifying leader to bring innovative ideas and management to the agency and translate big picture vision and goals into realistic plans. The ideal candidate must promote collaboration on a region-wide basis and serve as a key facilitator with elected/political leaders, business, and non-profit leaders. The overarching core competencies of this position are:



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PSCAA EXECUTIVE DIRECTOR



Core-Competencies

Leadership:

- *Inspiring and Courageous Leadership:* Inspires, persuades, engages, speaks straight-forwardly about complex issues, make tough decisions and take difficult actions. Displays balanced thinking that combines analysis, wisdom, experience and perspective. Produces data-informed decisions that withstand the "test of time."
- *Creativity and Innovation:* Generates new, innovative and visionary approaches that are effective and responsive. Brings a perspective on emerging and leading air quality and environmental trends and best practices.
- *Build a Talented, Effective Staff Team:* Hire, mentor, develop, retain, and manage a diverse staff. Assemble and reinforce a cohesive, dedicated, highly effective inter-disciplinary team. Actively listens and responds to staff concerns. Leads team through change processes.
- *Business and Management Acumen:* Manages human, financial and information resources strategically. Brings innovative approaches and solutions, including grant sources and public/private partnerships, to funding challenges. Streamline and remove processes that do not bring value. Measure success based on results. Set high standards of performance, using accountability measures and benchmarks to track progress.
- *Strategic Vision:* Articulates a big-picture vision and goals and translate into plans that are realistic and effective.

Constituent Relations and Collaboration:

- *Partnering:* Builds alliances and collaborates across boundaries to build strategic relationships. Brings diverse leaders together to discuss and resolve regional issues. Inspires action without relying solely on authority. Good listener. Perceives the complexity of situations quickly.
- *Drive External Communications and Relationships:* Develop and nurture mission-critical relationships with labor, the media, business, political leaders, community groups, advisory groups and the public.
- *Cultural Competency:* Focus on racial equity in ways that enable effective working relationships in diverse communities and cross-cultural situations. Uses an equity lens to analyze the impact of policies on underserved and marginalized individuals and groups to identify and eliminate barriers.

Values:

- *High level* of integrity, ethics, transparency and responsiveness.
- *Commitment to the environment and the well-being of all people:* Dedicated to the vision that all people and natural systems benefit from healthy air everywhere, all the time.
- *Racial Equity:* Experience building strong relationships with marginalized communities. Proficiency in developing, articulating, and promoting goals that support PSCAA's environmental justice and anti-racism work.

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APPLICATION PROCESS

Persons interested in this position must submit a cover letter and a current resume.

If you have questions regarding this announcement, please call Marissa Karras at 360-956-1336. The position will remain open until filled; however, the screening process will move quickly. Please submit your application materials as soon as possible but no later than April 19th, 2022 by visiting www.karrasconsulting.net and clicking on "view open positions."

The annual salary range for this position is 200K to $270K. PSCAA offers a generous benefit package including medical/dental/vision, retirement, life and disability insurance, 11 paid holidays and 2 floating holidays, paid time-off benefits, and optional deferred compensation. PSCAA participates in the Washington State Public Employees' Retirement System (PERS).

The Agency may also provide an allowance for reimbursement of relocation expenses.

Proof of full COVID-19 vaccination is required as a condition of employment.

PSCAA is an equal opportunity employer, values workplace diversity and inclusion and seeks to create an environment and culture that embraces a sense of belonging. All qualified applicants are considered in accordance with applicable laws prohibiting discrimination on the basis of race, religion, color, sex, sexual orientation, gender identity or expression, pregnancy, age, national origin, disability status, marital status, genetic information or veteran status or any other legally protected status. We will provide assistance in the recruitment, application and selection process to applicants with disabilities who request such assistance.



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6. Copy of Search Report

PUGET SOUND Clean Air Agency

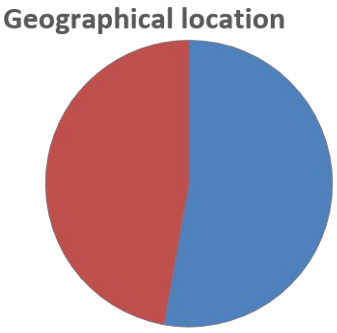
Executive Director Recruitment

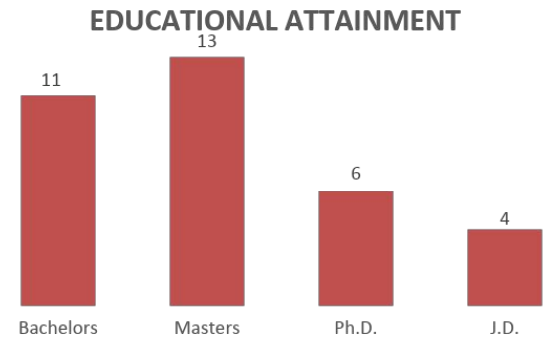
Total Candidates Received: 36

Candidates who met desirable qualifications and at least two of the screening criteria: 27

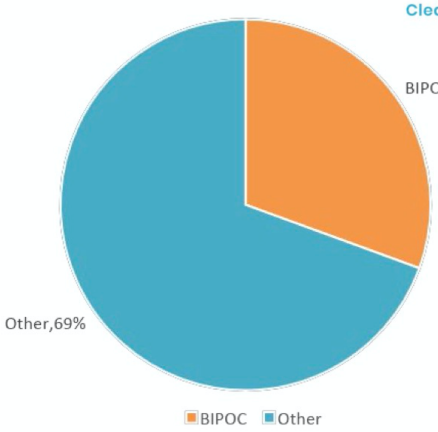
Candidates interviewed by Karras Consulting: 15

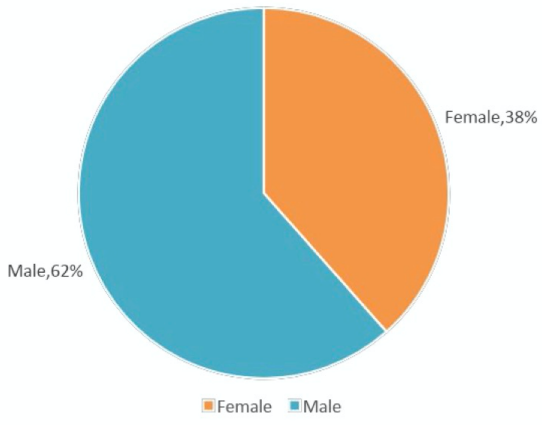
Candidates who met at least four of the screening criteria: 12





PUGET SOUND Clean Air Agency





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7. Cost

Karras Consulting works for a flat fee on a retained search basis. Our total professional fee for executive recruitments is a flat rate of $34,900. All related tasks required to successfully complete this recruitment including on-site visits, client correspondence, targeted recruiting, interviewing, professional reference checks, printing of documents and materials, delivery and postage expenses, and related expenses and criminal checks are included in this cost. Invoices are submitted in three phases, upon completion of work.

Fees and Expenses paid by client.
Advertising: E-recruiting, print media, trade journals will be billed to and paid by the client (not to exceed $2,000)

Candidate Travel: Travel and related expenses for candidates will be billed to and paid directly by client. (estimated at less than $1,000 per out-of-state finalist)

Consultant Travel: Consultant travel will be bill to the agency for in-person meetings. We mitigate these costs with virtual meeting options.

Karras Consulting guarantees its placements for one year from the successful candidate's hire date with the organization. If the candidate is terminated or resigns on account of performance-related issues within one year from the hire date, Karras Consulting will repeat the search and locate a replacement at no charge to the organization, except for candidate travel and advertising.

8. Fee Structure

It is our practice to bill in three installments for work performed. In the event that more than one executive is hired as a result of the work performed by Karras Consulting, 50% of the original fee will be due for each individual hired.

Billing Schedule

Phase 1 Billing): 1/3 of total fee after completion of the following tasks:

- ✓ Initial meetings with the client
- ✓ Review job description and job announcement
- ✓ Discuss core-competencies
- ✓ Discuss timeline
- ✓ Develop advertising plan and timeline
- ✓ Design job announcement
- ✓ Place job advertisements

Phase 2 Billing: 1/3 of total fee after the completion of the following tasks:

- ✓ Target potential candidates
- ✓ Assess candidate pools – monitor diversity (ongoing)
- ✓ Karras Consulting conducts videoconference and in-person interviews
- ✓ Provide and review candidate list with the client

- ✓ Recommend A and B list candidates
- ✓ Develop interview questions

Phase 3 Billing: 1/3 of total fee after the completion of the following tasks:

- ✓ Panel(s) conduct semi-finalist interviews
- ✓ Panel(s) recommends finalists candidates
- ✓ Conduct background and reference checks
- ✓ Finalists interviews
- ✓ Present candidate profiles and confidential reference reports for all finalists
- ✓ Selection of new Executive

9. Estimated Project Schedule and List of Deliverables

Week	1	2	3	4	5	6	7	8	9	10	11	12
Phase I ✓ Meet with the Board Members, Search Committee, Project Manager and staff ✓ Touch base with stakeholders ✓ Review job descriptions ✓ Design job announcement ✓ Develop recruitment strategy and timeline												
Phase II ✓ Commence national recruitment ✓ Place advertisements ✓ Target potential candidates ✓ Assess candidate pools – monitor diversity (ongoing) ✓ Karras Consulting conducts screening interviews ✓ Provide weekly updates to the LRAPA (ongoing)												
Phase III ✓ Review candidates with Search Committee ✓ Recommend A and B list candidates ✓ Conduct semi-finalist interviews ✓ Conduct background and reference checks ✓ Conduct finalist interviews ✓ Present candidate profiles and confidential background reports ✓ Selection of new Executive Director ✓ Negotiate employment package												

LANE REGIONAL AIR PROTECTION AGENCY
MEMORANDUM

Date: January 11, 2024

To: Bryan Cutchen, Chair and LRAPA Board Members

Department: Administration

From: Susannah Sbragia

Subject: Update Employee Handbook Version 2024

STAFF REPORT

ISSUE STATEMENT:
LRAPA Employee Handbook was last reviewed and updated in 2013 and then in 2022, the payroll processes parts of the employee handbook were updated. The current policies do not reflect payroll law changes from 2022 and the implications of Paid Leave Oregon.

BACKGROUND:
The last major adoption of the LRAPA Employee Handbook was in 2013. There was a small update to the handbook in 2022. These changes were to align with the new financial software systems that was implemented in July 2023. The current policies are not consistent with the procedures being offered by the new financial system.

At the December 14, 2023, Board meeting, the Board reviewed the employee handbook and requested the handbook be reviewed by legal counsel and brought back to the January Board meeting with an update on the legal council's edits.

GOING FORWARD:
Management reviewed and agreed on changes to policies. Then the handbook was presented and reviewed at an all staff meeting where they had the opportunity to ask clarifying questions and provide feedback.

Legal council did a full review of the employee handbook looking for any issues that would result in any legal liability risk for LRAPA, along with removing any conflicting policy statements, reviewing labor laws, and confirming they were accurate and updated. Legal counsel said the employee handbook mostly needed reorganization and minor edits. Below is a list of areas reviewed or updated.

Legal counsel review of employee handbook:

- Reorganized the order of topics and numbered the sections for better flow and readability.
- Cleaned up grammar and fixed typos.
- Added language that explains a public employee's responsibility.
- Confirmed that the labor laws were updated correctly, and they were.
- Cleaned up language for clarification and added examples.

The Board also added a goal going forward to request that LRAPA review the employee handbook every two years.

STAFF RECOMMENDATION:
To approve the LRAPA Employee Handbook version 2024.



LRAPA

Lane Regional Air Protection Agency

Employee Handbook

v2024

Effective January 2023

Revised Jan. 2024

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1. Introduction

1.1 From the Director

Welcome to Lane Regional Air Protection Agency (LRAPA)! We are glad to have you on our team. We believe our employees are our most valuable assets. In fact, we attribute our success as an organization in significant part to our ability to recruit, hire, and maintain a motivated and productive workforce. We hope that during your employment with LRAPA, you will become a productive and successful member of LRAPA's team and that your time here will be professionally and personally rewarding.

1.2 About the Agency

The Lane Regional Air Protection Agency (LRAPA) is a local government agency whose purpose is to protect and maintain the air quality in Lane County (Cities of Cottage Grove, Eugene, Oakridge, and Springfield, and Lane County) in a way that is environmentally sound and consistent with the economic and industrial well-being of the area. It is the only local agency of its kind in Oregon. LRAPA is governed by a Board of Directors composed of appointees from each of the participating local entities and at-large members. The Board appoints a Director to implement the policies, rules and regulations adopted by the Board. The Director, in turn, employs a technical and professional staff to conduct the work of the Agency.

1.3 About This Handbook

This employee handbook describes, in summary, laws, policies, and procedures that govern the employment relationship between LRAPA and its employees. LRAPA strives to provide a work environment conducive to your personal and professional growth. Since understanding the information in this handbook is important to employees' success, all employees will be asked to read the handbook, then sign, and submit the acknowledgment form found at the back of this handbook to Human Resources. The signed form will be kept in each employee's personnel file.

No employee handbook can anticipate every circumstance or question. The need may arise to address new issues, and LRAPA reserves the right, to revise, supplement, or rescind any policy or portion of this handbook from time to time as it deems appropriate, in its sole and absolute discretion, with or without prior notice. You will receive updated information concerning changes to this handbook as they occur. Any such changes should be printed and kept with your copy of the handbook. Updates to policies and procedures will be communicated to you through official numbered memos or direct communication from your supervisor.

This handbook replaces and supersedes all other employee policies, procedures, instructions, practices, or rules. This handbook is not intended for and does not constitute a contract with any employee. It does not guarantee any particular or minimum length of employment, procedure, or other condition of employment. No employee of LRAPA other than the Director has any authority to enter into any contract of employment on behalf of LRAPA.

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This handbook is intended merely to summarize that law as it applies here, but in any event, the applicable law will always govern despite any contrary wording in this handbook. If you have any questions about any of the provisions in this handbook, or any policies issued or updated at a later date, please contact your supervisor or Human Resources.

This handbook supersedes any prior handbooks or written employee policies of LRAPA.

1.4 Nature of Your Employment

Your employment with LRAPA is *voluntary and at-will*. You are free to resign at will, at any time, with or without cause. Similarly, LRAPA may terminate the employment relationship at will, at any time, with or without notice or cause, subject to applicable law.

Also bear in mind you are a *public employee for a governmental agency*. This means all your work-related writings and communications are potentially subject to disclosure to the public under Oregon's Public Records Law, including your social media posts on LRAPA sites or even personal sites on which you post in your capacity as an LRAPA employee. Please be aware and exercise discretion. Ask your supervisor if you have questions.

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2. Your Employment Status

2.1 Trial Period

All new employees are hired into a trial period for their first six (6) months. During this period, you are considered *in training* and under observation and evaluation by your supervisor. During this time, you can expect ongoing evaluations of how you adjust to work tasks, conduct, work rules, attendance and job responsibilities, to be discussed during 1:1 meetings with your supervisor. This period gives new employees an opportunity to demonstrate satisfactory performance for the position, as well as an opportunity for LRAPA to determine if your knowledge, skills and abilities, match the requirements of the position. It is also an opportunity for you to decide if LRAPA meets your expectations of an employer.

During or before the end of the trial service period, a decision about employment status will be made. LRAPA will decide whether to: (1) extend the trial service period up to an additional 6 months; (2) move the employee to regular, full-time, or regular, part-time status; or (3) terminate employment.

Employees are not guaranteed any length of employment upon hire. Both you and LRAPA may terminate the employment relationship during the trial service period for any lawful reason. Further, completion of the trial service period or continuation of employment after the trial service period does not entitle an employee to remain employed by LRAPA for any definite time. LRAPA is an at-will employer. Either the employee or LRAPA are free to terminate the employment relationship, at any time, with or without notice for any reason not prohibited by law.

2.2 Classification

LRAPA classifies employees as follows:

1. ***Regular Full-time:*** Employment in an established position requiring 40 hours or more of work per week. Generally, full-time employees are eligible to participate in LRAPA's benefit programs.

2. ***Benefited Regular Part-time:*** Employment requiring 20 hours per week but less than 40 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 20 hours will not constitute a change in status from part-time to full-time. Regular, part-time employees are eligible to participate in LRAPA's benefit programs. Benefits and costs will be adjusted based on average working hours.

3. ***Non-benefited Part-time:*** Employment requiring less than 20 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 20 hours will not constitute a change in benefit status. Non-benefited, part-time employees working 20 hours or less per week are not eligible for benefits except those mandated by applicable law, such as Oregon's Sick Leave Policy.

4. ***Temporary:*** Employment in a job established for a specific limited purpose, for a specific period of time, or for the duration of a specific project or group of assignments. Temporary employment can

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either be full-time or part-time. Temporary employees are not eligible for benefits other than those mandated by applicable law.

2.3 Overtime Status

Under the Fair Labor Standards Act (FLSA), all employees are defined by federal as either "exempt" or "non-exempt," which determines whether the employee is eligible for overtime. Employees will be instructed as to whether they are exempt or non-exempt at the time of hire or when a promotion or demotion occurs. See Section 4 for more information.

Exempt Employees: Management, supervisory, professional, and administrative employees whose positions meet specific tests established by the Fair Labor Standards Act (FLSA) and applicable Oregon law and who are exempt from minimum wage and overtime pay requirements.

Non-Exempt Employees: Employees whose positions are <u>not</u> exempt from minimum wage overtime pay requirements because their positions do not meet the exemption criteria under the FLSA and Oregon law and who are paid one and one-half times their regular rate of pay for overtime hours worked, as required by federal and/or Oregon laws.

2.4 Personnel Files

LRAPA maintains a personnel file for each employee. The personnel file includes those personnel records of the employee which are used or have been used to determine the employee's qualification for employment, promotion, additional compensation, employment termination or other disciplinary action, such as the employee's job application, resume, training records, performance appraisals, salary increases, and other employment records.

Access to personnel files is restricted to those with a business need for the information, except as otherwise required by law. All employees have access to their own personnel file to the extent allowed by law. An employee may request access to his/her personnel file from his/her supervisor. With reasonable advance notice, an employee may view his/her personnel file at a mutually convenient time in the presence of Human Resources a manager or supervisor. Upon request, an employee will be provided with a copy of his/her personnel file, or any requested portion of the file. Copies will be provided as soon as reasonably possible and in accordance with the requirements of Oregon law.

An employee's medical information and any workers' compensation files will be kept separately from the employee's personnel file and will be maintained in locked storage with access limited to authorized personnel.

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3. Scheduling

3.1 Working Hours

LRAPA has established regular working hours to promote a productive work environment that best serves our citizens. Established office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. Only the Executive Director has the right to limit public hours or close the office within this timeframe. As defined by FLSA, the established work week begins on Sunday at 12:00 am and ends on Saturday at 11:59 pm each week.

The supervisor schedules specific work hours for individual employees. Changes to work schedules may be made on an individual basis based on business necessity, at the discretion of the supervisor with approval from the Executive Director. Management reserves the right to modify schedules consistent with the needs of the Agency.

3.2 Timekeeping Requirements

All employees must accurately record time worked and use of accruals on an agency approved timesheet for payroll purposes. Non-exempt employees are required to record detailed daily time records. Exempt employees are allowed to report summary level time worked and time off. However, the automated payroll system and/or agency need (long term or short term) may require exempt employees to provide additional details of time worked and time off. Exempt employees are required to discuss needs with the supervisor. Maintaining the record is your responsibility. It is important to indicate hours on the job, as well as time away for lunch, illness, holidays, or vacations, and any other related time considerations. Absences should be explained.

Other than the supervisor, director, or finance director, filling out another employee's timecard, allowing another employee to fill out your timecard, or altering any timecard will be grounds for discipline up to and including termination. An employee who fails to record time accurately may be subjected to discipline up to and including termination.

3.3 Attendance and Punctuality

Employees are expected to report to work as scheduled, on time, and prepared to start work as well as expected to remain at work for their entire scheduled work hours, except for paid break periods or when on authorized LRAPA business, and to perform the work assigned to or requested of them. Tardiness and absences are disruptive and place an undue hardship on co-workers and supervisors. Employees who will be unexpectedly absent from work for any reason or who will not show up for work on time must inform their supervisor via phone or text message prior to the beginning of the shift.

Not reporting to work and not reporting an absence is considered a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a final written warning. The second separate offense will be treated as job abandonment and voluntary resignation of employee. LRAPA will discuss any emergency situation and take those circumstances into consideration in the application of this policy.

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3.4 Meal Periods and Rest Breaks

Under FLSA, non-exempt employees are required to take a paid, uninterrupted 10-minute rest break for every four-hour segment or major portion thereof in the work period. The rest break should be taken in the middle of each segment, whenever possible. Whenever a segment exceeds two hours, the employee must take a rest break for that segment.

Additionally, non-exempt employees are required to take at least a 30-minute unpaid meal period when the work period is six hours or greater. The law requires an uninterrupted period in which the employee is relieved of all duties. No meal period is required if the work period is less than six hours. If, because of the nature or circumstances of the work, a non-exempt employee is required to remain on duty or to perform any tasks during the meal period, the employee must inform his/her supervisor. This time is considered working time under FLSA and is compensable.

Meal periods and rest breaks are mandatory and are not optional. An employee's meal period and rest break(s) may not be taken together as one break. Meal periods and rest breaks may not be "skipped" in order to start work late or leave early. An employee who fails to abide by this policy and applicable laws may be subjected to discipline, up to and including termination.

See the BOLI website for more information:

https://www.oregon.gov/boli/workers/pages/meals-and-breaks.aspx

3.5 Rest Breaks for Expression of Breast Milk

LRAPA will provide reasonable rest periods to accommodate an employee who needs to express milk for child(ren) eighteen (18) months of age or younger. If possible, the employee will take the rest periods to express milk at the same time as the rest breaks or meal periods that are otherwise provided to the employee. If not possible, or if the employee is exempt under FLSA, the employee is entitled to take a reasonable period each time the employee has a need to express milk.

LRAPA will treat the rest breaks used by the employee for expressing milk as paid rest breaks up to the amount of time LRAPA is required to provide as paid rest breaks and/or meal periods under applicable personnel rules. If an employee takes unpaid rest breaks, LRAPA may, at the discretion of the employee's supervisor, allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid rest periods. LRAPA will allow, but not require, an employee to substitute paid leave time for unpaid rest periods taken in accordance with this policy.

LRAPA will make a reasonable effort to provide the employee with a private location within close proximity to the employee's work area to express milk. For purposes of this policy, "close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. A "private location" is a place, other than a public restroom or toilet stall, in close proximity to the employee's work area for the employee to express milk concealed from view and without intrusion by other employees or the public.

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If a private location is not within close proximity to the employee's work area, LRAPA will identify a private location. The travel time to and from the private location will not be counted as a part of the employee's break period.

Notice to Express Milk: An employee who intends to express milk during work hours must give their supervisor or Human Resources reasonable written notice of the intention to do so in order to allow LRAPA time to make any preparations necessary for compliance with this rule.

Storage of Expressed Milk: Employees are responsible for storing expressed milk. Employees may bring a clearly labeled food container for storing the expressed milk.

4. Payroll and Compensation

4.1 Overtime and compensatory time

For *non-exempt* employees, LRAPA pays one and one-half times the employee's hourly rate for all hours worked in excess of forty (40) hours worked within the work week defined in Section 3.1.

Non-working paid or unpaid hours such as (but not limited to) sick, vacation, holidays, leave without pay, or office closures will not be counted toward the 40 hours required to receive overtime pay.

All overtime must be preapproved by the supervisor. No overtime may be worked by non-exempt employees unless specifically authorized by a supervisor or manager. Employees who work unauthorized overtime may be subject to discipline up to and including termination.

All employees must request compensatory time (comp time) off. Employees are encouraged to work with their supervisor to schedule and use comp time within 60 days of when it is accrued. Upon termination of employment with LRAPA, any remaining comp time will be paid at the employee's current regular rate of pay.

4.2 Leave Without Pay

A regular full-time or part-time employee may apply to Human Resources for leave without pay. The request must be in writing and must explain the reason(s) for and duration of the requested leave. Except as otherwise required by law, the Executive Director has sole discretion whether to grant or deny a request for leave without pay.

4.3 Employee-Incurred Expenses and Reimbursements

LRAPA will pay actual and reasonable business-related expenses incurred in the performance of your job responsibilities if they are: (1) listed below or elsewhere in this handbook; and (2) pre-approved by your supervisor before expenses are incurred. For mileage, LRAPA will not reimburse mileage if you are offered an LRAPA vehicle but choose to drive your own. Further, if you choose to drive your own vehicle, your

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driver's insurance will be considered in first position and LRAPA's insurance in second position if an accident occurs.

LRAPA will not pay for or reimburse the costs incurred by a travel companion who accompanies an employee on LRAPA-approved travel. You must provide a completed and signed expense report and evidence of proof of purchase (detailed receipts) within one month of the expense being incurred or you may forfeit the payment or reimbursement.

Some examples of actual and reasonable business-related expenses that LRAPA will reimburse/pay for are:

- Conferences or Workshops
- Professional Licensing
- Education
- Parking

Authorized meals (per diem) and mileage will be reimbursed at the current Internal Revenue Rate (IRS) for location.

Hotels will be reimbursed based on the reasonable amount outlined by the IRS based on location.

Any traffic citations or court-ordered fees relating to driving or parking offenses (including parking tickets) are the responsibility of the employee and will not be reimbursed by LRAPA.

4.4 Payroll Policies

All full-time and benefited part-time employees are paid on a semi-monthly basis, with paydays being the 15th of the month and the last day of the month or if the payday falls on a weekend the payday is the Friday before. Non-benefited part-time employees are paid on a monthly basis, with payday being the 15th or the Friday before the 15th of each month.

Net pay will be directly deposited into the employee's bank account.

4.5 Salary Administration

Starting Salary: LRAPA pays all full-time employees, exempt and non-exempt, on a salary basis. New employees are generally placed at the first step of the pay range for the classification they have been hired into. With Executive Director approval, the supervisor may offer a starting salary above the first step based on qualifications or market considerations. In alignment with Oregon Pay Equity Law. Current salary ranges for each LRAPA classification has seventeen (17) pay steps. This policy is at the discretion of LRAPA and subject to state and federal guidelines.

Salary Adjustment Based on Merit: Employees are eligible for a two-step merit increase at the successful completion of the 6-month trial service period and, Thereafter, one step annually will be applied on the employee's anniversary date until the employee reaches the top step of the range with successful evaluations in alignment with Oregon Pay Equity Law.

Grandfathered policy: LRAPA reviews salaries after the completion of the initial probationary period and annually thereafter in conjunction with the employee's performance evaluation. Employees hired prior to January 2024 earn two steps increase, one as a longevity increase of one step along with the merit increase of one step. This policy is grandfathered and does not apply to employees hired with start dates on or after January 1, 2024.

Salary Adjustment Based Longevity: You are eligible for longevity pay of an additional monthly amount of $250.00, once you have reached step 17 in your range and remained employed in good standing with LRAPA for fifteen (15) years. This amount is added to your regular payroll and counts as regular pay.

Promoted Employees: If a regular employee is promoted to a position with a higher pay range, the employee will be placed in a new pay range, in a new step, with a pay increase over their prior position.

Statement Regarding Pay Practices: LRAPA complies with applicable state and federal wage and hour laws. In the event the employee believes that LRAPA has made an improper deduction, has failed to pay for all hours worked or for overtime, has failed to pay in accordance with the law, or has failed to properly calculate wages in any way, the employee must immediately report the error to the supervisor. LRAPA will investigate all reports of improper pay practices and will reimburse employees for any improper deductions or omissions. No employee will suffer retaliation or discrimination for reporting an error or complaint regarding LRAPA's pay practices.

Reporting Changes to an Employee's Personal Data: Because personnel records are used to administer pay, benefits, and other employment decisions, employees are responsible for keeping information current regarding changes in name, address, phone number, exemptions, dependents, beneficiary, etc. Keeping your personnel records current is important. For changes in any of the following items, please notify Human Resources to ensure that proper updates are completed promptly:

- Name
- Marital status/Domestic Partnership (for purposes of benefit eligibility determination only)
- Address
- Mailing Address
- Telephone number
- Dependents
- Person and phone number to be notified in case of emergency
- Other information having a bearing on your employment tax withholding

Employees may not intentionally withhold information from LRAPA about the items listed above in order to continue to receive benefits or anything of value for themselves or anyone else. Upon request, LRAPA may require employees to provide proof of marital status/domestic partnership status. Employees who violate this policy may be subject to discipline, up to and including termination.

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5. Evaluation and Training

5.1 Performance Reviews

All LRAPA employees will receive annual performance reviews. Performance reviews serve as one factor in decisions related to employment, such as training, pay increases, job assignments, employee development, promotions, retention, and discipline /termination. Any employee who fails to satisfactorily perform the duties of their position is subject to disciplinary action up to and including termination.

LRAPA's goal is to provide an employee with their first formal performance evaluation within six months after hire or promotion. After this trial service evaluation, LRAPA will strive to provide a formal performance review on an annual basis on or before the employee's anniversary date.

Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement to their supervisor. The employee's response will be filed with the employee's performance evaluation in the employee's personnel file. Such response must be filed not later than thirty (30) days following the date the performance evaluation was received.

Supervisors and managers are encouraged to provide employees with informal evaluations on an as-needed basis, such as during scheduled 1:1 meetings.

5.2 Training and Education Aid

Professional Training

LRAPA encourages training opportunities for employees to increase the efficiency andeffectiveness of the Agency's operations and services and help employees achieve advancement of their career goals. Training opportunities must be approvedin advance by the employee's supervisor. Once approved, employees must complete a training requisition form and have it approved by the supervisor, then forward it to Human Resources. LRAPA will attempt to provide all employees with equitable access to training opportunities.

Education Aid

Subject to budget and resource limitations, the supervisor, with the Executive Director's approval, may approve payment of up to one-half of the cost of tuition and books for job-related education courses. Employees must attend these courses on their own time unless otherwise approved by the supervisor. If the Agency requires an employee to take a course, the Agency will pay the full cost of books and tuition and the employee may attend during regular work hours. LRAPA will attempt to provide all employees with equitable access to education opportunities.

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6. Time Off Benefits

6.1 Vacation - Generally

Vacation is intended to provide time away from work for rest and recreation. The amount of vacation to which a regular full-time and benefited part-time employee becomes entitled is determined by the employee's length of service as of his or her employment anniversary date. Vacation accrues monthly as follows:

Accrual Chart: For full-time employees, vacation accrues as follows:

Years of Service	***Vacation Accrual Rate***
1-5	9 hrs. monthly
6-10	11 hrs. monthly
11-15	13 hrs. monthly
16-20	14 hrs. monthly
21-25	16 hrs. monthly
26+	18 hrs. monthly

NOTES:

1. *Accruals cannot be used until earned. "*Earned" means available hours are posted to the employee's account and shown on the pay advice.

2. *Benefited Regular Part-time employees* shall be entitled to that fractional part of the vacation that their total number of hours of employment bears to the total number of full-time employment hours. For example, if you are a part-time employee in your second year of employment at 20 hours per week, you would earn 4.5 hours of vacation per month.

3. *Docking accrued time.* LRAPA reserves the right to dock accrued vacation time to make up an employee's unexcused missed work time. This decision would be made on a case-by-case basis as part of the disciplinary process.

6.2 Vacation - Maximum Accumulation

Full-time regular employees accrue vacation leave to a maximum of 800 hours. Benefited part-time employees earn vacation based on percentage of hours worked as compared to the 40-hour work week pro-rated. Upon separation of employment, employees who have completed 12 months of employment will be paid unused vacation accrual up to the maximum payout of 280 hours.

6.3 Vacation - Buyout

Vacation is intended to provide time away from work for rest and recreation. However, the Agency understands that there may be times when an employee needs to receive a portion of the vacation, as a cash

benefit in addition to their regular pay. LRAPA Director may approve a one-time cash payout request, for up to 40 vacation hours related to vacation, The request must be submitted only once per fiscal year, no request will be accepted after April 1st. Approvals based on budgets availability and as long as the employee has a remaining balance of 40 hours. Requests will be considered on a first come, first serve basis. Available funds may be less than total requests. In this case, the LRAPA reserves the right to limit the number of hours paid off per request.

6.4 Sick Leave - Generally

LRAPA provides eligible full-time employees with up to eight (8) hours per month of paid sick leave in accordance with Oregon's Paid Sick Leave Law. Part-time employees will accrue leave on a pro-rated basis for hours worked. This policy will be updated as necessary to reflect changes in and to ensure compliance with Oregon law. Employees with questions about this policy may contact his/her supervisor or Human Resources. Please also refer to the Oregon Sick Leave Law poster posted in the common break/kitchen area and incorporated here by reference. There is no payout for hours associated with unused sick leave.

Please note the Sick Leave described in this section is the benefit provided directly by LRAPA. Oregon and Federal law provide other options for unpaid leave or Oregon's new Paid Leave Oregon program, which is a State-run program that functions in a similar manner to unemployment benefits. Your rights under options will be described below in Sections 7 and 8.

6.5 Sick Leave - Eligibility and Accrual

As part of the sick leave discussed above, LRAPA ensures employees accrue the required sick hours as designed under Oregon's Paid Sick Leave Law. Under this law, "employee" includes part-time, full-time, hourly, salaried, exempt, and non-exempt employees. Sick leave runs concurrently with LRAPA's accrual usage, Oregon Family Medical Leave, and any other leave allowed by law.

Under Oregon's Paid Sick Leave Law, employees may accrue and use up to forty (40) hours of paid sick leave per calendar year. Paid sick leave shall accrue at the rate of one hour for every thirty (30) hours worked until the 40-hour yearly accrual cap is reached. For full-time employees, LRAPA provides eight (8) hours of sick leave monthly. Sick leave accrues per pay period. Part-time employees accrue a proportionate amount based on hours worked but not below the amount required by this law.

When used, paid sick leave is paid at the employee's current regular rate of pay. Exempt employees are presumed to work forty (40) hours each work week for purposes of sick leave accrual and payment for use.

6.6 Sick Leave - Use

Sick leave may be used for any of the following reasons:

1. For the *diagnosis, care, or treatment* of a mental or physical illness, injury or health condition or need for preventive medical care. This is available for you or your covered family member.

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- "Family member" means the eligible employee's spouse, same-gender domestic partner (as described in ORS 106.300 to 106.340), biological child, adopted child, stepchild, foster child; same-gender domestic partner's child, parent, adoptive parent, stepparent, foster parent, parent-in-law; same-gender domestic partner's parent, grandparent, grandchild; and any individual with whom the employee has or had an *in loco parentis (acting as a parent)* relationship.

2. For any purpose allowed under the *Oregon Family Leave Act*, including bereavement leave.
3. If the employee, or the employee's minor child or dependent, is a *victim of domestic violence, harassment, sexual assault or stalking* as defined by Oregon law and requires leave for any of the purposes under Oregon's domestic violence leave law (ORS 659A.272).
4. In the event of *certain public health emergencies* or other reasons specified under Oregon's sick leave law.

Employees absent from work for a qualifying reason *must* use accrued sick time hours for that reason and on each subsequent day of absence.

6.7 Sick Leave – Employee Notice Required

Foreseeable Sick Leave. If the need for sick leave is foreseeable, you must notify your supervisor as soon as practicable before the leave is to begin. Generally, you must provide at least ten (10) days' notice for foreseeable sick leave. The request shall include the anticipated duration of the sick leave, if possible. You must make a reasonable effort to schedule foreseeable sick time in a manner that minimally disrupts the operations of LRAPA. Notify your supervisor of any change in the expected duration of sick leave as soon as is practicable.

Unforeseeable Sick Leave: If the need for sick leave is unexpected or unforeseeable, you must notify your supervisor as soon as practicable and comply generally with LRAPA's call-in procedures.

You must also inform your supervisor of any change in the duration of sick leave as soon as practicable.

If an employee fails to provide proper notice or make a reasonable effort to schedule leave in a manner minimally disruptive to the organization and operations, LRAPA may deny the use and legal protections of sick leave.

6.8 Sick Leave - Documentation

If an employee takes more than three (3) consecutive scheduled workdays as sick leave, LRAPA may require reasonable documentation showing that the employee was absent for an approved reason. Reasonable documentation includes documentation signed by a healthcare provider, or documentation for victims of domestic violence, harassment, sexual assault, or stalking.

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6.9 Holidays

LRAPA recognizes eleven (11) holidays each year. All full-time employees will receive their current, regular rate of pay for each holiday. Benefitted part-time employees receive pay for each designated holiday in the proportion that their normally scheduled number of hours equals 40 hours per week.

Paid Holidays:

New Year's Day	**January 1st**
Martin Luther King Day	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19th
Independence Day	July 4th
Labor Day	First Monday in September
Veteran's Day	November 11th
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Day	December 25th

If the holiday falls on a Saturday, the holiday will be observed on the preceding Friday. If the holiday falls on Sunday, the holiday will be observed on the following Monday.

To be eligible for holiday pay, you must have worked your regularly scheduled hours the workday before and the workday after the holiday or have been on an approved leave or any other excused absence under LRAPA policy.

Any non-exempt employee required to work on a holiday will receive time and one-half payment for hours worked.

6.10 Personal Days

Full-time employees may select three (3) personal days (24 hours worth of time) off with pay during LRAPA's fiscal year, which runs from July 1 to June 30 each year. Benefited part-time employees are eligible for 1.5 (12 hrs.) annual personal days. Employees who begin employment after the beginning of the fiscal year will receive a pro-rated number of personal days. Personal days will be awarded on the first day of the pay period that includes July 1 of each fiscal year and must be used or forfeited by the end of the pay period that includes June 30 of the same fiscal year. Employees have the option to use their hours in full-day increments or partial hours per request up to the maximum hours available. Employees must coordinate requests to use personal days or hours with their supervisor. Approval for use of personal days

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is dependent on staffing needs. Personal days are considered use-it-or-lose-it time. There is no allowance for buyout or payment of unused personal day time.

7. Family Medical Leave

7.1 Oregon Family Leave Act (OFLA) Leave Policy

The following is a summary of Family and Medical Leave policy and procedures under the Oregon Family Leave Act (OFLA). Generally, and as will be discussed, eligible employees are entitled to twelve (12) weeks of unpaid leave for the reasons identified below. Oregon law prohibits retaliation against an employee with respect to hiring or any other term or condition of employment because the employee asked about, requested or used OFLA Leave. In all cases, applicable Oregon laws, rules, and policies, govern the employee's and LRAPA's rights and obligations, not this policy. Since LRAPA does not employ at least fifty (50) employees, LRAPA is not subject to the requirements of the federal Family Medical Leave Act (FMLA).

If you want further information, contact your supervisor or Human Resources. Please also refer to the "Oregon Family Leave Act" notice posted in the break/kitchen area, incorporated here by reference.

7.2 OFLA Definitions

Family Member: The definition of a family member under OFLA has expanded effective September 2023 to include:

- A spouse or domestic partner
- A child of a covered individual or the child's spouse or domestic partner
- A parent of a covered individual or the parent's spouse or domestic partner
- A sibling or stepsibling of a covered individual or the sibling's or stepsibling's spouse or domestic partner
- A grandparent of a covered individual or the grandparent's spouse or domestic partner
- A grandchild of a covered individual or the grandchild's spouse or domestic partner
- Any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship

Note that for purposes of parental leave and sick child leave, the child must be either under the age of 18 or an adult dependent child substantially limited by a physical or mental impairment.

Child: A biological, adopted, foster or stepchild, the child of a registered, same-sex domestic partner, or a child with whom the employee is in a relationship of in loco parentis. For purposes of Serious Health Condition Leave, the "child" can be any age; for all other types of leave under OFLA, the "child" must be under the age of 18 or over 18 if incapable of self-care because of a mental or physical disability.

Eligible Employee: Various different qualifications apply depending on the kind of leave sought.

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OFLA - To qualify for OFLA leave for a Serious Health Condition or Sick Child Leave, an employee must have been employed for at least 180 days and worked an average of at least twenty-five (25) hours per week.

Parental Leave - To qualify for Parental Leave under OFLA, an employee must have been employed for at least 180 days (no per-week hourly minimum is required).

Oregon Military Family Leave Act (OMFLA) - To qualify for OMFLA leave, the employee needs to have only worked twenty (20) hours per week (no minimum length of employment required). A different calculation method applies for reemployed service members under the Uniformed Services Employment and Reemployment Rights Act (USERRA) who seek OMFLA leave.

Public Health Emergency Leave - Employees are eligible to take any OFLA leave during a Public Health Emergency if they have worked: (a) more than thirty (30) days immediately before the date on which the leave would begin; or (b) an average of twenty-five (25) hours per week in the thirty (30) days immediately before the date on which the leave would begin. See definition of "public health emergency" definition below.

Serious Health Condition: An illness, injury, impairment, or physical or mental condition that, for example: requires inpatient care in a medical care facility such as a hospital, hospice or residential facility such as a nursing home; requires constant or continuing care such as home care administered by a health care professional; or involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities. "Serious health condition" also includes any period of absence for the donation of a body part, organ, or tissue, including preoperative or diagnostic services, surgery, post-operative treatment, and recovery.

Other conditions may qualify as "serious health conditions." Please see your supervisor for more information. The common cold, flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, and cosmetic treatments (without complications), are examples of conditions not generally defined as "serious health conditions."

Public Health Emergency: A "public health emergency" is a public health emergency declared under ORS 433.441 or an emergency declaration declared under ORS 401.165. Examples include when the State of Oregon declared a COVID-19 state of emergency in March 2020 and the wildfire state of emergency in June 2021.

7.3 Reasons for Taking Leave

Family Medical Leave is defined to include and may be taken under any of the following circumstances:

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Employee's Serious Health Condition Leave: To recover from or seek treatment for an employee's serious health condition, including pregnancy-related conditions and prenatal care.

Family Member's Serious Health Condition Leave: To care for a Family Member with a serious health condition.

Oregon Military Family Leave Act Leave ("OMFLA"): During a period of military conflict, as defined by the statute, eligible employees with a spouse or registered same-sex domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces ("Military Spouse"), and who has been notified of an impending call or order to active duty (or who has been deployed) is entitled to a total of fourteen (14) days of unpaid leave per deployment after the Military Spouse has been notified of an impending call or order to active duty and before deployment and when the Military Spouse is on leave from deployment.

Parental Leave: For the birth of a child or for the placement of a child under 18 years of age for adoption or foster care. Parental leave must be completed within twelve (12) months of the birth of a newborn or placement of an adopted or foster child.

Pregnancy Disability Leave: For incapacity due to pregnancy, prenatal medical care or birth.

Sick Child Leave: To care for a child who suffers from an illness or injury that does not qualify as a Serious Health Condition but that requires home care. This type of leave does not provide for routine medical and dental appointments or issues surrounding the availability of childcare when the child is not ill or injured. Sick Child Leave is not available if another family member is able and willing to care for the child.

Bereavement Leave: See the Bereavement Leave Policy on page 23 of this handbook.

7.4 Length of Leave

In a One-Year Calculation Period, eligible employees may take up to twelve (12) weeks of Parental Leave, Serious Health Condition Leave (employee's own or family member), or Sick Child LeaveAn additional 12 weeks of leave may be available to an eligible employee for an illness, injury or condition related to pregnancy or childbirth that disables the employee ("Pregnancy Disability Leave"). Employees who take the entire twelve weeks of Parental Leave may be entitled to an additional twelve (12) weeks of Sick Child Leave.

7.5 One-Year Calculation Period

The "twelve-month period," a 12-month period measured forward from the date of the employee's first OFLA leave during which leave is available (also referred to as the "One-Year Calculation Period") will be determined by a rolling 12-month period measured forward from the date an employee initially uses any family medical leave. Each time an employee takes Family Medical Leave during this twelve-month period,

the remaining leave entitlement would be any balance of the twelve (12) weeks not yet used during the immediately preceding 12 months.

For example, if you take two weeks of Family Medical Leave starting on April 1, and then wish to take leave anytime prior to March 31 of the following year, you would have ten (10) weeks remaining of your available leave. On April 1 of the following year, your leave entitlement would reset to twelve (12) weeks.

7.6 Intermittent Leave

You can take intermittent or reduced scheduled leave when medically necessary due to the serious health condition of you or a covered family member. You must make reasonable efforts to schedule planned medical treatments to minimize disruption of LRAPA operations, including consulting management prior to the scheduling of treatment in order to work out a treatment schedule that best suits the needs of both you and LRAPA.

7.7 Employee Responsibilities — Notice

Employees must provide at least thirty (30) days' notice before Family Medical Leave is to begin if the reason for leave is foreseeable based on an expected birth, placement for adoption or foster care, or for planned medical treatment for a serious health condition of the employee or of a family member. If 30-day notice is not practicable, because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. If the situation giving rise to a Sick Child Leave is unforeseeable, you must give verbal or written notice to LRAPA within 24 hours of commencement of the leave.

Whether leave is to be continuous or taken intermittently or on a reduced schedule basis, you need only give notice once, but you have to advise your supervisor as soon as practicable if the dates of scheduled leave change or are extended or were initially unknown.

If circumstances change during the leave and the leave period differs from the original request, you must notify your supervisor within three (3) business days, or as soon as possible.

7.8 Certification

Generally, you must provide sufficient information for LRAPA to determine if the leave qualifies for OFLA protection and the anticipated timing and duration of the leave. Sufficient information may include that an employee is unable to perform job functions, the family member is unable to perform daily activities, or the need for hospitalization or continuing treatment by a health care provider.

Additionally:

1. Employees requesting Serious Health Condition leave for themselves or to care for a family member will be required to provide certification from the health care provider of the employee or the covered family member to support the request. Employees requesting Sick Child Leave may be required to submit, at a minimum, a note from a doctor or health care provider if the employee has used more

than three days (*i.e.*, one, three-day occurrence or three separate instances) of sick child leave within a One-Year Calculation Period.

2. Employees must furnish LRAPA's requested medical certification information within 15 calendar days after such information is requested by LRAPA. In some cases (except for leave to care for a sick child), LRAPA may require a second or third opinion, at LRAPA's expense. Employees also may be required to submit subsequent medical verification.

Employees will not be asked for, nor should they provide, any genetic information about themselves or a family member in connection with a medical certification.

7.9 Medical Certification Prior to Returning to Work

If family medical leave is for the employee's own serious health condition, the employee must furnish, prior to returning to work, medical certification from his/her health care provider stating that the employee is able to resume work.

7.10 Benefits While on Leave

LRAPA will continue the employee's health coverage under any group health plan during a period of approved OFLA leave on the same terms as if the employee had continued to work. The employee must continue to make any regular contributions to the cost of the health insurance premiums during the period of approved OFLA leave. Employees will not accrue vacation, sick leave, or other benefits (other than health insurance) while the employee is on an OFLA leave. The leave period, however, will be treated as continuous service (i.e., no break in service) for purposes of vesting and eligibility to participate in LRAPA benefit plans.

7.11 Job Protection

Employees returning to work from OFLA will be reinstated to their former position. If the position has been eliminated, the employee may be reassigned to an available equivalent position. Reinstatement is not guaranteed if the position has been eliminated under circumstances where the law does not require reinstatement.

Employees are expected to promptly return to work when the circumstances requiring OFLA have been resolved, even if leave was originally approved for a longer period. If an employee does not return to work at the end of a designated OFLA period, reinstatement may not be available unless the law requires otherwise.

The use of OFLA cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Employees who work for other employers during a "serious health condition" leave may be subject to discipline up to and including termination. Additionally, all employees who use OFLA for reasons other than the reason for which leave had been granted may be subject to discipline up to and including

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termination. In practical terms, this provision applies to fraudulent use of OFLA, such as filing for leave and then taking a trip to Hawai'i.

An employee who leaves employment with LRAPA for any reason may be eligible for OFLA leave if they are re-employed by LRAPA within 180 days of the separation and if the employee was eligible for OFLA leave at the time of the separation. Special rules apply to employees who temporarily stop working for LRAPA for 180 days or less; please speak with Human Resources for more information.

7.12 Substitution of Paid Leave for Unpaid Leave

Employees are required to use accrued paid leave, including personal days, vacation, compensatory time, and sick leave prior to a period of unpaid leave of absence on OFLA leave. Use of accrued paid leave will run concurrently with OFLA leave.

8. Paid Leave Oregon (PLO)

LRAPA pays into a Paid Leave Oregon (PLO) insurance plan administered through the Oregon Employment Department (OED). This insurance is required by Oregon law and provides paid time off to eligible employees in a manner similar to unemployment benefits. This is a protected leave. All health-related information gathered by the insurer and organization during this process will be maintained as confidential. Employees will not be discriminated against or retaliated against for using or trying to use this insurance benefit. We encourage each employee to use the combination of time off and benefits that meets their personal needs.

8.1 Cost

Employees will see a deduction from gross wages for each paycheck as their employee contribution. The employer will pass through the required percentage of the employee's gross wages for each paycheck in addition to the mandated employer contribution.

The employee and employer minimum and maximum contributions, as well as overall costs of this coverage will be assessed annually by OED and may change. We will provide notice to employees in advance of any change.

8.2 Eligibility

Most employees who work in Oregon are eligible to submit a claim. The determination of eligibility will be made by OED following assessment of your claim. If an employee disagrees with an eligibility determination, the employee may use the appeal process outlined in the determination notice. Note that the employer is not involved in this process at all other than to respond to questions from OED.

8.3 Length of leave

The OED assessment of your PLO claim will determine the length of leave you receive. An employee may qualify for up to twelve (12) weeks of leave annually, starting from the first day of leave. Employees also

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eligible for OFLA may qualify for an additional four weeks of unpaid leave for any OFLA qualifying reason. An additional two (2) weeks of leave may be available if the employee is pregnant, has given birth, or has health needs because of childbirth. Coverage may be approved in single day or single week segments.

8.4 Reasons for leave

You may qualify for Paid Leave Oregon under a variety of situations, including:

Family leave - Caring for members of the employee's family:

1. During the birth of a child
2. Bonding with a child in the first year:
3. After birth
4. Through adoption
5. When the child is placed in the employee's home through foster care
6. To care for a family member with a serious health condition*.

Medical leave - The employee caring for themselves when the employee has a serious health condition*.

Safe leave - For survivors of:

- Sexual assault
- Domestic violence
- Harassment
- Stalking

* A serious health condition is an illness, injury, impairment, or physical or mental condition that: requires inpatient care, poses an imminent danger of death or possibility of death in the near future, requires constant or continuing care, involves a period of incapacity, involves multiple treatments, *or* involves a period of disability due to pregnancy.

8.5 Insurance Benefit While on Leave

The amount of benefit pay you receive is calculated based on your earnings for the prior year. This amount will also be part of the determination of coverage process by the Oregon Employment Department. The final award may be less than your regular pay, much as unemployment benefits don't usually fully replace employment income.

You can choose to make up any difference between the PLO benefit amount and your regular rate of pay by using other LRAPA paid leave benefits to supplement. The following leave banks are available for this purpose: *Vacation, Sick Leave,* and *Compensatory Leave.* However, you can't use paid leave plus PLO benefits to exceed your regular pay.

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8.6 Required Notice to LRAPA

You must provide LRAPA with notice of your intention to take leave under PLO. For planned events, you are required to provide thirty (30) days written notice. For unplanned events, you have to notify the employer within twenty-four (24) hours of the leave and provide follow up written notice within three (3) days. If an employee is incapacitated due to an unplanned event and cannot meet these obligations, we ask the employee to notify the employer as soon as possible.

For written notice to LRAPA under PLO, please request a Notice Form from the Human Resources Director, and submit a completed copy to LRAPA HR.

Employees will need to establish an account and file their PLO claims electronically at Frances Online at the following link: *frances.oregon.gov*. This is the electronic system of record for the Oregon Employment Department. Employees are wholly responsible for submitting the required paperwork and any updates or changes to their claim. LRAPA cannot complete the application process on the employee's behalf. You are applying directly to the state for this benefit.

8.7 Job and Benefit Protection While on Leave

If an employee has been employed with the employer for at least ninety (90) days prior to the leave, the employee will be restored to the same position upon their return if the same position exists. If the same position does not exist, employees will be restored to a different position with similar job duties and the same employment benefits and pay. This position may or may not have the same terms and conditions as the previous one.

If, at the time of PLO leave, you are receiving health benefits, these will be maintained.

You are required to continue to pay your portion of all elected benefits premiums while on leave. In other words, LRAPA keeps your health care benefits active as if you remained in your position, and you continue to pay your premiums accordingly. The point of PLO is to offer some replacement income while you're out on leave.

8.8 Complaints Procedure

LRAPA prohibits discrimination and harassment against an employee who takes protected paid leave. Conduct that violates LRAPA's no-harassment and no-discrimination policies will not be tolerated and may subject an employee to discipline, up to and including termination.

Employees who have experienced discrimination or harassment, or have witnessed such behavior, should bring the matter to the attention of a supervisor or HR as soon as possible.

8.9 Holiday Pay While on Leave

Employees receiving short or long-term disability will not qualify for holiday pay. Employees using vacation pay or sick pay during a portion of approved family medical leave in which a holiday occurs will

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qualify to receive holiday pay. Employees who are on unpaid leave during a holiday will not qualify to receive holiday pay.

9. Leaves of Absence

9.1 Bereavement Leave

In the case of a death in an employee's immediate family, you are eligible up to five (5) days off with pay to allow you time to make funeral arrangements and/or to attend the funeral. "Immediate family" includes spouse or registered domestic partner, children (including stepchildren), parents (including stepparents or *in loco parentis*), siblings and stepsiblings, mother- and father-in-law, sister and brother-in-law, grandparents, and grandchildren. To qualify for bereavement pay, LRAPA may request that you provide substantiating information. Approved time off in excess of five (5) days will be charged against your accrued paid time off or may be takenwithout pay.

Generally, employees who work less than 20 hours/week are not eligible for any benefits or compensation beyond wages. The exception to the "No Benefits" policy is Bereavement Leave. For employees who work less than 40 hours per week, Bereavement Leave benefits will be pro-rated according to the number of hours regularly worked.

9.2 Bereavement Leave - Under the Oregon Family Leave Act (OFLA)

Employees who have worked for LRAPA for 180 calendar days, and averaged at least 25 hours per week, may take up to two weeks of *unpaid* bereavement leave per death of a Family Member. Employees who have worked for LRAPA for 90-180 days may use up to 40 hours of accrued vacation for bereavement purposes, and who have experienced the death of a Family Member. Employees who have worked for LRAPA for fewer than 90 days are not eligible for leave, except as defined by Oregon Family Leave Law. Contact your supervisor for more information.

Who is a "family member" for purposes of taking OFLA bereavement leave? An employee's spouse, same-gender domestic partner, custodial parent, non-custodial parent, adoptive parent, foster parent, biological parent, parent-in-law, parent of same-gender domestic partner, grandparent or grandchild of the employee, or a person with whom the employee is or was in a relationship of *in loco parentis*. Family members also include the biological, adopted, foster or stepchild of an employee or the child of an employee's same-gender domestic partner.

9.3 Jury and Witness Duty

Jury Duty: You will receive your regular wages when absent from work due to jury duty responsibilities or because you have been subpoenaed to testify in court. You are required to turn in any statutory per diem received for jury duty service to LRAPA.

However, you may keep any mileage reimbursement paid by the court. If dismissed from jury duty before the end of the scheduled workday, you are required to report to the office for the remainder of the day.

Witness Duty: Time spent serving as a witness in a work-related, legal proceeding will be treated as time worked for pay purposes, provided the time served occurs during regularly scheduled hours, the employee is subpoenaed to testify, and the employee submits witness fees to Finance upon receipt.

Except for employee absences covered under LRAPA's "Crime Victim Leave Policy" or "Domestic Violence Leave and Accommodation Policy," employees subpoenaed to testify in non-work-related legal proceedings must use any available vacation time to cover their absence from work. Leave without pay will be granted if the employee does not have any available accrued time. Employees must present a copy of the subpoena served on them to their supervisor for scheduling and verification purposes no later than 24 hours after being served.

9.4 Religious Observances Leave and Accommodation Policy

LRAPA respects the sincerely held religious beliefs and observances of all employees. Upon request, LRAPA will make an accommodation for such beliefs and observances when a reasonable accommodation is available that does not create an undue hardship on LRAPA's business. Employees may use personal days, vacation, or unpaid time for religious holy days or to participate in a religious observance or practice; if accrued leave is not available, then an employee may request to take unpaid leave. Requests for religious leave or accommodation should be made to the supervisor and may require the requesting employee to provide evidence of the "sincerely held" religious belief.

9.5 Crime Victim Leave Policy

Any employee who has worked an average of at least twenty-five (25) hours per week for 180 days is eligible for reasonable use of accrued vacation or unpaid leave to attend criminal proceedings if the employee or his/her immediate family member (defined below) has suffered financial, social, psychological, or physical harm as a result of being a victim of certain violent felonies, such as kidnapping, rape, arson, and assault.

"Immediate family member" includes a spouse, registered same-sex domestic partner, father, mother, sibling, child, stepchild, or grandparent.

Employees who are eligible for crime victim leave must:

- Use any accrued, but unused vacation/sick leave during the leave period; may be eligible for Paid Leave Oregon.
- Provide as much advance notice as is practicable of his/her intention to take leave (unless giving advance notice is not feasible); and
- Submit a request for the leave in writing to your supervisor as far in advance as possible, indicating the amount of time needed, when the time will be needed, and the reason for the leave.

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In all circumstances, LRAPA may require certification of the need for leave, such as copies of any notices of scheduled criminal proceedings that the employee receives from a law enforcement agency or district attorney's office, police report, a protective order issued by a court, or similarly reliable sources.

9.6 Domestic Violence Leave and Accommodation Policy

All employees are eligible for reasonable use of Vacation, Sick Leave, or unpaid leave to address domestic violence, harassment, sexual assault, or stalking of the employee or his/her minor dependents.

Reasons for taking leave include the employee's (or the employee's dependent's) need to: seek legal or law enforcement assistance or remedies; secure medical treatment for or time off to recover from injuries; seek counseling from a licensed mental health professional; obtain services from a victim services provider; or relocate or secure an existing home.

This leave is generally unpaid, but the employee may use any accrued vacation leave while on this type of leave. Domestic violence leave may also be eligible for paid time off as *safe leave* under Paid Leave Oregon.

When seeking this type of leave, the employee should provide as much advance notice as is practicable of his/her intention to take leave, unless giving advance notice is not feasible.

Notice of your need to take leave should be provided by submitting a request for leave in writing to the supervisor as far in advance as possible, indicating the length of time needed, when the time will be needed, and the reason for the leave. For our records, LRAPA generally requires certification of the need for the leave, such as a police report, protective order or other evidence of a court proceeding, or documentation from a law enforcement officer, attorney, healthcare professional, member of the clergy, or victim services provider.

If more leave than originally authorized needs to be taken, the employee should give LRAPA notice as soon as is practicable prior to the end of the authorized leave. When taking leave in an unanticipated or emergency situation, the employee must give verbal or written notice as soon as is practicable. When leave is unanticipated, this notice may be given by any person on the employee's behalf.

Finally, employees who are victims of domestic violence, harassment, sexual assault or stalking are entitled to a "reasonable safety accommodation" that will allow the employee to more safely continue to work, unless such an accommodation would impose an undue hardship on LRAPA. Please contact your supervisor immediately with requests for reasonable safety accommodations. Your safety is a priority.

9.7 Military Leave

Employees called to active or training military duty with any of the armed forces of the United States may be entitled to leave and later restatement for military service pursuant to the provisions of Uniformed Services Employment and Reemployment Act (USERRA) and Oregon law. Employees called to active or training military duty must provide written or verbal notice of orders activating the employee to duty. Employees activated to duty will be provided leave in accordance with the provisions of USERRA and

Oregon law. Employee benefits during military leave and employee reinstatement rights will be determined in accordance with the provisions of USERRA and Oregon law. Employees are entitled to reinstatement upon completion of military service, provided the employee returns or applies for reinstatement within the time allowed by law.

Further, eligible employees called for annual active duty for training as a member of the Armed Forces, National Guard, National Guard Reserve, or of any reserve component of the Armed Forces of the United States or of the United States Public Health Service, will be entitled to *leave with pay* for all regular workdays that fall within a period not to exceed fifteen (15) calendar days in any federal training year. The employee must provide a copy of the training orders to receive this benefit. Weekend drill obligations are not considered "federal active duty" for training under this policy; other requirements apply. Please contact your supervisor for more information and arrangements for this leave.

10. Employee Benefit Plans

10.1 Benefits Generally

Employees who meet the definition of "benefit eligible" under both LRAPA policy and LRAPA's current health care insurance provider are entitled to a number of benefit options. LRAPA offers medical/dental/vision insurance for all regular, full-time employees unless otherwise established by law. Health care coverage is reviewed annually. LRAPA will assess this expense against its available budget and determine an appropriate percentage to contribute toward the employee's monthly premium. Those of you covering dependents must pay part of any additional monthly premium. During the budgeting process, LRAPA reviews costs and available funds before making co-payment decisions. LRAPA works hard to manage health costs. Monthly premium are published during open enrollment of each year.

In addition to medical/dental/vision benefits, LRAPA also offers LRAPA-paid life insurance, LRAPA-paid long-term disability, employee-purchased employee and dependent life insurance (as of Jan. 1, 2023), employee-paid identity protection, trauma, critical illness, hospitalization, and accident coverage, and employee-paid flexible spending and dependent care contributions.

Through VOYA, LRAPA offers a deferred compensation program. In conjunction with the State of Oregon, LRAPA is also a member of the Public Employee Retirement System (PERS).

10.2 Employee Assistance Program (EAP)

This free confidential service is provided by Canopy and is available to all employees and dependents covered on a LRAPA medical plan. EAP can be used to assist employees and eligible family members with any personal problems, large or small. Each covered employee and their eligible family members can receive up to five (5) personal counseling sessions per situation per year. Sessions can be face to face, over the phone, or online for concerns such as marital conflict, conflict at work, depression, stress management, family relationships, anxiety, alcohol or drug abuse, grieving a loss, and career development services.

Canopy also provides educational tools as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, home ownership, and gym membership discounts.

More information regarding this service can be obtained by contacting Human Resources or Canopy directly at 1-800-433-2320, or at *canopywell.com*.

10.3 Workers' Compensation

Under Oregon law, employees are protected by workers' compensation insurance. This insurance covers occupational injury or illness by providing, among other things, medical care and compensation and temporary or other disability benefits. Employees are expected to work safely in a safe environment.

Steps to Take if You are Injured on the Job

Employees injured on the job are required to notify the supervisor no later than 24 hours after your injury.

Employees seeking treatment for a work-related injury and wanting to apply for workers' compensation benefits, the following must be completed:

1. Report any work-related injury to your supervisor no later than 24 hours after injury.
2. Seek medical treatment and follow-up care if required.
3. Promptly complete a written Employee's Claim Form (Form 801) and return it to Human Resources.

Failure to timely follow these steps may negatively affect the ability to receive benefits.

Return to Work

If you require workers' compensation leave, you will — under most circumstances — be reinstated to the same position you held at the time your leave began, or to an equivalent position if available. However, you must first submit documentation from a health care provider familiar with your condition to certify your ability to return to work and perform the essential functions of your position.

When returning from a workers' compensation leave, you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not been on leave, or if your position is eliminated, and no equivalent or comparable positions are available, you may not be entitled to reinstatement. These are only examples. LRAPA does not discriminate against employees who suffer a workplace injury or illness.

Early Return-to-Work Program

Our Return-to-Work program provides guidelines for returning you to work at the earliest possible time after you have suffered an on-the-job injury or illness that results in time loss. This program is not intended as a substitute for reasonable accommodation when an injured employee also qualifies as an individual with a disability. The Return-to-Work Program is intended to be transitional work to enable you to return to your regular job in a reasonable period of time.

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The Return-to-Work program for job-related injuries consists of a team effort by LRAPA, injured employees and their treating physicians, and our workers' compensation insurance carrier claims staff. The goal is to return our employees to full employment at the earliest possible date consistent with their medical condition and the advice of the treating physician.

If your doctor determines you are able to perform modified work, LRAPA will attempt to provide you with a temporary job assignment for a reasonable period of time until you can resume your regular duties (except where provided as an accommodation for a disability). If, due to a work-related injury, you are offered a modified position that has been medically approved, failure to phone in or report at the designated time and place may affect your compensation and employment with LRAPA. While you are on modified or transitional work, you are still subject to all other LRAPA rules, policies, and procedures.

Overlap with Other Laws

LRAPA will account for other leave and disability laws that might also apply to your situation, such as the Americans with Disabilities Act (ADA) and OFLA. If, after returning from workers' compensation leave, it is determined you are unable to perform the essential functions of your position because of a qualifying disability, you may be entitled to a reasonable accommodation as governed by the ADA and/or applicable Oregon laws covering disabilities in the workplace.

10.4 PERS (Public Employees' Retirement System) Benefits

LRAPA participates in the Public Employees Retirement System (PERS); therefore, your designation as a Tier I, Tier II, or Oregon Public Service Retirement Plan (OPSRP) member will depend on your prior PERS service and PERS rules. An employee's designation and eligibility for participation in PERS or the OPSRP are determined by law. For more information about these plans, please contact PERS at 1-888-320-7377 or visit their website at *www.oregon.gov/PERS*. For information about LRAPA's contributions to employee PERS or OPSRP plans, contact Human Resources.

11 Workplace Fairness and Safety

11.1 Generally

The following Equal Employment Opportunity (EEO) policies apply to all employees. Failure to follow them may result in discipline, up to and including termination. You are encouraged to discuss these policies with their supervisor if you have questions relating to the issues of harassment, discrimination, bullying, or what it means to work in a respectful workplace.

LRAPA provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, sex, gender identity, pregnancy (including childbirth and related medical conditions), sexual orientation, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other status protected by applicable federal, Oregon, or local law. LRAPA recognizes an employee's right to engage in protected activity under Oregon and federal law, as discussed

in various policies below, and will not retaliate against an employee for engaging in protected activity. LRAPA unreservedly prohibits workplace discrimination and retaliation.

For purposes of this and all other LRAPA policies, "race" is defined to include physical characteristics historically associated with race, including but not limited to all expressions of hair texture and style, whether natural or created.

LRAPA's commitment to equal opportunity applies to all aspects of the employment relationship including but not limited to, recruitment, hiring, compensation, promotion, demotion, transfer, disciplinary action, layoff, recall, and termination of employment.

LRAPA maintains a strict No-Discrimination, No-Retaliation Policy under EEO laws and guidelines. Violation of this policy can cause a substantial harmful impact on employees and subject the agency itself to legal liability. Reports of EEO violations will be treated with utmost seriousness.

In addition to EEO policies, LRAPA also prohibits its employees from engaging in bullying and violent behavior regardless of the protected class status of recipients of such behavior.

11.2 Statement Regarding Pay Equity

LRAPA supports Oregon's Pay Equity Law and federal and Oregon laws prohibiting discrimination among employees on the basis of membership in a protected class (as defined by Oregon or federal law) in the payment of wages or other compensation for work of comparable character. Employees who believe they are receiving wages or other compensation at a rate less than that at which LRAPA pays wages or other compensation to other employees for work of comparable character are encouraged to discuss the issue with their supervisor.

11.3 No-Harassment Policy

LRAPA prohibits harassment and sexual assault in the workplace, or harassment and sexual assault outside of the workplace that violates its employees, volunteers, and interns' right to work in a harassment-free environment. Specifically, LRAPA prohibits harassment or conduct related to an individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

Each member of management is responsible for creating an atmosphere free of discrimination, harassment, and sexual assault. Further, all employees are responsible for respecting the rights of other employees and to refrain from engaging in conduct prohibited by this policy, regardless of the circumstances, and regardless of whether others participate in the conduct or did not appear to be offended. All employees are encouraged to discuss this policy with their supervisor, any member of the management team, or with Human Resources at any time if they have questions relating to issues of discrimination or harassment.

This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, during LRAPA related or sponsored trips (such as conferences or work-related travel), and during non-working hours when that off-duty conduct creates an unlawful hostile work environment for any of LRAPA's employees. Such harassment is prohibited whether committed by LRAPA employees or by non-employees related to LRAPA business including Board members, elected officials, members of the community, volunteers, interns, and vendors.

11.4 Sexual Harassment

Sexual harassment includes unwelcome sexual advances or romantic request, requests for sexual favors, or other verbal or physical conduct of a sexual nature regardless of whether such conduct is "welcome.":

Submission to such conduct is made either implicitly or explicitly a term or condition of employment when:

Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Some examples of conduct that could give rise to sexual harassment are unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature; comments about an individual's body, sexual prowess, or deficiency; talking about your sex life or asking others questions about theirs; leering or whistling; unwelcome touching or assault; sexually suggestive, insulting, or obscene comments or gestures; displays of sexually suggestive objects or pictures; making derogatory remarks about individuals who are gay, lesbian, bisexual or transgender; or discriminatory treatment based on sex. This is not a complete list.

11.5 Other Forms of Prohibited Harassment

This policy prohibits harassment against an individual based on the individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

This policy also includes harassing behaviors such as verbal, written, or physical conduct that denigrates, makes fun of, or shows hostility towards an individual because of that individual's protected class or protected activity, and can include:

- Jokes, pictures (including drawings), epithets, or slurs.
- Negative stereotyping.

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- Displaying racist symbols anywhere on LRAPA property. "Property" for purposes of this rule also includes LRAPA vehicles, LRAPA events, LRAPA equipment, and LRAPA websites and social media.
- "Teasing" or mimicking the characteristics of someone with a physical or mental disability.
- Criticizing or making fun of another person's religious beliefs, or "pushing" your religious beliefs on someone who doesn't share them.
- Threatening, intimidating, or hostile acts that relate to a protected class or protected activity; or
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.
- Negative comments or teasing a person about their natural hair, hair texture, hair type or hair style. Employees may not touch another employee's hair without permission to do so, even if the touch is extended out of curiosity or as a compliment.

This is not a complete list. All employees are expected to exercise common sense and refrain from other similar kinds of unprofessional conduct.

11.6 Complaint Procedure

Employees, volunteers, or interns who have experienced a sexual assault, any harassment, discrimination in violation of this policy, who have witnessed such behavior, or who have credible information about such behavior occurring, should bring the matter as soon as possible to the attention of their supervisor, Human Resources, or the Director, depending on your comfort level and circumstances. Employees are strongly encouraged to document the information or incident in any written or electronic form, or with a voicemail message or phone call. LRAPA encourages—*but does not require*--employees who witness harassing behavior to point out the behavior is offensive and unwanted and that they want it to stop. If you do not feel comfortable or safe doing so, you should in no way feel obligated. Just report the incident to management or the HR Director.

11.7 Investigation and Confidentiality

All complaints and reports will be promptly and impartially investigated by management, who may at its discretion engage outside assistance. The investigation and its results will be kept confidential to the extent possible, consistent with LRAPA's need to investigate and address the situation. If conduct in violation of this policy is found to have occurred, LRAPA will take prompt, appropriate corrective action. Any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

Employees who have been subjected to harassment, sexual assault, or discrimination are encouraged to use LRAPA's complaint-reporting procedure, described above, to ensure a timely, thorough investigation and

handling of the situation. Employees may, however, also seek redress from the Oregon Bureau of Labor and Industries (BOLI) pursuant to ORS 659A.820 to 659A.865, or in a court under any other available law, whether criminal or civil. Although LRAPA cannot provide employees with legal advice, employees should be aware of the statute of limitations applicable to harassment or discrimination claims under ORS 659A.030, 659A.082 or 659A.121 (five years). Further, before an employee can take any legal action against LRAPA, the employee must provide written notice of the claim within 180 days of the act or omission the employee claims have caused him/her harm. When an employee can prove harm as a result of unlawful harassment or discrimination in an administrative proceeding or in a court, remedies available to the employee include enforcement of a right, imposition of a penalty, or issuance of an order to the employee's employer (in limited circumstances).

11.7 No-Retaliation Policy

LRAPA prohibits retaliation in any way against an employee because the employee has in good faith made a complaint pursuant to this policy or the law, has reported sexual assault, harassing or discriminatory conduct, or has participated in an investigation of such conduct.

Employees who believe they have been retaliated against in violation of this policy should immediately report it to their supervisor, Human Resources, or the Executive Director. Any employee found to have retaliated against another employee in violation of this policy will be subject to disciplinary action up to and including termination of employment.

Examples of retaliation may include demotion or unwanted transfer of duties, removal of perks, additional work duties, loss of job opportunities, or other management decisions that appear to target the reporting employee without justification.

11.8 Other Resources Available to Employees

LRAPA provides an Employee Assistance Program (EAP) through Canopy to employees and dependents who are enrolled in LRAPA's medical coverage. For access to confidential help 24 hours a day, seven days a week, call toll-free: **1-800-433-2320**, or go online to *canopywell.com*. The EAP program provides confidential counseling services and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, and others.

LRAPA cannot provide legal resources to its employees or referrals to specific attorneys. Employees may contact the Oregon State Bar for more information: https://www.osbar.org/public/.

11.9 Other Employee Rights

Nothing in this policy is intended to diminish or discourage an employee who has experienced workplace harassment or discrimination, or sexual assault, from talking about or disclosing his/her experience.

Oregon law requires LRAPA to inform employees that if they have been aggrieved by workplace harassment, discrimination or sexual assault and want to enter into an agreement with LRAPA regarding their experience and/or employment status, the employee should contact their supervisor. The employee's

request to enter into such an agreement must be in writing (email or text is acceptable). Requests of this nature will be considered on a case-by-case basis; such agreements are not appropriate for every situation. If LRAPA and the employee do reach an agreement, LRAPA will not require an employee to enter into a *nondisclosure agreement* (which would prohibit the employee from discussing or communicating about his/her experiences in the workplace or the terms of the agreement) or a *non-disparagement agreement* (which would prohibit the employee from speaking slightingly about LRAPA or making comments that would lower LRAPA in rank or reputation).

If, however, the employee makes a request for an agreement under this paragraph, LRAPA and the employee may agree to nondisclosure and non-disparagement terms *only if the employee specifically requests their inclusion.* The employee has seven days to revoke the agreement after signing it.

11.10 No-Bullying Policy

Though bullying behavior may rise to the level of unlawful harassment described above if the recipient is targeted for reasons of discrimination or harassment, LRAPA also generally prohibits employees from bullying one another or engaging in any conduct toward others that is disrespectful, insubordinate, or that creates a hostile work environment for another employee for any reason, regardless of whether the recipient of the behavior is a member of a protected class.

For purposes of this policy, "bullying" is defined as repeated, unreasonable actions of individuals (or a group) directed with the intent to intimidate toward an individual or a group of employees, that create a risk to the health and safety of the employee(s).

Examples of bullying include:

1. ***Verbal Bullying:*** Slandering, ridiculing, or maligning a person or his/her family; persistent name calling that is unwanted, hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.

2. ***Physical Bullying:*** Pushing; shoving; kicking; poking; tripping; assault or threat of physical assault; damage to a person's work area or property.

3. ***Gesture Bullying:*** Non-verbal threatening gestures or body language that a reasonable person would find threatening or intimidating.

4. ***Exclusion Bullying:*** Intentionally socially or physically excluding, isolating, snubbing, or disregarding a person in work-related activities. Depending on circumstances, obstinate and persistent refusal to cooperate and work collaboratively with coworkers could be viewed as exclusion bullying.

5. ***Cyber Bullying:*** Bullying behavior that employs electronic technology as the medium, including devices such as cell phones, computers, and tablets and/or communication applications such as social media sites, text messages, chat, bulletin boards, collaborative software tools (e.g., Slack,

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Discord, etc.), and other websites. Examples include transmitting or showing mean-spirited, insulting text messages, emails, embarrassing or explicit pictures, videos or graphics, rumors or slanderous comments sent by email or posted on social networking sites, or creating fake profiles on websites for co-workers, managers or supervisors or elected officials.

NOTE: This is not an all-inclusive list.

Employees who have experienced bullying in violation of this policy, who have witnessed an incident of bullying, or who have credible information about an incident, are expected and should bring the matter to the attention of their supervisor, Human Resources, or the Executive Director as soon as possible. If conduct in violation of this policy is found to have occurred, LRAPA will take prompt, appropriate action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

11.11 Workplace Violence

LRAPA recognizes the importance of a safe workplace for employees, customers, vendors, contractors, and the public. A work environment that is safe and comfortable enhances employee satisfaction as well as productivity. Therefore, threats and acts of violence made by an employee against another employee, volunteer, elected official, or member of the public with respect to that person's life, health, well-being, family, or property will be dealt with in a zero-tolerance manner by LRAPA.

All employees have an obligation to report any incidents that pose a real or potential risk of harm to employees or others associated with LRAPA, or that threaten the safety, security, or financial interests of LRAPA. Employees are also strongly encouraged to report threats or acts of violence by non-employees, such as vendors or citizens, against any employee, volunteer, or elected official. Employees should make such reports directly to the supervisor.

LRAPA also may conduct an investigation of a current employee where the employee's behavior raises concern about work performance, reliability, honesty, or potentially threatens the safety of co-workers or others. See policy on "Workplace Inspections."

12. Disability Accommodation Policy

LRAPA is committed to complying fully with the Americans with Disabilities Act (ADA) and Oregon's disability accommodation and anti-discrimination laws. We are also committed to ensuring equal opportunity in employment for qualified persons with disabilities.

12.1 Accommodations

LRAPA will make reasonable efforts to accommodate a qualified applicant or employee with a known disability unless such accommodation creates an undue hardship for LRAPA. Employees protected by the ADA should discuss their needs for possible accommodation with the director of human resources or their supervisor, who will engage in the interactive reasonable accommodation process to discuss and identify

an appropriate reasonable accommodation. Where more than one accommodation would work, LRAPA will determine the accommodation in compliance with the ADA.

Note that temporary injuries, such as recovery from medical procedures or accidents, may qualify as a "disability" under the ADA while the affected employee is recovering.

12.2 Requesting an Accommodation

A *reasonable accommodation* is any change or adjustment to a job or work environment that does not cause an undue hardship on the agency and that permits a qualified applicant or employee with a disability to participate in the job application process, perform the essential functions of a job, or enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, a reasonable accommodation may include providing or modifying equipment or devices, job restructuring, allowing part-time or modified work schedules, reassigning an individual, adjusting or modifying examinations or training materials provided by LRAPA, providing readers and interpreters, or making the workplace readily accessible to and usable by people with disabilities.

Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position. All requests for accommodation should be made in writing to the employee's supervisor and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, an employee will need to provide medical verification of their need for a reasonable accommodation. Both LRAPA and the employee must monitor the employee's accommodation situation and consider adjustments as needed in a collaborative interactive process.

12.3. Pregnancy Accommodation Policy

Employees concerned that their pregnancy, childbirth, or a related medical condition (including lactation) will impact their ability to work should contact their supervisor to discuss options for continuing to work and, if necessary, use available leave of absence options. LRAPA will provide one or more reasonable accommodations pursuant to this policy for employees with known limitations unless such accommodations impose an undue hardship on LRAPA's operations.

Requesting a Pregnancy-Related Accommodation: Employees concerned that their pregnancy, childbirth, or a related medical condition will limit their ability to perform their duties should request an accommodation as soon as it becomes apparent such accommodation may be necessary to enable the employee to work. All requests for accommodation should be made in writing to the supervisor and should specify which essential functions of the employee's job cannot be performed without reasonable accommodation. In many cases, information from the employee's doctor may be needed to assist LRAPA and the employee in determining an appropriate accommodation or to verify the employee's need for an accommodation. Both LRAPA and employee must monitor the employee's accommodation situation and make adjustments as needed.

12.4 Leave of Absence Options for Pregnant Employees

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under Oregon's sick leave law, Paid Leave Oregon, and the Oregon Family Leave Act. For more information, contact your supervisor or Human Resources.

12.5 No Discrimination, No Retaliation

LRAPA prohibits retaliation or discrimination against any employee who, under this policy: (1) asked for information about or requested accommodation; (2) used accommodations provided by LRAPA; or (3) needed an accommodation.

Employees who ask about, request, or use accommodations under this policy and applicable Oregon law have the right to refuse an accommodation that is unnecessary for the employee to perform the essential functions of the job or when the employee does not have a known limitation. Under Oregon law, an employer cannot require an employee to use sick leave under the Oregon Family Leave Act if a reasonable accommodation can be made that does not impose an undue hardship on the operations of LRAPA. Also, no employee will be denied employment opportunities if the denial is based on the need of LRAPA to make reasonable accommodations under this policy.

13. Termination of Employment

13.1 Workplace Rules and Prohibited Conduct

Any violation of the rules or prohibited conduct in this policy may result in discipline, up to and including termination. the following list of prohibited conduct is illustrative only and not exclusive; other types of conduct injurious to security, personal safety, employee welfare and LRAPA's operations, many of which are described elsewhere in this Handbook, may also be grounds for discipline, up to and including termination.

- Falsification of employment or other LRAPA records.
- Recording of work time of another employee or allowing any other employee to record your work time or allowing falsification of any time sheets (your own or another employee's).
- Theft or the deliberate or careless damage or destruction of any LRAPA property, or the property of any other employee, citizen, vendor or third party.
- Unauthorized use of LRAPA equipment, materials, or facilities.
- Provoking a fight or fighting during work hours or on LRAPA property.
- Carrying firearms or any other dangerous weapon on LRAPA premises at any time.
- Engaging in criminal conduct while at work.

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- Causing, creating, or participating in a significant or substantial disruption of work during working hours on LRAPA property.
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward another LRAPA employee, customer, or vender.
- Failure to notify a supervisor when unable to report to work, or when leaving work during normal working hours without permission from a supervisor to do so.
- Failure to observe work schedules, including rest breaks and meal periods. You are expected to be at work on time, remain until your workday ends, and perform the work assigned to or requested of you.
- Sleeping or malingering on the job.
- Excessive personal telephone calls during working hours.
- Unprofessional appearance during normal business hours.
- Failing to attend scheduled work sessions and related activities at conferences, workshops, or educational events that are paid for by LRAPA.
- Misrepresentation of LRAPA policies, practices, procedures, or your status or authority to enter into agreements on behalf of LRAPA. Employees may not use LRAPA's name, logo, likeness, facilities, assets, or other resources of LRAPA for personal gain or private interests.
- Violations of the Ethics Policy or Oregon's Ethics laws.
- Violation of any safety, health, security or LRAPA policy, rule, or procedure. Employees are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by LRAPA or outside regulatory or legislative bodies.
- Harassment or discrimination that violates LRAPA policy.

This list of prohibited conduct does not alter LRAPA's policy of at-will employment and does not convert your employment to one where you can only be terminated for a specific cause. LRAPA remains free to terminate the employment relationship at any time, with or without cause or notice so long as the reasons are not unlawful (such as discrimination or retaliation).

13.2 Corrective Action/Discipline Policy

Employees are expected to perform to the best of their abilities at all times. There will be occasions, however, where employees perform at an unsatisfactory level, violate a policy or law, or commit an inappropriate act. When performance or conduct does not meet LRAPA standards, LRAPA will determine

at its discretion whether to terminate the employee's employment or provide the employee a reasonable opportunity to correct the deficiency through progressive discipline (such as, in no particular order, verbal warnings, written warnings, suspensions without pay, and demotions). The corrective action process will not always commence with verbal counseling or include a sequence or steps. Some acts, particularly intentional or serious ones, warrant more severe action (including termination) on the first or subsequent offense.

In lieu of terminating the employment of an employee for serious violations of LRAPA policies, procedures, and rules and for other inappropriate behavior or conduct, LRAPA may choose to provide the employee a final opportunity to continue employment in the form of a last-chance agreement. LRAPA may also choose to send the employee to a training or an education opportunity.

In all cases, LRAPA will determine the nature and extent of any discipline based upon the circumstances of each individual case. LRAPA may proceed directly to a written warning, demotion, last chance agreement, or termination for misconduct or performance deficiency, without any prior disciplinary steps, when LRAPA deems such action appropriate.

If LRAPA proposes to impose an economic sanction as discipline (such as suspension without pay, docking of accrued paid time for missed time, or discharge), the Agency will provide the employee with notice of the proposed discipline and an opportunity to respond before taking final action. If discipline involving an economic sanction is imposed, the employee will be provided with a hearing through the grievance procedure (explained below).

13.3 Voluntary Termination

An employee who resigns is considered to have voluntarily terminated his/her employment with LRAPA. Employees are asked to give at least two weeks' notice of the intent to resign. In addition, an employee who fails to report to work for three consecutive scheduled workdays without notice to or approval by his/her supervisor is also considered to have voluntarily terminated employment with LRAPA.

13.4 Benefits Eligibility

LRAPA-sponsored health, dental, and vision insurance coverage for eligible employees and their dependents ceases on the last day of the month in which the employee's employment ends. Employees who leave employment for any reason may continue health and dental insurance coverage for up to 18 months as provided by the Consolidated Omnibus Budget Reconciliation Act (COBRA) and any other applicable federal and Oregon law. Employees who wish tocontinue these benefits are responsible for all costs plus an administrative fee. For further information on continuation of benefits under COBRA, contact Finance/HR Division.

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13.5 Return of LRAPA Property

Upon termination of employment, all LRAPA property in the possession of the employee, including vehicles, keys, identification badges, and credit cards, shall immediately be returned to the employee's supervisor.

13.6 Retirement or Resignation from Employment

If you choose to resign or retire, it is anticipated that you will give LRAPA as much notice as possible, preferably a minimum of two weeks. When giving your two-weeks' notice, vacation, personal, or sick days cannot be used in lieu of notice. You must be present on your last working day with LRAPA.

If you do not give two weeks' notice of your intent to leave LRAPA, absent exigent circumstances to be determined at LRAPA's discretion, you will not be eligible for re-employment at a later date.

Employees who miss three or more consecutive workdays without contacting their immediate supervisor are typically considered to have resigned their employment.

If the employee's decision to resign is based on a situation that could be corrected, the employee is encouraged to discuss it with the supervisor before making a final decision.

Employees must return all LRAPA property, including issued uniform pieces, phones, computers, identification cards, credit cards, keys, and manuals, to the supervisor on or before their last day of work.

13.6 References

All requests for references or recommendations must be directed to Human Resources. No manager, supervisor or employee is authorized to release references for current or former employees. Managers and supervisors are expressly prohibited from providing LinkedIn "recommendations" or using a website on the internet to discuss a current or former employee's performance or termination of employment.

By policy, LRAPA discloses only the dates of employment and position(s) held of former employees. Former employees who authorize additional disclosures must make a request to do so in writing.

14. Reporting Improper or Unlawful Conduct — No Retaliation

Employees may report concerns about LRAPA's compliance with any law, regulation, or policy, using one of the methods identified in this policy. LRAPA will not retaliate against employees who disclose information the employee reasonably believes is evidence of:

- A violation of any federal, Oregon, or local law, rules, or regulations by LRAPA.
- A violation of law, regulation, or standard pertaining to safety and health in the place of employment.

- Mismanagement, gross waste of funds, abuse of authority.
- A substantial and specific danger to public health and safety resulting from actions of LRAPA or one of its employees; or
- The fact that a recipient of government services is subject to a felony or misdemeanor arrest warrant.

Further, in accordance with Oregon law, LRAPA will not prohibit an employee from discussing the activities of a public body or a person authorized to act on behalf of a public body with a member of the Legislative Assembly, legislative committee staff acting under the direction of a member of the Legislative Assembly, any member of the elected governing body of a political subdivision, or an elected auditor of a city, county, or metropolitan service district.

14.1 Employee Reporting Options

Employees who wish to report improper or unlawful conduct should first talk to their supervisor. If you are not comfortable speaking with your supervisor or you are not satisfied with your supervisor's response, you are encouraged to speak with Human Resources or the Executive Director. Further, supervisors and managers are required to inform Human Resources about reports of improper or unlawful conduct they receive from employees. Reports of unlawful or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation.

If LRAPA were to prohibit, discipline, or threaten to discipline an employee for engaging in an activity described above, the employee may file a complaint with the Oregon Bureau of Labor and Industries (BOLI) or bring a civil action in court to secure all remedies provided for under Oregon law.

14.2 Additional Protection for Reporting Employees

Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of LRAPA's violation of law will have an affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the employee's disclosure must relate to the conduct of their coworker or supervisor acting within the course and scope of their employment. The disclosure just have been made to: (1) a state or federal regulatory agency; (2) a law enforcement agency; (3) a manager or supervisor with LRAPA; or (4) an Oregon-licensed attorney who represents the employee making the report/disclosure. The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

14.3 Policy Against Retaliation for Whistleblowing

LRAPA prohibits retaliation against employees who make "whistleblower" reports or disclosures of information of the type described above, when the employee reasonably believes they are disclosing information about improper or unlawful conduct, and who lawfully accessed information related to the reported violation (including information exempt from disclosure as provided in Oregon law or by LRAPA policy).

In addition, LRAPA prohibits retaliation against an employee for participating in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further, no LRAPA employee will be adversely affected because they refused to carry out a directive that constitutes fraud or is a violation of local, Oregon, federal or other applicable laws and regulations. LRAPA may take disciplinary action (up to and including termination of employment) against an employee who has engaged in retaliatory conduct in violation of this policy.

This policy is not intended to protect an employee from the consequences of their own misconduct or inadequate performance simply by reporting misconduct or inadequate performance. Furthermore, an employee is not entitled to protections under this policy if LRAPA determines the report was known to be false, or information was disclosed with reckless disregard for its truth or falsity. If such a determination is made, an employee may be subject to discipline up to and including termination of employment.

15. Substance Misuse

15.1 Alcohol/Drug Use, Misuse and Testing

LRAPA works to maintain a safe and efficient work environment. Employees who misuse controlled substances, prescription or illegal drugs, or alcoholic beverages pose a risk both to themselves and to everyone who comes into contact with or depends upon them, and risks causing damage to LRAPA's reputation.

LRAPA expects employees to report to work in a condition conducive to performing their duties in a safe, effective, and efficient manner. An employee's off-the-job as well as on-the-job involvement with drugs and alcohol can have a significant impact on the workplace and can present a substantial risk to the employee who is using alcohol and drugs, to coworkers and others.

This policy applies to all employees (except where noted in this policy or where it is inconsistent with applicable law provisions.) This policy revises and supersedes all previous drug and alcohol testing policies and practices.

15.2 Prohibited Conduct

The following examples of prohibited conduct with regard to alcohol and controlled substances are not exclusive. LRAPA may conclude other circumstances constitute a violation of LRAPA policy.

- Possession, transfer, use or being under the influence of or visibly impaired by ***alcohol*** while on LRAPA property, on LRAPA time, while driving LRAPA vehicles (or personal vehicles while on LRAPA business), or under circumstances that adversely affect LRAPA operations or safety of LRAPA employees or others. Mere casual possession of unopened alcohol containers in your vehicle or under circumstances where possession is otherwise lawful and not disruptive of LRAPA operations or safety does not violate this policy.

- The conduct prohibited by this rule includes consumption of any intoxicating liquor within four (4) hours of reporting to work or during rest breaks or meal periods. If use of alcoholic liquor or an alcohol “hangover” adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee's blood alcohol content exceeds .02 percent, the employee will be deemed "under the influence" for purposes of this rule.

- Possession, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of any non-prescription ***narcotic, hallucinogen, stimulant, sedative, drug, or other controlled substance*** while on LRAPA property, on LRAPA time, while driving LRAPA vehicles (or personal vehicles while on LRAPA business), or in other circumstances which adversely affect LRAPA operations or safety of LRAPA employees. Employees may not have any detectable amount of narcotic, hallucinogen, stimulant, sedative, drug, or other controlled substance in system while on LRAPA property or on LRAPA time.

    - The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during rest breaks or meal periods. If use of such substances or withdrawal symptoms adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee tests "positive" for any such substances by screening and confirmation tests, the employee will be deemed "under the influence" for purposes of this rule.

    - As used in this policy, "controlled substance" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana (despite it being otherwise lawful to use under Oregon, Washington, or any other state’s law).

- Bringing to LRAPA property, or possessing, items or objects on LRAPA property that contain any “controlled substance,” including, for example, “pot brownies,” “edibles” and candy containing marijuana. No employee, regardless of position held, may knowingly serve items containing marijuana or any other “controlled substance” to co-workers, members of the public, or elected officials while on work time or on/in LRAPA property.

- Bringing equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana (or controlled substances), such as pipes, bongs, “vape” pens, smoking masks, roach clips, and or other drug paraphernalia. However, possession of certain items commonly used for consumption of tobacco products is not a violation of this policy so long as they are only used in compliance with LRAPA’s smoke-free policy (see 18.4).

- Bringing equipment, products or materials that are marketed or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants to LRAPA property.

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15.3 Prescription Drugs, Over the Counter Medication, and Medical Marijuana

With the exception of medical marijuana, nothing in this rule is intended to prohibit the use of a drug taken under supervision by a licensed health care professional, where its use does not present a safety hazard or otherwise adversely impact an employee's performance or LRAPA operations.

Employees must inform their supervisor about their use of any *prescription or over-the-counter drugs* that could affect their ability to safely perform the duties of their position. If an employee's use of such prescription drugs could adversely affect LRAPA operations or safety of LRAPA employees or other persons, LRAPA may reassign the employee to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription or over-the-counter drugs covered by this rule will subject an employee to disciplinary action, up to and including termination. (Although an employee is not required to provide LRAPA with the name(s) of the prescription medication(s) taken, medical verification of the prescription may be required.) Examples of medications that could affect safety include those that impact your judgment, coordination, awareness, attention to detail, or alertness. Use your best judgment when assessing your condition while taking medication.

The use of marijuana, which remains a Schedule 1 controlled substance under federal law, is expressly prohibited under this policy, even if its medical use is authorized under state law. Employees who use medical marijuana in connection with a disability should discuss with their Supervisor other means of accommodating the disability in the workplace. As a recipient of federal funding, LRAPA cannot and will not agree to allow an employee to use medical marijuana as an accommodation.

15.4 Testing

LRAPA reserves the right to:

- Subject applicants who are given a conditional offer of employment in a safety-sensitive position to a drug and alcohol test.
- Test employees reasonably suspected of using drugs or alcohol in violation of this policy.
- Discipline or discharge employee who test positive or otherwise violate this policy; and
- Test employees when they: (1) cause or contribute to accidents that seriously damage a LRAPA vehicle, machinery, equipment or property; (2) result in an injury to themselves or another employee requiring offsite medical attention; and (3) when LRAPA reasonably suspects that the accident or injury may have been caused by drug or alcohol use.

15.5 Reasonable Cause Testing

If there is reasonable cause to suspect an employee is under the influence of controlled substances or alcohol during work hours or has used drugs or alcohol in violation of this policy, LRAPA may at its discretion require the employee to undergo testing for controlled substances or alcohol.

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As used in this policy, unless the context indicates otherwise:

- The terms "test" and "testing" shall be construed to mean job impairment field tests, laboratory tests, breathalyzer tests, and other tests of saliva, blood, and urine. No testing shall be performed under this provision without the approval of your supervisor or the supervisor's designee.

- "Reasonable cause" as used in this policy means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is more likely than not under the influence of controlled substances or alcohol or has used drugs or alcohol in violation of this policy. Circumstances which can constitute a basis for determining "reasonable cause" may include, but are not limited to:

    - a pattern of abnormal or erratic behavior.
    - information provided by a reliable and credible source.
    - direct observation of drug or alcohol use.
    - presence of the physical symptoms of drug or alcohol use (*i.e.*, glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).
    - unexplained significant deterioration in individual job performance.
    - unexplained or suspicious absenteeism or tardiness.
    - employee admissions regarding drug or alcohol use; and
    - unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity.

Supervisors should detail in writing the specific facts, symptoms or observations that form the basis for their determination that reasonable cause exists to warrant alcohol or controlled substance testing of an employee or a search. This documentation shall be forwarded to your supervisor. Whenever possible, supervisors should locate a second employee or witness to corroborate their "reasonable cause" findings.

An employee whose initial laboratory screening test for controlled substances yields a positive result shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee for use in the initial screening test. If the second test confirms the initial positive test result, the employee shall be notified of the results in writing by their supervisor. The letter of notification shall state the particular substance identified by the laboratory tests. The employee may request a third test of the sample within 24 hours of receiving the letter of notification, but such testing will be paid for by the employee.

15.6 Search of Property

When reasonable cause exists to believe an employee possesses alcohol or a controlled substance on LRAPA property or has otherwise violated provisions of this rule regarding possession, sale or use of controlled substances or alcohol, LRAPA may search furniture, equipment or other property provided to the employee by LRAPA, including but not limited to, clothes (uniforms), locker, toolbox, and desk.

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Employees should have no expectation of privacy in any property, equipment or supplies provided by LRAPA to the employee.

15.7 Employee Refusal to Test/Search

An employee who refuses to consent to a test or a search when there is reasonable cause to suspect that the employee has violated this policy is subject to disciplinary action up to and including termination. The reasons for the refusal shall be considered in determining the appropriate disciplinary action.

An employee who refuses to cooperate with any tests required by this policy is also subject to discipline, up to and including termination. This includes, but is not limited to, tampering with, or attempting to tamper with, a specimen sample, using chemicals or other ingredients to mask or otherwise cover up the presence of metabolites, drugs, or alcohol in a specimen, or providing a blood or urine specimen that was produced by anyone or anything other than the employee being tested.

15.8 Crimes Involving Drugs and/or Alcohol

Employees shall report:

- Any criminal arrest or conviction for drug- or alcohol-related activity within five days of the arrest or conviction.
- Entry into a drug court or diversion program; or
- Loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver’s license (regular or CDL).

Failure to report as required will result in disciplinary action up to and including termination.

15.9 Drug and Alcohol Treatment

LRAPA recognizes that alcohol and drug use may be a sign of chemical dependency and that employees with alcohol and drug problems can be successfully treated. LRAPA is willing to help such employees obtain appropriate treatment.

An employee who believes that he/she has a problem involving the use of alcohol or drugs should ask the supervisor for assistance.

LRAPA will work with an employee to identify all benefits and benefit programs that may be available to help deal with the problem. Attendance at any rehabilitation or treatment program will be a shared financial responsibility of the employee and LRAPA to the extent its existing benefits package covers some or all of the program costs.

Although LRAPA recognizes that alcohol and drug abuse can be successfully treated and is willing to work with employees who may suffer from such problems, it is the employee's responsibility to seek assistance *before* drug or alcohol problems lead to disciplinary action. Once a violation of LRAPA policy is

discovered, the employee's willingness to seek LRAPA or outside assistance will not "excuse" the violation and generally will have no bearing on the determination of appropriate disciplinary action.

15.10 Discipline and Consequences of Prohibited Conduct

An employee who violates the substance misuse policy will be subject to termination or a last-chance agreement.

A *last-chance agreement* is an agreement whereby an employee who would otherwise be terminated is provided an opportunity to address his/her substance abuse issue and/or performance or safety issues. The last-chance agreement will inform the employee of the problems noted with his/her performance and to specify the performance required for the employee to achieve in order to continue to be employed by LRAPA. Violation of the provisions of a last-chance agreement shall result in immediate termination of the employee, notwithstanding the provisions of any other personnel rule.

15.11 Confidentiality

All information from an employee's drug and alcohol evaluation is confidential and only those with a need to know are to be informed of test results. Disclosure of such information to any other person, agency, or LRAPA is prohibited unless written authorization is obtained from the employee.

16 USE OF TECHNOLOGY

16.1 Mobile Devices Policy

This policy applies to employee use of cell phones, smart phones, tablets, and similar devices, all of which referred to as “mobile devices” in this policy.

16.2 Mobile Devices in General

Employees are allowed to bring personal mobile devices to work with them. During working hours, however, employees should refrain from using them except in an emergency or during a meal period or rest break.

Employees who use personal or LRAPA-provided mobile devices may not violate LRAPA’s policies against harassment and discrimination. Thus, employees who use a personal or LRAPA-provided mobile device to send a text or instant message to another employee (or to a citizen or someone not employed by LRAPA) that is harassing or otherwise in violation of LRAPA’s policies prohibiting discrimination, harassment, bullying and retaliation will be subject to discipline up to and including termination.

Non-exempt employees may not use their personal or LRAPA-provided mobile device for work purposes outside of their normal work schedule without written authorization in advance from the supervisor. LRAPA doesn’t want you logging work time outside of work hours unless your supervisor has authorized you to do so for a specific purpose. This includes, but is not limited to, reviewing, sending and responding to emails or text messages, and responding to calls or making calls. Employees who violate this policy may

be subject to discipline, up to and including termination. Nothing in this policy removes a nonexempt employee's obligation from recording time for all hours worked.

16.3 LRAPA-Provided Mobile Devices

Mobile devices are made available to LRAPA employees on a limited basis to conduct LRAPA's business. Determinations as to which employees receive LRAPA-provided mobile devices will be made on a case-by-case basis by the Executive Director; employees are not guaranteed a cell phone or cellular device. In some cases, LRAPA may provide a monthly cellular telephone allowance to employees who use their personal phone regularly to make calls on behalf of LRAPA away from the office.

Employees who receive a mobile device from LRAPA must agree to not use the mobile device for personal use except in emergency situations and must abide by all aspects of the Mobile Device Policy. Unless in an emergency situation, family and friends are prohibited from using an employee's LRAPA-provided mobile device. Further, employees who receive a cell phone or mobile device from LRAPA must acknowledge and understand that because the mobile device is paid for and provided by LRAPA, or subsidized by LRAPA, any communications (including text messages) received by or sent from the mobile device may be subject to inspection and review if LRAPA has reasonable grounds to believe that the employee's use of the cell phone violates any aspect of the Mobile Device Policy or any other LRAPA policy. Employees should have no reasonable expectation of privacy in an LRAPA-provided or -paid for mobile device. An employee who refuses to provide LRAPA access to his/her personal mobile device in connection with an investigation and after reasonable notice may be subject to discipline, up to and including termination.

16.4 Mobile Devices and Public Records

LRAPA-related business conducted on LRAPA-provided or personal cell phones/cellular devices may be subject to disclosure and production under Oregon's Public Records laws or in connection with litigation filed against LRAPA or individual employees. You are therefore required to preserve emails or text messages on your personal phones where the content concerns substantive LRAPA business. LRAPA encourages you not to use personal cell phones for work purposes if possible.

16.5 Employee Use of Mobile Devices with Cameras

Cameras of any type, including mobile devices with built-in cameras and video photography options, may not be used during working hours or at any LRAPA-sponsored function unless authorized to do so by the supervisor or the Executive Director.

16.6 Mobile Device Use While Driving

The use of a mobile device while driving may present a hazard to the driver, other employees, and the general public. Subject to a few narrow exceptions for emergency or public safety purposes, Oregon law prohibits the use of handheld cell phones while driving, even if the driving is for work-related reasons. This policy is meant to ensure the safe operation of LRAPA vehicles and the operation of private vehicles while

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an employee is on work time. It applies equally to the usage of employee-owned cell phones and phones provided or subsidized by LRAPA.

Employees are prohibited from using handheld cell phones for any purpose while driving an LRAPA-authorized vehicle or traveling to LRAPA-related business. This policy also prohibits employees from using a cell phone or other mobile device to send or receive text or "instant" messages while driving on LRAPA business. Should an employee need to make a business call while driving, the employee must locate a lawfully designated area to park and make the call or use a hands-free cell phone or cellular device for the call. In either situation, such calls should be kept short and should the circumstances warrant (for example, heavy traffic, bad weather). It is preferred that the employee locate a lawfully designated area to park to continue or make the call, even if the employee is using a hands-free device. Violation of this policy will subject the employee to discipline, up to and including termination.

16.7 LRAPA Email and Electronic Equipment and Services

LRAPA uses multiple types of electronic equipment and services for producing documents, research and communication including, but not limited to, computers, software, email, copiers, telephones, voicemail, fax machines, online services, the Internet, and any new technologies used in the future. This policy governs the use of such LRAPA property.

16.8 Ownership

All information and communications in any format, stored by any means on or received or transmitted via LRAPA's electronic equipment or services is the sole property of LRAPA.

16.9 Appropriate Use

All of LRAPA's electronic equipment and services are provided and intended for LRAPA business purposes only and not for personal matters, communications, or entertainment. Access to the Internet, websites and other electronic services paid for by LRAPA are to be used for LRAPA business only. This means, for example, that employees may not use LRAPA-provided Internet, or LRAPA electronic equipment and services to:

- Display or store any sexually explicit images or documents, or any images or documents that would violate LRAPA's no-harassment, no-discrimination or bullying policies.
- Play games (including social media games) or to use recreational or distracting apps.
- Engage in any activity that violates the rights of any person or LRAPA, and that is protected by copyright, trade secrets, patent or other intellectual property (or similar laws or regulations).
- Engage in any activity that violates the right to privacy, or accesses without authorization protected healthcare information, personal records, or other LRAPA-specific confidential information.

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- Engage in any activity with the intent of introducing malicious software into a workstation or network (e.g., viruses, worms, Trojan horses).

- Download or view streaming video for personal use. This prohibition includes, without limitation, YouTube videos, movies, and TV shows. Streaming audio is allowed, provided it does not contain explicit material, adversely affect network speed, or interfere with others' ability to work. When listening to audio, you are required to use headphones.

Further, employees may not use LRAPA-provided email addresses to create or manage personal accounts (e.g., shopping websites, personal bank accounts, and social media accounts). LRAPA email addresses for professional-based social media accounts such as LinkedIn may be allowed with the approval of the employee's supervisor.

16.10 Inspection and Monitoring – No Right to Privacy

Employee communications, both business and personal, made using LRAPA electronic equipment and services are not private. Any data created, received, or transmitted using LRAPA equipment services are the property of LRAPA and usually can be recovered even though deleted by the user.

All information and communications in any format, stored by any means on LRAPA's electronic equipment or services, are subject to inspection at any time without notice. Personal passwords may be used for purposes of security, but the use of a personal password does not affect LRAPA's ownership of the electronic information, electronic equipment or services, or LRAPA's right to inspect such information. LRAPA reserves the right to access and review electronic files, documents, archived material, messages, email, voicemail and other such material to monitor the use of all of LRAPA's electronic equipment and services, including all communications and internet usage and resources/sites visited. LRAPA will override all personal passwords if it becomes necessary to do so for any reason.

16.11 Personal Hardware and Software

Employees may not install personal hardware or software on LRAPA's computer systems or mobile devices without approval from the supervisor. All software installed on LRAPA's computer systems must be licensed. Copying or transferring of LRAPA-owned software to a personal device/equipment may be done only for personal devices/equipment used for LRAPA business and with the written authorization of the supervisor.

16.12 Unauthorized Access

Employees are not permitted unauthorized access to the electronic communications of other employees or third parties unless directed to do so by LRAPA management. No employee can examine, change, or use another person's files, output, username, or password unless he/she has explicit authorization from the supervisor to do so.

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16.13 Security

Many forms of electronic communication are not secure. Employees who use cell phones, cordless phones, fax communications or email sent over the Internet should be aware that such forms of communication are subject to interception. These methods of communicating should not be used for privileged, confidential, or sensitive information unless appropriate encryption measures are implemented.

16.14 Inappropriate Web Sites

LRAPA's electronic equipment, facilities or services must not be used to visit Internet sites that contain obscene, hateful, unlawful, or other objectionable content, or that would otherwise violate LRAPA's policies on harassment and discrimination.

16.15 Social Media

For purposes of this policy, "social media" includes all means of communicating or posting information or content of any sort on the Internet, including to personal or someone else's web log or blog, journal, or diary, personal or commercial website, social networking web site, web bulletin board or a chat room, whether or not associated or affiliated with LRAPA, as well as any other form of electronic communication.

Ultimately, employees are solely responsible for what is posted online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any conduct that adversely affects job performance, the performance of co-workers, or otherwise adversely affects our citizens or people who work on behalf of LRAPA or LRAPA's legitimate business interests may result in disciplinary action up to and including termination.

In addition, anytime you post as an identified LRAPA employee about LRAPA business on a social media page, even (for example) your own Facebook page, you risk that page becoming a public forum subject both to the Oregon Public Records Law and First Amendment law. Again, as a public employee, you must remember your work-related communications are subject to public scrutiny.

16.16 Prohibited Postings

Employees will be subject to discipline, up to and including termination, if they create and post any text, images or other media that violate any LRAPA policies, including those barring harassment, discrimination, bullying, and workplace violence. Posts that include threats of violence that are physically threatening or intimidating, bullying, or harassing, will not be tolerated and may subject an employee to discipline, up to and including termination.

Do not create a link from personal blogs, websites, or other social networking sites to an LRAPA-owned or maintained website without identifying yourself as an LRAPA employee.

Express only personal opinions. Never represent yourself as a spokesperson for LRAPA unless you are authorized by your supervisor to do so. If LRAPA is a subject of the content being created, be clear and open about the fact that the creator is a LRAPA employee and make it clear that personal views do not

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represent those of LRAPA or its employees or elected officials. Also remember that posting regularly as an LRAPA employee on your personal site can convert it to a public forum for First Amendment purposes and subject it to requirements of Oregon's Public Records Law.

16.17 Request for Employee Social Media Passwords

LRAPA's supervisors and managers are prohibited by law from requiring or requesting an employee or an applicant for employment to disclose or to provide access through the employee's or applicant's username and password, password or other means of authentication that provides access to a personal social media account. This includes, without limitation, a username and password that would otherwise allow a supervisor to access a private email account not provided by LRAPA.

Nothing in this policy prohibits LRAPA from requiring an employee to produce content from his/her social media or internet account in connection with a LRAPA-sponsored investigation into potential misconduct, unlawful or unethical behavior, or policy or rule violations.

16.18 Confidential LRAPA Information

Employees must not access, use, or disclose sensitive or confidential information or data except in accordance with LRAPA policies, practices, and procedures, and as authorized by state or federal laws or regulations. Employees with access to confidential information, including but not limited to customer or employee financial, medical, or personal information (including, without limitation, Social Security numbers), are responsible for the safekeeping and handling of that information to prevent unauthorized disclosure. Employees who access, use, or disclose confidential information contrary to Oregon or federal laws or for personal use or financial gain may be subject to civil or criminal penalties under those laws, in addition to appropriate disciplinary action for violating this policy.

No records or information including (without limitation) protected medical data, documents, files, records, computer files or similar materials except in the ordinary course of performing duties on behalf of LRAPA may be removed from our premises without permission from the supervisor or the Executive Director. Likewise, any materials developed, including but not limited to software, products, patents, and trademarks, by LRAPA's employees in the performance of their jobs is the property of LRAPA and may not be used for personal or financial gain. Additionally, the contents of records or information otherwise obtained in regard to LRAPA's business may not be disclosed to anyone, except where required for a business purpose or when required by law.

17. STANDARD OF CONDUCT

17.1 Generally

Always be fair and courteous to co-workers, the citizens we serve, LRAPA's employees and elected officials, and suppliers or other third parties who do business with LRAPA.

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Also, keep in mind that work-related complaints can be resolved by speaking directly with co-workers, or by utilizing our Open-Door Policy, then by posting complaints to a social media outlet. If the decision is made to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage citizens, co-workers, LRAPA employees or elected officials, that might constitute harassment or bullying, and/or that violate LRAPA policies. Examples of such conduct might include offensive posts that a reasonable person would perceive as calculated to intentionally harm an individual's personal or professional reputation, posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, or any other status protected by law or LRAPA policy.

Maintain the confidentiality of LRAPA's confidential information. Do not post internal reports, policies, procedures or other internal, LRAPA-related confidential communications or information.

Nothing in this policy is meant to prevent an employee from exercising his/her right to make a complaint of discrimination or other workplace misconduct, engage in lawful collective bargaining activity, or to express an opinion on a matter of public concern that does not unduly disrupt LRAPA operations. Employees are free to express themselves as private citizens on social media sites, but an employee's exercise of expression is balanced against LRAPA's interest in the effective and efficient fulfillment of its responsibilities to the public.

17.2 Ethics

At LRAPA, we believe in treating people with respect and adhering to ethical and fair business practices. We expect employees to avoid situations that may compromise their reputation or integrity, or that might cause their personal interests to conflict with the interests of LRAPA or LRAPA 's citizens.

Employees of LRAPA are public employees, and as such, are also subject to the State of Oregon's ethics laws. In some cases, these laws provide additional limitations on employees, such as prohibitions on gifts and strict definitions of conflict of interest. Coming to LRAPA from work in the private sector may be challenging, including considering that some activities that are considered common business practice in the private sector are prohibited in the public sector. Information on these laws is available at the Oregon Government Ethics Commission website: http://www.oregon.gov/OGEC.

For questions about whether an activity meets LRAPA's or Oregon's ethical standards, please talk with your supervisor. Employees who violate the Ethics Policy, or who violate Oregon ethics laws, may be subject to disciplinary action up to and including termination.

17.3 Hiring of Family Members

Relatives of current employees, or individuals involved in an intimate personal or financial relationship with a current employee, are eligible for hire at LRAPA subject to the same selection process and job requirements and will be evaluated in the same manner as any other applicant. However, persons will not be hired or promoted into positions in which one family member (as defined by Oregon law) or person

involved in an intimate personal or financial relationship, would fall under the direct line of supervision of the other family member or partner.

All employees shall avoid being in a position where they are subject to supervisory or oversight authority by a family member, member of their household, or a person with whom they have an intimate personal or financial relationship. If the relative relationship is established after employment as a result of organizational restructure, marriage, or a development of an intimate personal or financial relationship, the employees involved have an obligation to immediately inform their supervisor or Human Resources. The employees and LRAPA will jointly make a good faith effort to find an alternative assignment for one of the two employees. Depending on business need, this may include, but is not limited to restructuring duties, assignment to another position, and assignment to another shift or change in supervision. If no alternative assignment is available, the two employees will have 30 days to decide who will resign. If a decision is not made within 30 days, LRAPA will make the final decision, based on the organization's operational and financial needs.

Policy violations including, but not limited to, failure to disclose a family relation, or an intimate personal or financial relationship, will be investigated by LRAPA. Policy violations may result in progressive discipline of employees, up to and including termination of employment. Supervisors and lead workers may be disciplined for taking employment actions based upon the relationship.

17.4 Open-Door Policy

LRAPA's Open Door Policy is based on our belief that open, honest communication between supervisors, managers, and employees should be a common business practice. LRAPA's managers and supervisors are responsible for creating a work environment where employee input is welcomed, and where issues are identified early and shared without the fear of retaliation, when the employee provides the input in good faith. If you have a complaint, suggestion, or question about your job, working conditions, or the treatment you are receiving from anyone in LRAPA, please raise them first with your supervisor. If you are not satisfied with the response from your supervisor, or if your issue involves your supervisor, request to have the situation and facts reviewed by Human Resources.

17.5 Outside Employment

Generally, employees may obtain employment with an employer other than LRAPA or engage in private income-producing activity of their own so long as that activity is not otherwise prohibited by these rules. Employees are responsible for assuring that their outside employment does not conflict with these rules.

An employee is prohibited from, directly or indirectly, soliciting or accepting the promise of future employment based on the understanding that the offer is influenced by the employee's official action.

Employees may not accept outside employment that involves:

- The use of LRAPA time, LRAPA facilities, equipment and supplies, or the prestige or influence of the employee's position with LRAPA. In other words, the employee may not engage in private business interests or other employment activities on LRAPA's time or using LRAPA's property.

- The performance of an act that may later be subject to control, inspection, review, or audit by the department for whom the employee works (or by a State agency); or

- Receipt of money or anything of value for performance of duties that the employee is required to perform for LRAPA.

LRAPA requires employees to report outside employment to their supervisor before the outside employment begins. Thereafter, an employee must provide an update to his/her supervisor if any changes in outside employment occurs. Employees who accept outside employment in violation of this policy may be subject to discipline, up to and including termination.

17.6 Criminal Arrests and Convictions

Employees must promptly and fully disclose to their supervisor on the next working day:

- All drug- or alcohol-related arrests, citations, convictions, guilty pleas, no contest pleas or diversions that result from conduct which occurred while on duty, on LRAPA property, or in an LRAPA vehicle (see "Alcohol/Drug Use, Abuse and Testing" policy above).

- All arrests, citations, convictions, guilty pleas, or no contest pleas that result from crimes involving the theft or misappropriation of property, including money; or

- If you are arrested, cited, or convicted of a violation of any law that will prevent you from performing the essential functions of your position.

Reporting an arrest or conviction will not automatically result in termination of employment. Situations will be evaluated on a case-by-case basis.

Employees who are unavailable to report for work because they have been sent to jail or prison may not use vacation time to cover the absence, and may be subject to disciplinary action, including termination.

17.7 Political Activity

Employees may engage in political activity except to the extent prohibited by Oregon law when on the job during working hours. This means that employees cannot:

- Be required to give money or services to aid any political committee or any political campaign.

- Solicit money or services (including signatures) to aid or oppose any political committee, nomination or election of a candidate, ballot measure or referendum, or political campaign while on

the job during working hours (this is not intended to restrict the right of LRAPA employees to express their personal political views); or

- Be disciplined or rewarded in any manner for either giving or withholding money or services for any political committee or campaign.

18. Miscellaneous Policies

18.1 Driving While on Business

LRAPA provides vehicles for use while on LRAPA business. However, with approval of your supervisor, you may have the option to use your own vehicle. Employees using a private vehicle to conduct LRAPA's business must possess a valid driver's license and must carry auto liability insurance as outlined in Oregon law. Employees who use their own vehicles for authorized LRAPA business use should make any necessary arrangements with their insurance carriers. LRAPA may verify the validity of your driver's license and/or your driving record at the time of hire and at any point during your employment. Once you are employed with LRAPA, we will receive automated reports from the Department of Motor Vehicles (DMV). The reports notify LRAPA when there are transactions on your driving record such as speeding tickets and citations.

While on LRAPA business, drivers are expected to make every reasonable effort to operate vehicles safely, with due regard for potential hazards, weather, and road conditions. Drivers are to obey all traffic laws, posted signs and signals, and requirements applicable to the vehicle being operated. Seatbelts are to be used in all vehicles while on business. Drivers are to ensure that the use of prescribed or over the counter drugs does not interfere with their ability to drive while on business; operating a vehicle under the influence of alcohol or controlled substances is prohibited. Employees are responsible for notifying their supervisor of any subsequent restrictions, limitations, or other changes in their driving status within 72 hours of the change or new restrictions/limitations. See also, "Mobile Device Use While Driving" policy, above.

Employees who receive a ticket or citation while driving a LRAPA owned vehicle or driving a personal vehicle while on LRAPA business will be responsible for paying any fine associated with a ticket or citation, including parking tickets, and may face discipline up to and including termination.

18.2 Inclement Weather /Emergency Closing

Except for regularly scheduled holidays identified by LRAPA (see "Holidays" section, above), LRAPA is open for business Mondays through Fridays during normal business hours. If there are circumstances beyond our control, such as inclement weather, a national crisis, or other emergencies that make one or more of our office locations inaccessible for all or part of a regularly scheduled workday, the Executive Director or his/her designee will decide whether to and to what extent the office will close during normal working hours.

In the event of extreme bad weather, we recognize that each employee's ability to safely reach work may be different. If you cannot safely report to work in such circumstances, you are required to contact your supervisor. Unless the Executive Director or his/her designee has closed the office, employees not able to come to work due to safety reasons will be granted approval to use vacation to covered time away from the office.

In the event the Executive Director or his/her designee has closed the office due to an emergency or due to extremely bad weather, LRAPA will pay employees their normal salary for the day.

> *NOTE: LRAPA is currently working as hybrid model and employees who are unable to come into the office may work from home.*

18.3 Workplace Inspections — No Right to Privacy or Confidentiality

This policy applies to inspections and investigations conducted by LRAPA pursuant to policy or law unless otherwise modified by a different policy in this Handbook.

An employee investigation may include, but is not limited to, investigation of criminal records; it may also include a search of desks, work areas, file cabinets, voicemail systems and computer systems. Employees are strongly discouraged from storing personal items in the desks, lockers, work areas, file cabinets and other office equipment or furniture, as well as voicemail and computer systems assigned to them by LRAPA; these areas are not private.

All information related to reports generated from inspections and investigations, including the name of the reporting employee(s), will be kept as confidential as possible under the circumstances.

18.4 Smoke-Free Workplace

LRAPA provides a tobacco-free environment for all employees and visitors. For purposes of this policy, "tobacco" includes the smoking of any tobacco-based product, smoking in any form including, without limitation, cigars and e-cigarettes, and the use of oral tobacco products or "chew/spit" tobacco. Marijuana is also prohibited under this policy. This policy applies to employees, volunteers, and any visitors to LRAPA property, vehicles, or facilities/buildings.

LRAPA buildings and vehicles are tobacco-free areas. Further, LRAPA prohibits tobacco use in or around LRAPA vehicles and equipment or machinery.

Tobacco use is prohibited during working hours except during your scheduled breaks. If you wish to smoke tobacco, you must do so outside of LRAPA's facilities/buildings, only in designated smoking areas out of visitor view. Smoking is not allowed near building entrances; Oregon law prohibits smoking within 10 feet of building entrances and other openings, including second-story windows.

Marijuana use is covered under the *Substance Misuse Policy* above and is not subject to this Smoke-Free Workplace policy

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LRAPA
Lane Regional Air Protection Agency

Employee Acknowledgment of Receipt of LRAPA'S Employee Handbook, Version 2024 dated January 2024.

I acknowledge that I have received and will read a copy of v2024 handbook and that a copy of the Handbook is available to me at any time to review in the Human Resources Office.

I understand that LRAPA has adopted the Employee Handbook, v2024 as a general guide about policies, work rules and the work environment, and that LRAPA has the sole discretion to update/change policies at any time. I also understand that the Employee Handbook, v2024, overrides previous versions of the Employee Handbook.

I acknowledge that the Employee Handbook, v2024, is not considered an employment contract and is not intended to give me any express or implied right to continued employment or to any other term or condition of employment.

I have reviewed LRAPA's policies regarding equal employment opportunity and that LRAPA aims to provide a workplace free of harassment and discrimination. I will bring any questions or concerns I have regarding equal employment opportunities, discrimination, retaliation, or harassment to my supervisor, Human Resources, or the Executive Director.

During my employment with LRAPA, I understand that it is my responsibility to remain informed about the policies as revisions, updates and new policies are issued, and to ask questions about any interpretation of any of the policies.

I have read this acknowledgement carefully before signing.

_____ _____

Employee Signature Date

_____

Print Employee

The original of this document will be kept in the Employee's personnel file. A copy will be provided to the Employee upon request.

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LANE REGIONAL AIR PROTECTION AGENCY
MEMORANDUM

To: Bryan Cutchen, Chair and LRAPA Board Members

From: Jenilee Easter, Finance Manager

Date: January 11, 2024

Subject: Audit Report for Fiscal Year 2023

ISSUE STATEMENT:

The Auditor from Isler CPA issued its independent audit report for the Annual Financial Report for the Year Ended June 30, 2023. As part of the audit, the Auditor issued a finding that LRAPA has two deficiencies:

- Deficiency 1: Material Weakness of Internal Controls- Staff were utilizing the same logins within Sage.
- Deficiency 2: Significant Deficiency- Liability was not accrued as outlined in policy. This led to an over accrual of payroll liabilities.

The State of Oregon now requires that Lane Regional Air Protection Agency (LRAPA) adopt a corrective action plan to address the findings to try to prevent it from occurring in future years. Staff has developed a corrective action plan to address the findings and has prepared a resolution for the Board to adopt the plan.

BACKGROUND INFORMATION:

The audit report is unmodified. The findings are not material to the financial statements noted. The auditors are noting internal control risks, within these findings, that had occurred within the fiscal year and that Lane Regional Air Protection had already corrected.

The findings are detailed on page 37 of the audit report and are focused on internal controls of financial reporting in relation to processes and policies. During the year discussed, the Director and Finance Director position had changed hands, so some disruption to internal controls is not unexpected. Once the staff had been hired and the budget allotted, the organization moved to Caselle. The move from Sage to Caselle corrected the problems in the following ways:

- Deficiency 1: The staff in Caselle are each assigned their own username and password. The permissions within Caselle are outlined by user roles/workflows.
- Deficiency 2: The payroll module in Caselle was customized to LRAPA's accounting needs and policies.

Additionally, we have instituted an annual accounting review from an external party to verify that we are within all regulatory requirements (both external and internal) and that our work is correct and complete prior to beginning future audits.

These audit findings are not related to our federal funds. The single audit portion is also unmodified—and resulted in no material weaknesses or significant deficiencies (see page 36 of the audit).

STAFF RECOMMENDATION: Staff recommends the Board approve Resolution 24-01 Adopting Corrective Action Plan for Fiscal Year 2023 Audit Findings.

ATTACHMENT(S): Resolution 24-01 Adopting Corrective Action Plan for Fiscal Year 2023.

MOTION: To approve Resolution 24-01 Adopting Corrective Action Plan for Fiscal Year 2023 Audit Findings.

RESOLUTION #24-01

RESOLUTION ADOPTING CORRECTIVE ACTION PLAN FOR FY 2022-23 AUDIT FINDINGS

WHEREAS Lane Regional Air Protection Agency's **(**LRAPA) auditors, Isler CPA, has issued the auditor's reports on the Annual Financial Report for the Year Ended June 30, 2023; and

WHEREAS the auditor issued a finding that LRAPA has a significant deficiency that is not considered to be material weakness of internal control over financial reporting.

WHEREAS it is required by the Oregon Secretary of State's Office to issue a Corrective Action Plan to address the finding within 30 days of the issuance of the auditor's report; and

WHEREAS LRAPA staff have prepared a Corrective Action Plan to address the finding.

NOW, THEREFORE, BE IT RESOLVED BY LANE REGIONAL AIR PROTECTION AGENCY AS FOLLOWS:

Section 1. The LRAPA Board adopts the Corrective Action Plan for the audit findings for the Annual Financial Report for the Year Ended June 30, 2023, marked Exhibit A.

Section 2. This resolution is effective immediately upon its enactment by the Board.

PRESENTED AND PASSED this 11th day of January 2024.

_____ _____

Bryan Cutchen, Chairperson Signature
Chairperson of the Board of Directors

_____ _____

Susannah Sbragia, Interim Director Signature

RESOLUTION #24-01

Exhibit A, Resolution No. 24-01
CORRECTIVE ACTION PLAN FOR FY 2022-23 AUDIT FINDINGS

The deficiencies are listed below, including the adopted plan of action and timeframe.

1. **Deficiency #1**

   a. Material Weakness of internal control over financial reporting.
   b. Criteria: Internal controls should be designed and implemented to prevent or detect and correct potential material misstatements in recorded expenditures and expenses.
   c. Condition: The auditor noted that finance staff was sharing usernames and passwords within the Sage system.
   d. Cause: Prior management had not had multiple licenses issued for Sage—current management, and new finance staff, did not have the budget or time to correct the situation in fiscal year 2023.
   e. Effect: Separation of duties cannot be verified solely from system permissions and system access restrictions by position cannot be set.
   f. Recommendation: Each user of the new accounting system should have a unique login set up and appropriate permissions set based on required duties.

2. **Document the plan of action** LRAPA has changed systems, as of July 1, 2023 to Caselle. All staff who utilize Caselle have their own unique usernames and passwords. Staff access is limited by role functions within the system.

3. Time limit for implementation is immediate.

1. **Deficiency #2**

   a. Significant Deficiency of internal control over financial reporting.
   b. Criteria: Internal controls should be designed and implemented to prevent or detect and correct potential material misstatements in recorded expenditures and expenses.
   c. Condition: Accrued vacation liability was not calculated as outlined in personnel manual.
   d. Cause: Liability was taken directly from payroll and was not adjusted per policy.
   e. Effect: Overstatement of liabilities and expenses for governmental finances.
   f. Recommendation: Calculation of year end vacation liability should be reviewed before posting and compared to LRAPA's approved policies.

2. Document the plan of action: Lane Regional Air Protection Agency's updated payroll system calculates payroll liability automatically. The calculation within the system was built in accordance with Lane Regional Air Protection Agency policy. Additionally, Lane Regional Air Protection Agency has implemented an annual review with an external party to ensure that the organization remains in compliance with all, internal and external, rules and regulations within its accounting functions to occur at the end of each fiscal year.

3. Time limit for implementation is immediate.

LANE REGIONAL AIR PROTECTION AGENCY
MEMORANDUM

To: Bryan Cutchen, Chair and LRAPA Board Members

From: Jenilee Easter, Finance Manager

Date: January 11, 2024

Subject: Finance Report for Q1 of Fiscal Year 2023

ISSUE STATEMENT AND SUMMARY:

The purpose of this staff report is to provide the Board of Directors with a deeper level of detail regarding the first quarter of Fiscal Year 2023.

INFORMATION:

Income Statement Accounts

In the first quarter of the fiscal year, Lane Regional Air Protection Agency had earned 28% of its expected revenues and spent 23% of its budgeted expenses.

Revenues and expenses are both up from this quarter in fiscal year 2022—with revenue, up 35%, outpacing expenses, up 17%. There are some difficulties in getting to a one-to-one with the prior year as TAG revenues were not booked as revenue until the end of the year instead accruing to an asset and a liability account. If I am to recast those accruals as revenue and adjust methodologies to ensure equitable comparisons- then it adjusts total revenue growth to 21%. The majority of LRAPA's revenues have, so far, been derived from permitting (57%). The Title V fund billed 99% of the permits in August of 2023 and currently have less than 1% outstanding.

Payroll expenses accounted for 50% of all expenses. It has increased less than 10% from this time last year- with all the increase being represented in the General Fund due to a change in allocation. This is due to a roughly 10 percent increase in salaries (and the associated payroll tax) as well as the move to PERS.

Balance Sheet Accounts

At the end of the period, Lane Regional Air Protection Agency had around 3.7 million in cash; of that cash—56 % was deposited with LGIP and 44% was in operational accounts. The organization had roughly 200 thousand in Accounts Receivable with less than 8 thousand over 30 days. There was also 250 thousand in Accounts Payable- only 98 thousand of that was over 30 days and 75% of that was derived from three invoices.

STAFF RECOMMENDATION: None, Informational Only.

LANE REGIONAL AIR PROTECTION AGENCY
MEMORANDUM

To: Bryan Cutchen, Chair and LRAPA Board Members

From: Max Hueftle, Operations Manager

Date: January 11, 2024

Subject: LRAPA Air Quality Permitting Rules – Request for Hearing Authorization

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ISSUE STATEMENT

LRAPA staff have drafted revisions to existing rules primarily to address the new DEQ air quality regulations adopted by the Environmental Quality Commission (EQC) on November 18, 2022. Staff is requesting that the Board approve a public hearing at the April 11, 2024 Board meeting for adoption. LRAPA is proposing several changes to existing rules to integrate the new DEQ rules with existing LRAPA program rules. Some of the proposed changes to existing rules would amend the LRAPA's part of the Oregon Clean Air Act State Implementation Plan.

BACKGROUND INFORMATION

Board Action History. The proposed rule changes were mentioned briefly at previous Board meetings, but a detailed update had not been presented to the Board by staff. The last comprehensive permitting rule changes were adopted by the LRAPA Board on January 11, 2018. Then the LRAPA Board adopted a narrow set of rule changes that incorporated necessary revisions to allow LRAPA to implement the Cleaner Air Oregon (CAO) program on March 14, 2019.

DEQ Rulemaking History and Status. The EQC adopted the DEQ's proposed corresponding rule changes at their November 18, 2022 meeting with an effective date of March 1, 2023. Prior to that, the EQC adopted a set of DEQ ACDP fee increases in 2020.

LRAPA's Rule Proposal. LRAPA proposes to update, clarify, improve and streamline Lane County's air quality permit programs. Three categories of proposed changes include:

- Policy changes that strengthen the permitting program, streamline the rules and improve the permitting process;
- Technical changes that clarify the program and rules; and
- Corrections to typographical errors and non-technical changes.

The changes would allow LRAPA to protect air quality with more efficient and effective permitting programs and allow LRAPA to focus resources.

The proposed rule changes include the following policy changes:

- Strengthen the efficacy of the air quality permitting program
    - Prohibit issuance of all approvals for sources that will cause an exceedance of a National Ambient Air Quality Standard;
    - Eliminate Generic Plant Site Emission Limits, which currently often allow greater emissions than a facility is physically capable of emitting and is incompatible with requirements to protect short term air quality standards;
    - Clarify and update the Notice of Intent to Construct rules;
    - Require that sources must construct or modify in accordance with approved plans submitted with their applications;
    - Change permit type if sources are on the wrong permit;
    - Eliminate provisions that currently allow sources to operate without using pollution control devices for 48-hours under the excess emission rules;
    - Clarify LRAPA's ability to require and use modeling in addition to monitoring (by LRAPA or sources) for NAAQS exceedance verification;
    - Clarify that permittees must comply with all conditions in their permits;
    - Include Table 2, Part 3 Cleaner Air Oregon (CAO) Annual Fees and Table 3 CAO Specific Activity Fees as part of the annual 4% fee increase that currently applies to Parts 1, 2, and 4 of LRAPA Table 2 – section 37-8020; and
    - Establish a new $720 fee applicable to sources or individuals who submit a Notice of Intent to Construct. Create a new fee associated with a Type 2 Notice of Intent to Construct application required by LRAPA's title 34 identical to the current DEQ Type 2 fee adopted by the EQC in 2020.

- Streamline rules and make process improvements
    - Change the test method for determining opacity compliance to the more commonly used EPA Method 9 procedure for measuring visible emissions from point sources;
    - Extend permit terms for Simple permits to better allocate LRAPA resources to work on more significant permitting issues;
    - Provide no expiration date for New Source Review permits that must be incorporated into a Title V Operating Permit;
    - Expand the use of short-term activity permits for temporary operations beyond unexpected and emergency activities, providing more flexibility for businesses;
    - Provide a petition process for additional industrial categories to have general permits, rather than source-specific permits;
    - Require more complete applications at permit renewal to ensure LRAPA staff have sufficient information to process the renewal applications;
    - Require additional information to be submitted by a date certain with an opportunity to request more time if needed rather than allowing 90 days for all submittals;
    - Clarify reinstatement procedures for owners or operators whose permits have been terminated because of a late permit renewal application or late payment of fees;
    - Add 1-bromopropane (1-BP) to the state list of Hazardous Air Pollutants to make it consistent with its listing under Section 112 of the Clean Air Act, as recently added by the EPA;
    - Provide flexibility for assessment of Exempt Toxics Emissions Units under the Cleaner Air Oregon program; and
    - Update LRAPA's federal standards rules in titles 44 and 46 to reflect updated periodic federal delegations from EPA.

Many of the proposed rule changes improve clarity, especially where rules may conflict, and correct cross-references and other errors. The rules also align more closely with DEQ rules adopted by the Environmental Quality Commission.

LRAPA proposes the LRAPA Board and Environmental Quality Commission approve the proposed rule and rule amendments for incorporation into Oregon's State Implementation Plan. With the LRAPA Board's and EQC's approval, DEQ would submit the proposed rule and rule amendments to the United States Environmental Protection Agency to be included in and revise the State Implementation Plan required by the Clean Air Act. Both DEQ and EPA Region 10 staff have conducted preliminary reviews of LRAPA's draft rules, and their comments have been incorporated into the proposed rules.

Note: See LRAPA's crosswalk of rules changes, including the rules in the State Implementation Plan, for details. LRAPA staff has drafted a redline-strikeout version with these draft changes seen in Attachment A. The proposed amendments are also summarized in the crosswalk table of Attachment B. The notice of proposed rulemaking for the LRAPA Air Quality Permitting Rules is included at Attachment C.

OPTIONS FOR CONSIDERATION

The Board has at least three options:

1. Authorize a public hearing on the proposed revisions to the LRAPA Air Quality Permitting Rules for the April 11, 2024 Board meeting.

2. Direct additional changes to the proposed rules before authorization of a public hearing at a later date.

3. Not authorize a public hearing or consider revisions to the LRAPA Air Quality Permitting Rules.

STAFF RECOMMENDATION

LRAPA staff recommends that the Board authorize a public hearing on the proposed air quality permitting rule revisions for the April 11, 2024 Board meeting.

SUGGESTED MOTION

I MOVE TO APPROVE THE ABOVE STAFF RECOMMENDATION.

ATTACHMENTS

Attachment A – Proposed revisions to LRAPA Air Quality Permitting Rules (redline version).
Attachment B – Crosswalk summary of proposed revisions to LRAPA Air Quality Permitting Rules.
Attachment C – Notice of proposed rulemaking for LRAPA Air Quality Permitting Rules
Attachment D – Board and CAC Roadmap of Significant Changes.

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~~ do not apply to any other titles, rules or regulations.

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

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

(4) LRAPA administers the air pollution control regulations listed in titles 12 through 511~~1~~ in all areas of Lane County.

~~(4)~~(5) The EQC has designated LRAPA to administer DEQ's OAR chapter 340, divisions 200 through 268 within LRAPA's area of jurisdiction. Subject to, and when provided in OAR chapter 340, divisions 200 through 268, LRAPA is authorized by the EQC as the agency to implement these state rules and must apply the requirements and procedures contained in divisions 200 through 268, within its area of jurisdiction. LRAPA may apply any LRAPA rule in lieu of a state rule(s) provided that the LRAPA rule is at least as strict as the state rule(s), LRAPA has submitted the rule to the EQC for its approval, and the EQC has not disapproved the rule.

Section 12-005 Definitions

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

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

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

(3) "Actual Emissions" means the mass emissions of a regulated pollutant from an emissions source during a specified time period as set forth in titles 34 and 42.

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

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

(6) "Affected states," means all states:

~~A.~~(a) Whose air quality may be affected by a proposed permit, permit modification, or permit renewal and that are contiguous to Oregon; or

~~B.~~(b) That are within 50 miles of the permitted source.

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

(8) "Aggregate Insignificant Emissions" means the annual actual emissions of any regulated air pollutant from one or more designated activities at a source that are less than or equal to the lowest applicable level specified in this section. The total emissions from each designated activity and the aggregate emissions from all designated activities must be less than or equal to the lowest applicable level specified:

~~A.~~(a) One (1) ton for each criteria pollutant (except lead), total reduced sulfur, hydrogen sulfide, sulfuric acid mist, any Class I or Class II substance subject to a standard promulgated under or established by Title VI of the FCAA;

~~B.~~(b) 500 pounds for PM_{10} in a PM_{10} nonattainment area;

~~C.~~(c) 500 pounds for direct $PM_{2.5}$ in a $PM_{2.5}$ nonattainment area;

~~D.~~(d) 120 pounds for lead;

~~E.~~(e) 600 pounds for fluorides;

~~F.~~(f) ~~t~~The lesser of the amount established in 40 CFR 68.130, or 1,000 pounds;

~~G.~~(g) A~~a~~n aggregate of 5,000 pounds for all hazardous air pollutants;

~~H.~~(h) 2,756 tons CO_2e (short tons) of greenhouse gases.

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

(10) "Air contaminant" or "Air pollutant" means material which, when emitted, causes or tends to cause the degradation of air quality. Such material includes but is not limited to particulate matter, dust, fume, aerosol, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid, any regulated pollutant or any combination thereof. Such term includes any

precursors to the formation of any air pollutant; to the extent the EPA has identified such precursor or precursors for the particular purpose for which the term air pollutant is used.

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

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

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

(b) For purposes of sections 35-0200 through 35-0280 ~~OAR 340-212-0200 through 340-212-0280~~, a control device does not include passive control measures that act to prevent regulated pollutants from forming, such as the use of seals, lids, or roofs to prevent the release of regulated pollutants, use of low-polluting fuel or feedstocks, or the use of combustion or other process design features or characteristics. If an applicable requirement establishes that particular equipment which otherwise meets this definition of a control device does not constitute a control device as applied to a particular regulated pollutant-specific emissions unit, then that definition will be binding for purposes of sections 35-0200 through 35-0280~~OAR 340-212-0200 through 340-212-0280~~.

(13) "Alternative m~~M~~ethod" means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method, but which has been demonstrated to LRAPA's satisfaction to, in specific cases, produce results adequate for determination of compliance. The alternative method must comply with the intent of the rules, is at least equivalent in objectivity and reliability to the uniform recognized procedures, and is demonstrated to be reproducible, selective, sensitive, accurate, and applicable to the program. An alternative method used to meet an applicable federal requirement for which a reference method is specified must be approved by EPA unless EPA has delegated authority for the approval to LRAPA.

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

(15) "Applicable requirement" means all of the following as they apply to emissions units in an Oregon Title V Operating Permit program source or ACDP program source, including requirements that have been promulgated or approved by the EPA through rule making at the time of issuance but have future-effective compliance dates:

~~A.~~(a) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by the EPA through rulemaking under Title I of the FCAA that implements the relevant requirements of the FCAA, including any revisions to that plan promulgated in 40 CFR part 52;

~~B.~~(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.~~(c) Any term or condition in an ACDP, LRAPA ~~Title~~ title 37, Air Contaminant Discharge Permits, including any term or condition of any preconstruction permits issued under LRAPA ~~Title~~ title 38, New Source Review, until or unless LRAPA revokes or modifies the term or condition by a permit modification;

~~D.~~(d) Any term or condition in a Notice of Construction and Approval of Plans, ~~Title~~ title 34 Stationary Source Notification Requirements until or unless LRAPA revokes or modifies the term or condition by a Notice of Construction and Approval of Plans or a permit modification;

~~E.~~(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.~~(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.~~(g) Any standard or other requirement under section 111 of the FCAA (NSPS), including section 111(d);

~~H.~~(h) Any standard or other requirement under section 112 of the FCAA (HAPs), including any requirement concerning accident prevention under section 112(r)(7) of the FCAA (Accidental Release Prevention);

~~I.~~(i) Any standard or other requirement of the acid rain program under Title IV of the FCAA or the regulations promulgated thereunder;

~~J.~~(j) Any requirements established under section 504(b) (Title V permit monitoring and analysis requirements) or section 114(a)(3) of the FCAA (Federal Enforcement; compliance certification);

~~K.~~(k) Any standard or other requirement under section 126(a)(1) and (c) ~~(PSD)~~ of the

FCAA (PSD);

~~L.~~(l) Any standard or other requirement governing solid waste incineration, under section 129 of the FCAA (Solid Waste Combustion);

~~M.~~(m) Any standard or other requirement for consumer and commercial products, under section 183(e) of the FCAA (Federal ozone measures);

~~N.~~(n) Any standard or other requirement for tank vessels, under section 183(f) of the FCAA;

~~O.~~(o) Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the FCAA;

~~P.~~(p) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the FCAA, unless the Administrator has determined that such requirements need not be contained in an Oregon Title V Operating Permit; and

~~Q.~~(q) Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the FCAA, but only as it would apply to temporary sources permitted under section 504(e) of the FCAA.

(16) "Applicable State Implementation Plan" and "Plan" refer to the programs and rules of the Department or LRAPA, as approved by the EPA, or any EPA-promulgated regulations in 40 CFR part 52, subpart MM.

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

(18) "Attainment area" or "unclassified area" means an area that has not otherwise been designated by EPA as nonattainment with ambient air quality standards for a particular regulated pollutant. Attainment areas or unclassified areas may also be referred to as sustainment or maintenance areas as designated in ~~LRAPA title~~title 29. Any particular location may be part of an attainment area or unclassified area for one (1) regulated pollutant while also being in a different type of designated area for another regulated pollutant.

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

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

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

(22) "Best Available Control Technology" or "BACT" means an emissions limitation,

including, but not limited to, a visible emission standard, based on the maximum degree of reduction of each air contaminant subject to regulation under the FCAA which would be emitted from any proposed major source or major modification which, on a case-by-case basis taking into account energy, environmental, and economic impacts and other costs, is achievable for such source or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air contaminant. In no event may the application of BACT result in emissions of any air contaminant that would exceed the emissions allowed in any applicable new source performance standard or any standard for hazardous air pollutant. If an emission limitation is not feasible, a design, equipment, work practice, or operational standard, or combination thereof, may be required. Such standard ~~shall~~must, to the degree possible, set forth the emission reduction achievable and ~~shall~~ provide for compliance by prescribing appropriate permit conditions.

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

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

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

(26) "Capture efficiency" means the amount of regulated pollutant collected and routed to an air pollution control device divided by the amount of total emissions generated by the process being controlled.

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

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

(29) "Categorically Insignificant Activity" means any of the following listed regulated pollutant emitting activities principally supporting the source or the major industrial group. Categorically insignificant activities must comply with all applicable requirements.

~~A.~~(a) Constituents of a chemical mixture present at less than one (1) percent by weight

of any chemical or compound regulated under OAR ~~C~~chapter 340, divisions 218 and 220, and ~~LRAPA title~~titles 12 through 51 or less than 0.1 percent by weight of any carcinogen listed in the U. S. Department of Health and Human Service~~'~~s' Annual Report on Carcinogens when usage of the chemical mixture is less than 100,000 pounds/year;~~.~~

~~B.~~(b) Evaporative and tail pipe emissions from on-site motor vehicle operation;

~~C.~~(c) Distillate oil, kerosene, and gasoline, natural gas or propane burning equipment, provided the aggregate expected actual emissions of the equipment identified as categorically insignificant do not exceed the de minimis level for any regulated pollutant, based on the expected maximum annual operation of the equipment. If a source's expected emissions from all such equipment exceed the de minimis levels, then the source may identify a subgroup of such equipment as categorically insignificant with the remainder not categorically insignificant. The following equipment may never be included as categorically insignificant:

~~(1)~~(A) Any individual distillate oil, kerosene or gasoline burning equipment with a rating greater than 0.4 million Btu/hour;

~~(2)~~(B) Any individual natural gas or propane burning equipment with a rating greater than 2.0 million Btu/hour;

~~D.~~(d) Distillate oil, kerosene, gasoline, natural gas or propane burning equipment brought on site for six (6) months or less for maintenance, construction or similar purposes, such as but not limited to generators, pumps, hot water pressure washers and space heaters, provided that any such equipment that performs the same function as the permanent equipment, must be operated within the source's existing PSEL;

~~E.~~(e) Office activities;

~~F.~~(f) Food service activities;

~~G.~~(g) Janitorial activities;

~~H.~~(h) Personal care activities;

~~I.~~(i) Groundskeeping activities including, but not limited to building painting and road and parking lot maintenance;

~~J.~~(j) On-site laundry activities;

~~K.~~(k) On-site recreation facilities;

~~L.~~(l) Instrument calibration;

~~M.~~(m) Maintenance and repair shop;

~~N.~~(n) Automotive repair shops or storage garages;

~~O.~~(o) Air cooling or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;

~~P.~~(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.~~(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.~~(r) Temporary construction activities;

~~S.~~(s) Warehouse activities;

~~T.~~(t) Accidental fires;

~~U.~~(u) Air vents from air compressors;

~~V.~~(v) Air purification systems;

~~W.~~(w) Continuous emissions monitoring vent lines;

~~X.~~(x) Demineralized water tanks;

~~Y.~~(y) Pre-treatment of municipal water, including use of deionized water purification systems;

~~Z.~~(z) Electrical charging stations;

~~AA.~~(aa) Fire brigade training;

~~BB.~~(bb) Instrument air dryers and distribution;

~~CC.~~(cc) Process raw water filtration systems;

~~DD.~~(dd) Pharmaceutical packaging;

~~EE.~~(ee) Fire suppression;

~~FF.~~(ff) Blueprint making;

~~GG.~~(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.~~(hh) Electric motors;

~~II.~~(ii) Storage tanks, reservoirs, transfer and lubricating equipment used exclusively for ASTM grade distillate or residual fuels, lubricants, and hydraulic fluids;

~~JJ.~~(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.~~(kk) Natural gas, propane, and liquefied petroleum gas (LPG) storage tanks and transfer equipment;

~~LL.~~(ll) Pressurized tanks containing gaseous compounds;

~~MM.~~(mm) Vacuum sheet stacker vents;

~~NN.~~(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.~~(oo) Log ponds;

~~PP.~~(pp) Storm water settling basins;

~~QQ.~~(qq) Fire suppression and training;

~~RR.~~(rr) Paved roads and paved parking lots within an urban growth boundary;

~~SS.~~(ss) Hazardous air pollutant emissions in fugitive dust from paved and unpaved roads except for those sources that have processes or activities that contribute to the deposition and entrainment of hazardous air pollutants from surface soils;

~~TT.~~(tt) Health, safety, and emergency response activities;

~~UU.~~(uu) Emergency generators and pumps used only during loss of primary equipment or utility service due to circumstances beyond the reasonable control of the owner or operator, or to address a power emergency, provided that the aggregate horsepower rating of all stationary emergency generator and pump engines is not more than 3,000 horsepower. If the aggregate horsepower rating of all stationary emergency generator and pump engines is more than 3,000 horsepower, then no emergency generators and pumps at the source may be

considered categorically insignificant;

~~VV.~~(vv) Non-contact steam vents and leaks and safety and relief valves for boiler steam distribution systems;

~~WW.~~(ww) Non-contact steam condensate flash tanks;

~~XX.~~(xx) Non-contact steam vents on condensate receivers, deaerators and similar equipment;

~~YY.~~(yy) Boiler blowdown tanks;

~~ZZ.~~(zz) Industrial cooling towers that do not use chromium-based water treatment chemicals;

~~AAA.~~(aaa) Ash piles maintained in a wetted condition and associated handling systems and activities;

~~BBB.~~(bbb) Uncontrolled oil/water separators in effluent treatment systems, excluding systems with a throughput of more than 400,000 gallons per year of effluent located at the following sources:

~~CCC.~~(ccc) Petroleum refineries;

~~DDD.~~(ddd) Sources that perform petroleum refining and re-refining of lubricating oils and greases including asphalt production by distillation and the reprocessing of oils and/or solvents for fuels; or

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

~~FFF.~~(fff) Combustion source flame safety purging on startup;

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

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

~~III.~~(iii) White water storage tanks.

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

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

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

(33) "Class I Area" or "PSD Class I area" means any Federal, State, or Indian reservation land which is classified or reclassified as a Class I area under ~~LRAPA title~~title 29.

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

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

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

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

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

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

(40) "Construction":

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

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

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

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

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

(42) "Continuous monitoring system" means sampling and analysis, in a timed sequence, using techniques which will adequately reflect actual emission rates or concentrations on

a continuous basis as specified in the DEQ Continuous Monitoring Manual, found in OAR 340-200-0035, and includes continuous emission monitoring systems, continuous opacity monitoring system (COMS) and continuous parameter monitoring systems.

~~"Control device" means equipment, other than inherent process equipment, that is used to destroy or remove a regulated air pollutant prior to discharge to the atmosphere. The types of equipment that may commonly be used as control devices include, but are not limited to, fabric filters, mechanical collectors, electrostatic precipitators, inertial separators, afterburners, thermal or catalytic incinerators, adsorption devices(such as carbon beds), condensers, scrubbers(such as wet collection and gas absorption devices), selective catalytic or non-catalytic reduction systems, flue gas recirculation systems, spray dryers, spray towers, mist eliminators, acid plants, sulfur recovery plants, injection systems(such as water, steam, ammonia, sorbent or limestone injection), and combustion devices independent of the particular process being conducted at an emissions unit(e.g., the destruction of emissions achieved by venting process emission streams to flares, boilers or process heaters). For purposes of 35-0200 through 35-0280, a control device does not include passive control measures that act to prevent regulated pollutants from forming, such as the use of seals, lids, or roofs to prevent the release of regulated pollutants, use of low-polluting fuel or feedstocks, or the use of combustion or other process design features or characteristics. If an applicable requirement establishes that particular equipment which otherwise meets this definition of a control device does not constitute a control device as applied to a particular regulated pollutant-specific emissions unit, then that definition will be binding for purposes of 35-0200 through 35-0280.~~

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

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

(45) "Data" means the results of any type of monitoring or method, including the results of instrumental or non-instrumental monitoring, emission calculations, manual sampling procedures, recordkeeping procedures, or any other form of information collection procedure used in connection with any type of monitoring or method.

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

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

Title 12, Table 1 – De Minimis Emission Levels

Pollutant	De minimis (tons/year~~, except as noted~~)
GHG (CO_2e)	2,756 ~~(short tons)~~
CO	1
~~NO_x~~NO_X	1
SO_2	1
VOC	1
PM	1
PM_{10}	1
Direct $PM_{2.5}$	1
Lead	0.1
Fluorides	0.3
Sulfuric Acid Mist	0.7
Hydrogen Sulfide	1
Total Reduced Sulfur (including hydrogen sulfide)	1
Reduced Sulfur	1
Municipal waste combustor organics (Dioxin and furans)	0.0000005
Municipal waste combustor metals	1
Municipal waste combustor acid gases	1
Municipal solid waste landfill gases (measured as nonmethane organic compounds)	1
Single HAP	1
Combined HAP (aggregate)	1

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

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

(50) "Designated area" means an area that has been designated as an attainment, unclassified, sustainment, nonattainment, reattainment, or maintenance area under ~~LRAPA title~~title 29 or applicable provisions of the FCAA.

(51) "Destruction efficiency" means removal efficiency.

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

(53) "Director" means the Director of the Lane Regional Air Protection Agency or the Director of the Oregon Department of Environmental Quality and authorized deputies or officers, depending on the context.

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

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

(56) "Draft permit" means the version of an LRAPA Title V Operating Permit for which LRAPA offers public participation under OAR 340-218-0210 or the EPA and affected State review under OAR 340-218-0230.

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

(58) "Effective date of the program" means the date that the EPA approves the Oregon Title V Operating Permit program submitted by DEQ on a full or interim basis. In case of a partial approval, the "effective date of the program" for each portion of the program is the date of the EPA approval of that portion.

(59) "Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency does not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

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

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

(62) "Emission factor" means an estimate of the rate at which a regulated pollutant is released into the atmosphere, as the result of some activity, divided by the rate of that activity (e.g., production or process rate).

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

~~A.~~(a) Except as provided in ~~subsection~~ paragraph (b)~~B.~~, a requirement established by a state, local government, or ~~the~~ EPA rule; a permit condition or order, which limits the quantity, rate, or concentration of emissions of regulated air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

~~B.~~(b) As used in ~~LRAPA~~ sections 35-0200 through 35-0280, any applicable requirement that constitutes an emission(s) limit, emission(s) limitation, emission(s) standard, standard of performance or means of emission(s) limitation as defined under the FCAA. An emission limitation or standard may be expressed

in terms of the pollutant, expressed either as a specific quantity, rate or concentration of emissions, e.g., pounds of SO_2 per hour, pounds of SO_2 per million British thermal units of fuel input, kilograms of VOC per liter of applied coating solids, or parts per million by volume of SO_2, or as the relationship of uncontrolled to controlled emissions, e.g., percentage capture and destruction efficiency of VOC or percentage reduction of SO_2. An emission limitation or standard may also be expressed either as a work practice, process or control device parameter, or other form of specific design, equipment, operational, or operation and maintenance requirement. For purposes of ~~LRAPA~~ sections 35-0200 through 35-0280, an emission limitation or standard does not include general operation requirements that an owner or operator may be required to meet, such as requirements to obtain a permit, operate and maintain sources using good air pollution control practices, develop and maintain a malfunction abatement plan, keep records, submit reports, or conduct monitoring.

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

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

~~•~~(66) "Emission unit" means any part or activity of a source that emits or has the potential to emit any regulated air pollutant.

~~A.~~(a) A part of a stationary source is any machine, equipment, raw material, product, or by-product that produces or emits air pollutants. An activity is any process, operation, action, or reaction, e.g., chemical, at a stationary source that emit air regulated pollutants. ~~-~~Except as described in ~~subsection~~ paragraph (d)~~D~~, parts and activities may be grouped for purposes of defining an emissions unit provided the following conditions are met:

~~(1)~~(A) The group used to define the emissions unit may not include discrete parts or activities to which a distinct emissions standard applies or for which different compliance demonstration requirements apply; and

~~(2)~~(B) The emissions from the emissions unit are quantifiable.

~~B.~~(b) Emissions units may be defined on a regulated pollutant-by-regulated-pollutant basis where applicable.

~~C.~~(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.~~(d) Parts and activities ~~shall not be groups~~cannot be grouped for purposes of determining emissions increases from an emissions unit under ~~LRAPA title~~titles

34 and 38, or for purposes of determining the applicability of a New Source Performance Standard (NSPS).

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

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

(69) "EPA Method 9" means the method for Visual Determination of the Opacity of Emissions from Stationary Sources as described in 40 CFR part 60, Appendix A-4.

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

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

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

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

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

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

(76) "Excursion" means a departure from an indicator range established for monitoring under sections 35-0200 through 35-0280 and OAR 340-218-0050(3)(a), consistent with any averaging period specified for averaging the results of the monitoring.

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

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

~~A.~~(a) A source with potential to emit:

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

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

~~B.~~(b) Calculations for determining a source's potential to emit for purposes of ~~subsections~~ paragraphs (a)~~A.~~ and (d)~~D.~~ must include the following:

~~(1)~~(A) Fugitive emissions and insignificant activity emissions; and

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

~~C.~~(c) Source categories:

~~(1)~~(A) Fossil fuel-fired steam electric plants of more than 250 million BTU/hour heat input;

~~(2)~~(B) Coal cleaning plants with thermal dryers;

~~(3)~~(C) Kraft pulp mills;

~~(4)~~(D) Portland cement plants;

~~(5)~~(E) Primary Zinc Smelters;

~~(6)~~(F) Iron and Steel Mill Plants;

~~(7)~~(G) Primary aluminum ore reduction plants;

~~(8)~~(H) Primary copper smelters;

~~(9)~~(I) Municipal Incinerators capable of charging more than 50 tons of refuse per day;

~~(10)~~(J) Hydrofluoric acid plants;

~~(11)~~(K) Sulfuric acid plants;

~~(12)~~(L) Nitric acid plants;

~~(13)~~(M) Petroleum Refineries;

~~(14)~~(N) Lime plants;

~~(15)~~(O) Phosphate rock processing plants;

~~(16)~~(P) Coke oven batteries;

~~(17)~~(Q) Sulfur recovery plants;

~~(18)~~(R) Carbon black plants, furnace process;

~~(19)~~(S) Primary lead smelters;

~~(20)~~(T) Fuel conversion plants;

~~(21)~~(U) Sintering plants;

~~(22)~~(V) Secondary metal production plants;

~~(23)~~(W) Chemical process plants, excluding ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;

~~(24)~~(X) Fossil fuel fired boilers, or combinations thereof, totaling more than 250 million BTU per hour heat input;

~~(25)~~(Y) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

~~(26)~~(Z) Taconite ore processing plants;

~~(27)~~(AA) Glass fiber processing plants;

~~(28)~~(BB) Charcoal production plants.

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

~~(1)~~(A) For ozone nonattainment areas, sources with the potential to emit 100 tons per year or more of VOCs or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tons per year or more in areas classified as "serious," 25 tons per year or more in areas classified as "severe," and ten (10) tons per year or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and ten (10) tons per year of nitrogen oxides do not apply with respect to any source for which the Administrator has made a finding, under section 182(f)(1) or (2) of the FCAA, that requirements under section 182(f) of the FCAA do not apply;

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

~~(3)~~(C) For carbon monoxide nonattainment areas that are classified as "serious" and in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tons per year or more of carbon monoxide.

~~(4)~~(D) For PM_{10} nonattainment areas classified as "serious," sources with the potential to emit 70 tons per year or more of PM_{10}.

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

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

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

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

(83) "Fugitive Emissions":

~~A.~~(a) Except as used in ~~subsection~~ paragraph (b)~~B.~~, means emissions of any air contaminant which could escape to the atmosphere from any point or area that is not identifiable as a stack, chimney, vent, duct, or equivalent opening.

~~B.~~(b) As used to define a major Oregon Title V Operating Permit program source, means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(84) "General permit":

~~A.~~(a) Except as provided in ~~subsection~~ paragraph (b)~~B. of this section~~, means an Air Contaminant Discharge Permit established under section 37-0060.

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

~~"Generic PSEL" means the levels for the regulated pollutants below:~~

~~Pollutant~~	~~Generic PSEL (tons/year, except as noted)~~
~~GHG (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 (measured as nonmethane organic compounds)~~	~~49~~
~~Single HAP~~	~~9~~
~~Combined HAPs (aggregate)~~	~~24~~

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

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

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

(88) "Hazardous Air Pollutant" or "HAP" means an air pollutant listed by the EPA under ~~Section~~ section 112(b) of the FCAA or determined by the EQC or Board to cause, or reasonably be anticipated to cause, adverse effects to human health or the environment.

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

(90) "Indian governing body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

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

(92) "Inherent process equipment" means equipment that is necessary for the proper or safe functioning of the process, or material recovery equipment that the owner or operator documents is installed and operated primarily for purposes other than compliance with air pollution regulations. Equipment that must be operated at an efficiency higher than that achieved during normal process operations in order to comply with the applicable emission limitation or standard is not inherent process equipment. For the purposes of source testing requirements in sections 35-0200 through 35-0280, inherent process equipment is not considered a control device.

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

(94) "Insignificant change" means an off-permit change defined under OAR 340-218-0140(2)(a) to either a significant or an insignificant activity which:

~~A.~~(a) Does not result in a re-designation from an insignificant to a significant activity;

~~B.~~(b) Does not invoke an applicable requirement not included in the permit; and

~~C.~~(c) Does not result in emission of regulated pollutants not regulated by the source's permit.

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

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

(97) "Liquefied petroleum gas" has the meaning given by the American Society for Testing and Materials in ASTM D1835-82, "Standard Specification for Liquid Petroleum Gases."

(98) "Lowest Achievable Emission Rate" or "LAER" means that rate of emissions which reflects: the most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or the most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent. The application of this term cannot permit a proposed new or modified source to emit any air contaminant in excess of the amount

allowable under applicable New Source Performance Standards (NSPS) or standards for hazardous air pollutants.

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

(100) "Maintenance area" means any area that was formerly nonattainment for a criteria pollutant but has since met the ambient air quality standard, and EPA has approved a maintenance plan to comply the standards under 40 CFR 51.110. Maintenance areas are designated by the LRAPA Board according to title 29.

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

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

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

(104) "Major Source":

~~A.~~(a) Except as provided in ~~subsection~~ paragraph (b)~~B.~~, means a source that emits, or has the potential to emit, any regulated air pollutant at a Significant Emission Rate. The fugitive emissions and insignificant activity emissions of a stationary source are considered in determining whether it is a major source. Potential to emit calculations must include emission increases due to a new or modified source and may include emission decreases.

~~B.~~(b) As used in ~~LRAPA Title~~ title 34, Stationary Source Notification Requirements~~;~~ Compliance Assurance Monitoring, sections 35-0200 through 35-0280; section 37-0066, Standard ACDPs; OAR chapter 340, division 218, rules applicable to sources required to have LRAPA Title V Operating Permits~~;~~; OAR chapter 340, division 220, -Title V Operating Permit Fees~~;~~; section 37-0066, Standard ACDPs~~;~~; and ~~LRAPA~~ Title 33, Emission Standards for Specific Industries~~;~~; means any stationary source or any group of stationary sources that are located on one or more contiguous or adjacent properties and are under common control of the same person or persons under common control belonging to a single major industrial grouping or supporting the major industrial group and that is described in subparagraphs (~~1~~A), (~~2~~B), or (~~3~~C). For the purposes of this ~~subsection~~paragraph, a stationary source or group of stationary sources is considered part of a single industrial grouping if all of the regulated pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual (U.S. Office of Management and Budget, 1987) or support the major industrial group.

~~(1)~~(A) A major source of hazardous air pollutants, which means:

(i) For hazardous air pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, ten (10) tons per year or more of any single hazardous air pollutant that has been listed under section 44-020; 25 tons per year or more of any combination of such hazardous air pollutants, ~~unless the Administrator establishes a lesser quantity~~or such lesser quantity as the Administrator may establish by rule. Emissions from any oil or gas exploration or production well, along with its associated equipment, and emissions from any pipeline compressor or pump station will not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

(ii) For radionuclides, "major source" will have the meaning specified by the Administrator by rule.

~~(2)~~(B) A major stationary source of regulated pollutants, as defined in section 302 of the FCAA, that directly emits or has the potential to emit 100 tons per year or more of any regulated air pollutant, except greenhouse gases, including any major source of fugitive emissions of any such regulated pollutant. The fugitive emissions of a stationary source are not considered in determining whether it is a major stationary source for the purposes of section 302(j) of the FCAA, unless the source belongs to one of the following categories of stationary sources:

(i) Coal cleaning plants (with thermal dryers);

(ii) Kraft pulp mills;

(iii) Portland cement plants;

(iv) Primary zinc smelters;

(v) Iron and steel mills;

(vi) Primary aluminum ore reduction plants;

(vii) Primary copper smelters;

(viii) Municipal incinerators capable of charging more than 50 tons of refuse per day;

(ix) Hydrofluoric, sulfuric, or nitric acid plants;

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

(xiv) Sulfur recovery plants;

(xv) Carbon black plants (furnace process);

(xvi) Primary lead smelters;

(xvii) Fuel conversion plants;

(xviii) Sintering plants;

(xix) Secondary metal production plants;

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

(xxi) Fossil-fuel boilers, or combination thereof, totaling more than 250 million British thermal units per hour heat input;

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

(xxiii) Taconite ore processing plants;

(xxiv) Glass fiber processing plants;

(xxv) Charcoal production plants;

(xxvi) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or

(xxvii) ~~All~~ Any other stationary source ~~categories~~category, that as of August 7, 1980, is being regulated ~~by a standard promulgated~~ under section 111 or 112 of the FCAA.

~~(3)~~(C) From July 1, 2011 through November 6, 2014, a major stationary source of regulated pollutants, as defined by ~~Section~~ section 302 of the FCAA, that directly emits or has the potential to emit 100 tons per year or more of GHGs and directly emits or has the potential to emit 100,000 tons per year or more CO_2e, including fugitive emissions.

(105) "Material balance" means a procedure for ~~calculating~~ determining emissions based on the difference ~~between~~ in the amount of material added to a process and the amount consumed and/or recovered from a process.

(106) "Modification", except as used in the terms "major modification", "permit modification" and "Title I modification", means any physical change to, or change in the method of operation of, a source or part of a source that results in an increase in the source's or part of a source's potential to emit any regulated air pollutant on an hourly basis. Modifications do not include the following:

~~A.~~(a) Increases in hours of operation or production rates that do not involve a physical change or change in the method of operation;

~~B.~~(b) Changes in the method of operation due to using an alternative fuel or raw material that the source or part of a source was physically capable of accommodating during the baseline period; and

~~C.~~(c) Routine maintenance, repair and like-for-like replacement of components unless they increase the expected life of the source or part of a source by using component upgrades that would not otherwise be necessary for the source or part of a source to function.

(107) "Monitoring" means any form of collecting data on a routine basis to determine or otherwise assess compliance with emission limitations or standards. Monitoring may include record keeping if the records are used to determine or assess compliance with an emission limitation or standard ~~(~~such as records of raw material content and usage, or records documenting compliance with work practice requirements~~)~~. Monitoring may include conducting compliance method tests, such as the procedures in appendix A to 40 CFR part 60, on a routine periodic basis. Requirements to conduct such tests on a one-time basis, or at such times as a regulatory authority may require on a non-regular basis, are not considered monitoring requirements for purposes of this definition. Monitoring may include one or more than one of the following data collection techniques as appropriate for a particular circumstance:

~~A.~~(a) Continuous emission or opacity monitoring systems.

~~B.~~(b) Continuous process, capture system, control device or other relevant parameter monitoring systems or procedures, including a predictive emission monitoring system.

~~C.~~(c) Emission estimation and calculation procedures (e.g., mass balance or stoichiometric calculations).

~~D.~~(d) Maintaining and analyzing records of fuel or raw materials usage.

~~E.~~(e) Recording results of a program or protocol to conduct specific operation and maintenance procedures.

~~F.~~(f) Verifying emissions, process parameters, capture system parameters, or control device parameters using portable or in situ measurement devices.

~~G.~~(g) Visible emission observations and recording.

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

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

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

(110) "Nitrogen oxides" or "~~NO$_x$~~NO$_x$" means all oxides of nitrogen except nitrous oxide.

(111) "Nonattainment area" means a geographical area within the jurisdiction of ~~the Agency~~LRAPA, as designated by the Board, the EQC, or the EPA which exceeds any federal, state or local primary or secondary ambient air quality standard. Nonattainment areas are designated by the Board according to ~~LRAPA title~~title 29 or by the EQC according to OAR chapter 340, division 204.

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

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

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

(115) "Offset" means an equivalent or greater emission reduction that is required before allowing an emission increase from a source that is subject to Major NSR or State NSR.

(116) "Opacity" means the degree to which emissions, excluding uncombined water, reduce transmission of light and obscure the view of an object in the background as measured by EPA Method 9 ~~EPA Method 203B~~ or other method, as specified in each applicable rule.

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

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

(119) "Oregon Title V ~~operating~~ Operating ~~permit~~ Permit ~~program~~ Pprogram source" "Title V ~~program~~ source" means any source subject to the permitting requirements, OAR chapter 340, division 218.

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

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

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

(123) "Particulate matter":

(a) Except as provided in paragraph (b), means all finely divided solid and~~or~~ liquid material, other than uncombined water, that is emitted to the ambient air as measured by the test method specified in each applicable rule, or where not specified by rule, in the permit.

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

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

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

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

(127) "Permitted emissions" as used in OAR chapter 340, division 220 means each regulated pollutant portion of the PSEL, as identified in an ACDP, LRAPA or Oregon Title V Operating Permit, review report, or by DEQ under OAR 340-220-0090.

(128) "Permittee" means the owner or operator of facility source, authorized to emit regulated pollutants under an Air Contaminant Discharge Permit or the Oregon or LRAPA Title V Operating Permit.

(129) "Person" means individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the State of Oregon and any agencies thereof, and the federal government and any agencies thereof.

(130) "Plant Site Emission Limit" or "PSEL" means the total mass emissions per unit time of an individual regulated pollutant specified in a permit for a source. The PSEL for a major source may consist of more than one permitted emission for purposes of Oregon Title V Operating Permit Fees in OAR chapter 340, division 220.

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

(132) "PM_{10}":

~~A.~~(a) When used in the context of emissions, means emissions of finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers, emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified in rule, in each individual permit.

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

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

~~A.~~(a) When used in the context of direct $PM_{2.5}$ emissions, means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit.

~~B.~~(b) When used in the context of $PM_{2.5}$ precursor emissions, means sulfur dioxide (SO_2) and nitrogen oxides (NO_X) emitted to the ambient air as measured by the test method specified in each applicable rule or, where not specified by rule, in each individual permit.

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

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

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

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

(137) "Potential to emit" or "PTE" means the lesser of:

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

~~B.~~(b) The maximum allowable regulated pollutant emissions taking into consideration any physical or operational limitation, including the use of control devices and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, if the limitation is enforceable by the U.S. EPA Administrator.

~~C.~~(c) This definition does not alter or affect the use of this term for any other purposes under the FCAA or the term "capacity factor" as used in Title IV of the FCAA and the regulations promulgated thereunder. Secondary emissions are not considered in determining the potential to emit.

(138) "ppm" means parts per million by volume unless otherwise specified in the applicable rule or an individual permit. It is a dimensionless unit of measurement for gases that expresses the ratio of the volume of one component gas to the volume of the entire sample mixture of gases.

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

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

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

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

(143) "Reattainment area" means an area that is designated as nonattainment and has three (3) consecutive years of monitoring data that shows the area is meeting the ambient air quality standard for the regulated pollutant for which the area was designated a nonattainment area, but a formal redesignation by EPA has not yet been approved. Reattainment areas are designated by the EQC according to OAR chapter 340, division 204 and LRAPA according to title 29.

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

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

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

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

A.(a) Except as provided in subsections paragraphs (b)B., (c)C., and (d)D. means:

(1)(A) Nitrogen oxides or any VOCs;

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

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

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

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

(6)(F) Greenhouse gases;, and

(7)(G) Toxic air Air Cecontaminants.

B.(b) As used in OAR chapter 340, dDivision 220, Oregon Title V Operating Permit Fees, regulated pollutant means particulate matter, volatile organic compounds, oxides of nitrogen and sulfur dioxide.:

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

D.(d) As used in LRAPA Title tTitle 20, Indirect Sources; Title 30, Incinerator Regulations; -Title 32, -Emissions Standards; Title 33, -Prohibited Practices and Control of Special Classes of Industry; Title 38, Major New Source Review; Title 40, Air Quality Analysis Requirements through Title 44, Hazardous Air Pollutant Program; Title 46, New Source Performance Standards through through Title title 34, Stationary Source Notification Requirements; and Title title 37 Air Contaminant Discharge Permits through Title title 51, Air Pollution Emergencies; regulated pollutant means only the air contaminants listed under subsections subparagraph (a)A.(1A) through A.(6F).

(148) "Removal efficiency" means the performance of an air pollution control device in terms of the ratio of the amount of the regulated pollutant removed from the airstream to the total amount of regulated pollutant that enters the air pollution control device.

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

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

(151) "Responsible official" means one of the following:

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

~~(2)~~(B) The delegation of authority to such representative is approved in advance by DEQ or LRAPA.

~~B.~~(b) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

~~C.~~(c) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of ~~LRAPA title~~title 12, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of EPA (e.g., a Regional Administrator of the EPA); or

~~D.~~(d) For affected sources:

~~(1)~~(A) The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the FCAA or the regulations promulgated there under are concerned; and

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

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

(153) "Secondary emissions" means emissions ~~from new or existing sources which occur as~~that are a result of the construction and/or operation of a source or modification, but that do not come from the source itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source associated with the secondary emissions. Secondary emissions may include, but are not limited to:

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

~~B.~~(b) Emissions from off-site support facilities ~~which~~ that would be constructed or

would otherwise increase emissions as a result of the construction or modification of a source ~~or modification~~.

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

(155) "Section 111(d)" means subsection 111(d) of the FCAA, 42 U.S.C. § 7411(d), which requires states to submit to the EPA plans that establish standards of performance for existing sources and provides for implementing and enforcing such standards.

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

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

(158) "Section 112(d)" means subsection 112(d) of the FCAA, 42 U.S.C. § 7412(d), which directs the EPA to establish emissions standards for sources of Hazardous Air Pollutants. This section also defines the criteria to be used by EPA when establishing the emission standards.

(159) "Section 112(e) " means subsection 112(e) of the FCAA, 42 U.S.C. § 7412(e), which directs the EPA to establish and promulgate emissions standards for categories and subcategories of sources that emit Hazardous Air Pollutants.

(160) "Section 112(r)(7)" means subsection 112(r)(7) of the FCAA, 42 U.S.C. § 7412(r)(7), which requires the EPA to promulgate regulations for the prevention of accidental releases and requires owners or operators to prepare risk management plans.

(161) "Section 114(a)(3)" means subsection 114(a)(3) of the FCAA, 42 U.S.C. § 7414(a)(3), which requires enhanced monitoring and submission of compliance certifications for major sources.

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

(163) "Section 129(e)" means subsection 129(e) of the FCAA, 42 U.S.C. § 7429(e), which requires solid waste incineration units to obtain LRAPA Title V Operating Permits.

(164) "Section 182(f)" means subsection 182(f) of the FCAA, 42 U.S.C. § 7511a(f), which requires states to include plan provisions in the SIP for NO_X in ozone nonattainment areas.

(165) "Section 182(f)(1)" means subsection 182(f)(1) of the FCAA, 42 U.S.C. § 7511a(f)(1), which requires states to apply those plan provisions developed for major VOC sources and major NO_X sources in ozone nonattainment areas.

(166) "Section 183(e)" means subsection 183(e) of the FCAA, 42 U.S.C. § 7511b(e), which requires the EPA to study and develop regulations for the control of certain VOC sources under federal ozone measures.

(167) "Section 183(f)" means subsection 183(f) of the FCAA, 42 U.S.C. § 7511b(f), which requires the EPA to develop regulations pertaining to tank vessels under federal ozone measures.

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

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

(170) "Section 302(j)" means subsection 302(j) of the FCAA, 42 U.S.C. § 7602(j), which contains definitions of "major stationary source" and "major emitting facility."

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

(172) "Section 408(a)" means subsection 408(a) of the FCAA, 42 U.S.C. § 7651g(a), which contains regulations for the Title IV permit program.

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

(a) Would violate applicable requirements;

(b) Would contravene federally enforceable permit terms and conditions that are monitoring, recordkeeping, reporting, or compliance certification requirements; or

(c) Is a FCAA Title I modification.

(174) "Section 504(b)" means subsection 504(b) of the FCAA, 42 U.S.C. § 7661c(b), which states that the EPA can prescribe by rule procedures and methods for determining compliance and for monitoring.

(175) "Section 504(e)" means subsection 504(e) of the FCAA, 42 U.S.C. § 761c(e), which contains regulations for permit requirements for temporary sources.

(176) "Significant emission rate" or "SER," except as provided in subsections paragraphs (a) and (b), means an emission rate equal to or greater than the rates specified for the regulated pollutants in Table 2 12 below:

TABLE ~~2~~12 LRAPA Title 12 SIGNIFICANT EMISSION RATES FOR POLLUTANTS REGULATED UNDER THE CLEAN AIR ACT		
Row	***Pollutant***	***Emission Rate***
(a)	Greenhouse gases (CO_2e)	75,000 tons/year
(b)	Carbon monoxide except as noted in row (c) below	100 tons/year
(c)	Carbon monoxide in a serious nonattainment area, provided LRAPA has determined that stationary sources contribute significantly to carbon monoxide levels in that area	50 tons/year
(d)	Nitrogen oxides (NO_X)	40 tons/year
(e)	Particulate matter	25 tons/year
(f)	PM_{10}	15 tons/year
(g)	Direct $PM_{2.5}$	10 tons/year
(h)	$PM_{2.5}$ precursors (NO_X or SO_2)	40 tons/year
(i)	Sulfur dioxide (SO_2)	40 tons/year
(j)	Ozone precursors (VOC or NO_X), except as noted in rows (k) and (l), below:	40 tons/year
(k)	Ozone precursors in a serious or severe ozone nonattainment area	25 tons/year
(l)	Ozone precursors in an extreme ozone nonattainment area	Any emissions increase
(m)	Lead	0.6 ton/year
(n)	Inorganic ~~F~~fluoride~~s~~ compounds (as measured by EPA method 13A or 13B), excluding hydrogen fluoride	3 tons/year
(o)	Sulfuric acid mist	7 tons/year
(p)	Hydrogen sulfide	10 tons/year
(q)	Total reduced sulfur (including hydrogen sulfide)	10 tons/year
(r)	Reduced sulfur compounds (including hydrogen sulfide)	10 tons/year
(s)	Municipal waste combustor organics (measured as total tetra- through octa- chlorinated dibenzo-p-dioxins and dibenzofurans)	0.0000035 ton/year
(t)	Municipal waste combustor metals (measured as particulate matter)	15 tons/year
(u)	Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	40 tons/year
(v)	Municipal solid waste landfill emissions (measured as nonmethane organic compounds)	50 tons/year
(w)	Ozone depleting substances in aggregate	100 tons/year

~~A.~~(a) For the regulated pollutants not listed in Table 2 above, the SER is zero (0) ~~unless LRAPA or DEQ determines the rate constitutes a SER~~.

~~B.~~(b) Any new source or modification with an emissions increase less than the rates specified above that is located within ten (10) kilometers of a Class I area, and would have an impact on such an area equal to or greater than one (1) ~~µ~~µg/m^3 (24

hour average) is emitting at a SER. This ~~subsection~~ paragraph does not apply to greenhouse gas emissions.

(177) "Significant impact" means an additional ambient air quality concentration equal to or greater than the significant impact level**.** For sources of VOC or ~~NO_x~~NO_X, source has a significant impact if it is located within the ozone impact distance defined in ~~LRAPA title~~title ~~40~~38.

(178) "Significant impact level" or "SIL" means the ambient air quality concentrations listed in Table ~~1~~ 32 below. The threshold concentrations listed below are used for comparison against the ambient air quality standards and PSD increments established under OAR chapter 340, division 202 or ~~LRAPA title~~title 50, but do not apply for protecting air quality related values, including visibility.

TABLE ~~1~~23
LRAPA Title 12
SIGNIFICANT IMPACT LEVEL:

Pollutant	Averaging Time	Air Quality Area Designation		
		Class I	Class II	Class III
SO_2 (µg/m^3)	Annual	0.10	1.0	1.0
	24-hour	0.20	5.0	5.0
	3-hour	1.0	25.0	25.0
	1-hour	---	8.0	---
PM_{10} (µg/m^3)	~~Annual~~	~~0.20~~	~~0.2~~	~~0.2~~
	24-hour	0.30	1.0	1.0
$PM_{2.5}$ (µg/m^3)	Annual	0.06	0.3	0.3
	24-hour	0.07	1.2	1.2
NO_2 (µg/m^3)	Annual	0.10	1.0	1.0
	1-hour	---	8.0	---
CO (mg/m^3)	8 hour	---	0.5	0.5
	1-hour	---	2.0	2.0

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

(180) "Small scale local energy project" means:

~~A.~~(a) 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.~~(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.~~(c) A recycling project;

~~D.~~(d) An alternative fuel project;

~~E.~~(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.~~(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.~~(g) A project described in ~~subsections~~ ~~sub~~paragraphs (a)~~A.~~ to (f)~~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.~~(h) A project described in ~~subsections~~ ~~sub~~paragraphs (a)~~A.~~ to ~~G.~~(g) that conserves energy or produces energy by generation or by processing or collection of a renewable resource.

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

•(182) "Source category":

~~A.~~(a) Except as provided in paragraph~~subsection~~ ~~B.~~(b), means all the regulated pollutant emitting activities that belong to the same industrial grouping, i.e., that have the same two-digit code as described in the Standard Industrial Classification Manual, U.S. Office of Management and Budget, 1987.

~~B.~~(b) As used in OAR chapter 340, division 220, Oregon Title V Operating Permit Fees, means a group of major sources that LRAPA and DEQ determines are using similar raw materials and have equivalent process controls and air pollution

control device.

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

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

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

(186) "State Implementation Plan" or "SIP" means the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040 and approved by U.S. EPA.

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

(188) "Stationary s~~S~~ource" means any building, structure, facility, or installation at a source that emits or may emit any regulated pollutant. Stationary source includes portable sources that are required to have permits under ~~LRAPA title~~title 37.

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

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

(191) "Sustainment area" means a geographical area of the state for which LRAPA has ambient air quality monitoring data that shows an attainment or unclassified area could become a nonattainment area but a formal redesignation by EPA has not yet been approved. The presumptive geographic boundary of a sustainment area is the applicable urban growth boundary in effect on the date this rule was last approved by the Board, unless superseded by rule. Sustainment areas are designated by the Board according to ~~LRAPA title~~title 29.

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

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

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

~~A.~~(a) A major modification subject to ~~Section~~ section 38-0050, Requirements for Sources in Nonattainment Areas or ~~Section~~ section 38-0055, Requirements for Sources in Reattainment Areas;

~~B.~~(b) A major modification subject to ~~Section~~ section 38-0060, Requirements for Sources in Maintenance Areas;

~~C.~~(c) A major modification subject to ~~Section~~ section 38-0070, Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas or ~~Section~~ section 38-0045 Requirements for Sources in Sustainment Areas;

~~D.~~(d) A modification that is subject to a New Source Performance Standard under ~~Section~~ section 111 of the FCAA; or

~~E.~~(e) A modification under ~~Section~~ section 112 of the FCAA.

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

(196) "Toxic air contaminant" means an air pollutant that has been determined by the EQC to cause, or reasonably be anticipated to cause, adverse effects to human health and is listed in OAR 340-24~~5~~7-80~~2~~10 Table ~~2~~1.

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

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

(199) "Typically Achievable Control Technology" or "TACT" means the emission limit established on a case-by-case basis for a criteria pollutant from a particular emissions unit under section 32-008.

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

(201) "Unavoidable" or "could not be avoided" means events which are not caused entirely or in part by design, operation, maintenance, or any other preventable condition in either process or control device.

(202) "Unclassified area" or "attainment area" means an area that has not otherwise been designated by EPA as nonattainment with ambient air quality standards for a particular regulated pollutant. Attainment areas or unclassified areas may also be referred to as sustainment or maintenance areas as designated in ~~LRAPA title~~title 29. Any particular location may be part of an attainment area or unclassified area for one regulated pollutant while also being in a different type of designated area for another regulated pollutant.

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

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

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

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

(207) "Visibility impairment" means any humanly perceptible change in visual range, contrast or coloration from that which existed under natural conditions. Natural conditions include fog, clouds, windblown dust, rain, sand, naturally ignited wildfires, and natural aerosols.

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

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

(A) Mmethane;

(B) Eethane;

(C) Mmethylene chloride (dichloromethane);

dimethyl carbonate; propylene carbonate;

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

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

(F) Ttrichlorofluoromethane (CFC-11);

(G) Ddichlorodifluoromethane (CFC-12);

(H) Cchlorodifluoromethane (HCFC-22);

(I) Ttrifluoromethane (HFC-23);

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

(K) Cchloropentafluoroethane (CFC-115);

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

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

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

~~(16)~~(O) 1-chloro-1,1-difluoroethane (HCFC-142b);

~~(17)~~(P) 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);

~~(18) HCFC 225ca and cb;~~

~~(19) HFC 43-10mee;~~

~~(20)~~(Q) P~~p~~entafluoroethane ~~[2]~~ (HFC-125);

~~(21)~~(R) 1,1,2,2-tetrafluoroethane (HFC-134);

~~(22)~~(S) 1,1,1-trifluoroethane (HFC-143a);

~~(23)~~(T) 1,1-difluoroethane (HFC-152a);

~~(24)~~(U) ~~p~~Parachlorobenzotrifluoride (PCBTF);

~~(25)~~(V) ~~c~~Cyclic, branched, or linear completely methylated siloxanes;

~~(26)~~(W) ~~a~~Acetone;

~~(27)~~(X) ~~p~~Perchloroethylene (tertrachloroethylene);

~~(28)~~(Y) 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);

~~(29)~~(Z) 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);

~~(30)~~(AA) 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);

~~(31)~~(BB) ~~d~~Difluorormethane (HFC-32);

~~(32)~~(CC) ~~e~~Ethylfluoride (HFC-161);

~~(33)~~(DD) 1,1,1,3,3,3-hexafluoropropane (HFC-236fa);

~~(34)~~(EE) -1,1,2,2,3-pentafluoropropane (HFC-245ca);

~~(35)~~(FF) -1,1,2,3,3-pentafluoropropane (HFC-245ea);

~~(36)~~(GG) -1,1,1,2,3-pentafluoropropane (HFC-245eb);

~~(37)~~(HH) -1,1,1,3,3-pentafluoropropane (HFC-245fa);

~~(38)~~(II) -1,1,1,2,3,3-hexafluoropropane (HFC-236ea);

~~(39)~~(JJ) -1,1,1,3,3-pentafluorobutane (HFC-365mfc);

~~(40)~~(KK) C~~c~~hlorofluoromethane (HCFC-31);

~~(41)~~(LL) 1 chloro-1-fluoroethane (HCFC-151a);

~~(42)~~(MM) 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);

~~(43)~~(NN) 1,1,1,2,2,3,3,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$);

~~(44)~~(OO) 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$);

~~(45)~~(PP) 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$);

~~(46)~~(QQ) 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$);

~~(47)~~(RR) ~~m~~Methyl acetate;

~~(48)~~(SS) 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3, HFE-7000);

~~(49)~~(TT) 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500);

~~(50)~~(UU) 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);

~~(51)~~(VV) ~~m~~Methyl formate (HCOOCH3);

~~(52)~~(WW) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300);

~~(53)~~(XX) ~~p~~Propylene carbonate;

~~(54)~~(YY) ~~d~~Dimethyl carbonate;

~~(55)~~(ZZ) T~~t~~rans-1,3,3,3-tetrafluoropropene (also known as HFO-1234ze);

~~(56)~~(AAA) HCF_2-OCF_2-H (HFE-134);

~~(57)~~(BBB) HCF_2-OCF_2-OCF_2-H (HFE-236cal2);

~~(58)~~(CCC) HCF_2-OCF_2-CF_2-OCF_2-H (HFE-338pcc13);

~~(59)~~(DDD) HCF_2-OCF_2-OCF_2-CF_2-OCF_2-H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180));

~~(60)~~(EEE) ~~t~~Trans-1-chloro-3,3,3-trifluoroprop-1-ene (also known as SolsticeTM 1233zd(E));

~~(61)~~(FFF) 2,3,3,3-tetrafluoropropene (also known as HFO–1234yf);

~~(62)~~(GGG) 2-amino-2-methyl-1-propanol;

~~(63)~~(HHH) ~~T~~t-~~B~~butyl ~~A~~acetate (TBAC);

(III) 1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane~~$CHF_2CF_2OCH_2CF_3$~~ (also known as HFE-347pcf2)

~~(64)~~(JJJ) cis-1,1,1,4,4,4-hexafluorobut-2-ene (also known as HFO-1336mzz-Z); and

~~(65)~~(KKK) P~~p~~erfluorocarbon compounds which fall into these classes:

(i) Cyclic, branched, or linear, completely fluorinated alkanes;

(ii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

(iii) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

(iv) Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

~~B.~~(b) For purposes of determining compliance with emissions limits, VOC will be measured by an applicable ~~reference~~ test method ~~under~~ in the DEQ~~'s~~ Source Sampling Manual. Where such a method also measures compounds with negligible photochemical reactivity, ~~the latter~~these negligibly-reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and LRAPA approves the exclusion.

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

(209) "Wood-fired veneer dryer" means a veneer dryer that is directly heated by the products of combustion of wood fuel in addition to or exclusive of steam or natural gas or propane combustion.

(210) "Wood fuel-fired device" means a device or appliance designed for wood fuel combustion, including cordwood stoves, woodstoves and fireplace stove inserts, fireplaces, wood fuel-fired cook stoves, pellet stoves and combination fuel furnaces and boilers that burn wood fuels.

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

Section 12-010 Abbreviations and Acronyms

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

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

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

~~o~~(4) "AE" means Actual Emissions.

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

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

~~o~~(7) "AQRV" means Air Quality Related Value

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

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

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

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

~~o~~(12) "AWD" means all wheel drive.

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

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

~~o~~(15) "BLS" means black liquor solids.

~~o~~(16) "CAA" means Clean Air Act

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

~~o~~(18) "CBD" means central business district.

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

~~o~~(20) "CEM" means continuous emissions monitoring.

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

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

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

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

~~o~~(25) "CMS" means continuous monitoring system.

~~o~~(26) "CO" means carbon monoxide.

~~o~~(27) "CO_2e" means carbon dioxide equivalent

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

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

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

~~o~~(31) "DOD" means Department of Defense.

~~o~~(32) "EA" means environmental assessment.

~~o~~(33) "ECO" means employee commute options.

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

~~o~~(35) "EF" means emission factor.

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

~~o~~(37) "EIS" means Environmental Impact Statement

~~o~~(38) "EPA" means Environmental Protection Agency.

~~o~~(39) "EQC" means Environmental Quality Commission.

~~o~~(40) "ESP" means electrostatic precipitator.

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

~~o~~(42) "FHWA" means Federal Highway Administration.

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

~~o~~(44) "FTA" means Federal Transit Administration.

~~o~~(45) "GFA" means gross floor area.

~~o~~(46) "GHG" means greenhouse gases

~~o~~(47) "GLA" means gross leasable area.

~~o~~(48) "GPM" means grams per mile.

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

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

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

~~o~~(52) "HAP" means hazardous air pollutant.

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

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

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

~~o~~(56) "IG" means inspection grade.

~~o~~(57) "IRS" means Internal Revenue Service.

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

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

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

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

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

~~o~~(63) "LPG" means liquefied petroleum gas.

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

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

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

~~o~~(67) "MPO" means Metropolitan Planning Organization.

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

~~o~~(69) "MWC" means municipal waste combustor.

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

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

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

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

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

~~o~~(75) "~~NO$_x$~~NO_X" means nitrogen oxides.

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

~~o~~(77) "NSR" means New Source Review.

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

~~o~~(79) "O_3" means ozone.

~~o~~(80) "OAR" means Oregon Administrative Rules.

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

~~o~~(82) "ORS" means Oregon Revised Statutes.

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

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

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

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

~~o~~(87) "PM" means particulate matter.

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

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

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

~~o~~(91) "POV" means privately owned vehicle.

~~o~~(92) "ppm" means parts per million.

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

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

~~o~~(95) "QIP" means quality improvement plan.

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

~~o~~(97) "ROI" means range of influence.

~~o "RVCOG" means Rogue Valley Council of Governments.~~

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

~~o~~(99) "scf" means standard cubic feet.

~~o~~(100) "SCS" means speed control switch.

~~o~~(101) "SD" means standard deviation.

(102) "SER" means significant emission rate.

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

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

~~o~~(105) "SIP" means State Implementation Plan.

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

~~o~~(107) "SO_2" means sulfur dioxide.

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

~~o~~(109) "SOS" means Secretary of State.

~~o~~(110) "SPMs" means Special Purpose Monitors.

~~o~~(111) "TAC" means thermostatic air cleaner.

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

~~o~~(113) "TCM" means transportation control measures.

~~o~~(114) "TCS" means throttle control solenoid.

~~o~~(115) "TIP" means Transportation Improvement Program.

~~o~~(116) "tpy" means tons per year.

~~o~~(117) "TRS" means total reduced sulfur.

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

~~o~~(119) "UGA" means urban growth area.

~~o~~(120) "UGB" means urban growth boundary.

~~o~~(121) "USC" means United States Code.

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

~~o~~(123) "UST" means underground storage tanks.

~~o~~(124) "UTM" means U~~u~~niversal T~~t~~ransverse M~~m~~ercator.

~~o~~(125) "VIN" means vehicle identification number.

~~o~~(126) "VMT" means vehicle miles traveled.

~~o~~(127) "VOC" means volatile organic compounds.

Section 12-020 Exceptions

(1) Except as provided in subsection (2), LRAPA Rules and Regulations do not apply to:

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

(A) Growing or harvesting crops;

(B) Raising fowl or animals;

(C) Clearing or grading agricultural land;

(D) Propagating and raising nursery stock;

(E) Propane flaming of mint stubble; and

(F) Stack or pile burning of residue from Christmas trees, as defined in ORS 571.505, during the period beginning October 1 and ending May 31 of the following year.

(b) Equipment used in agricultural operations, except boilers used in connection with propagating and raising nursery stock.

(c) Barbeque equipment used in connection with any residence.

(d) Heating equipment in or used in connection with residences used exclusively as dwellings for not more than four families, except woodstoves which ~~shall be~~are subject to regulation under OAR chapter 340, division 262, and as provided in ORS 468A.020(1)(d). Emissions from woodstoves can be used to create emission reduction credits in title 41.

(e) Fires set or permitted by any public agency when such fire is set or permitted in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, or instruction of employees in the methods of fire fighting, which in the opinion of the agency is necessary.

(f) Fires set pursuant to permit for the purpose of instruction of employees of private industrial concerns in methods of fire fighting, or for civil defense instruction.

(2) Section (1) does not apply to the extent:

~~(g)~~(a) Otherwise provided in ORS 468A.555 to 468A.620, 468A.790, 468A.992, 476.380 and 478.960;

~~(h)~~(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

~~(i)~~(c) Necessary for LRAPA, in the Board's or EQC's discretion, to implement a recommendation to the Task Force on Dairy Air Quality created under section 3, chapter 799, Oregon Laws 2007, for the regulation of dairy air contaminant emissions.

Section 12-025 Reference Materials

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

(1) "CFR" or "C.F.R." means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, ~~2018~~ 2022~~2~~3 edition.

~~(5)~~(2) The DEQ Source Sampling Manual refers to the November 2018 edition.

~~(6)~~(3) The DEQ Continuous Monitoring Manual refers to the ~~March~~ April 2015 edition.

Section 12-030 Compliance Schedules for Existing Sources Affected by New Rules

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

~~(7)~~(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~~ must submit to the Board for approval a proposed schedule of compliance to meet those provisions. This schedule ~~shall~~ must be in accordance with timetables contained in the new rules or in accordance with an administrative order by the Director. This schedule ~~shall~~ must contain, as necessary, reasonable time milestones for engineering, procurement, fabrication, equipment installation and process refinement. This request ~~shall~~ must also contain documentation of the need for the time extension to achieve compliance and the justification for each of the milestones indicated in the schedule.

~~(8)~~(3) Within ~~one hundred and twenty (~~120~~)~~ days of the submittal date of the request, the Board ~~shall~~ must act to either approve or disapprove the request. A schedule for compliance becomes effective upon the date of the written order of the Board.

~~(9)~~(4) Compliance schedules of longer than ~~eighteen (~~18~~)~~ months' duration ~~shall~~ must contain requirements for periodic reporting of progress toward compliance.

~~(10)~~(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~~ will be subject to enforcement procedures in accordance with these rules.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 13

GENERAL DUTIES AND POWERS OF BOARD AND DIRECTOR

Section 13-005 Authority of the Agency

(1) The Lane Regional Air Protection Agency is a regional air quality control agency established under the provisions of, and with authority and powers derived from, Oregon Revised Statutes 468A.~~500~~100 et seq. ~~-~~Except as specifically retained by the Environmental Quality Commission, ~~the Agency~~LRAPA has the exclusive duty and responsibility within its territory for air quality control.

~~(11)~~(2) In exercising this authority and power, ~~the Agency~~LRAPA:

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

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

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

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

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

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

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

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

(i) May hold public hearings, conduct investigations, subpoena witnesses to appear,

administer oaths and affirmations, take depositions and receive such proof as it may deem necessary or proper, make findings of fact and determinations to discharge its duties, powers and responsibilities to control and abate air pollution.

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

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

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

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

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

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

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

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

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

(1) The Board of Directors of ~~the Agency~~LRAPA is organized pursuant to ORS 468A.~~520~~120. ~~It~~ ~~shall~~ must establish policies for the operation of ~~the Agency~~LRAPA in a manner consistent with ORS 468A.~~500 et seq.~~100 and these rules. ~~In~~ addition, the Board of Directors ~~shall~~ must perform any other duty vested in it by law.

~~(12)~~(2) It is the function of the Board of Directors within its territory, to adopt rules and standards, prescribe ambient air quality standards, and air contaminant emission standards, adopt, amend, and repeal air pollution control rules, hold public hearings, enforce its rules and standards and those of the Environmental Quality Commission, institute actions for penalties for violations, institute actions or suits for injunctions in a court of competent jurisdiction, and budget, receive and expend funds.

~~(13)~~(3) The Board ~~shall~~ must appoint a director competent in the field of air pollution control who ~~shall~~ must enforce the provisions of these rules and all orders of ~~this Agency~~LRAPA.

Section 13-020 Duties and Function of the Director

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

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

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

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

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

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

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

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

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

(i) May adopt administrative rules to manage ~~the Agency~~LRAPA.

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

(k) ~~Shall~~ Must submit an annual report of activities undertaken by ~~the Agency~~LRAPA.

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

(m) ~~Shall~~ Must prepare an annual budget for submission to the Budget Committee and Board, and submit required reports to the Environmental Quality Commission and U. S. Environmental Protection Agency.

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

Section 13-025 Conflict of Interest

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

Section 13-030 Advisory Committee

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

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

(a) Public Health Agencies

(b) Agriculture

(c) Industry

(d) Community Planning

(e) Fire Suppression Agencies

(f) General Public

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

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

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

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

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

Section 13-035 Public Records and Confidential Information

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

~~(5)~~(2) When any records or other information furnished to or obtained by ~~the Agency~~LRAPA is related to processes or production unique to the owner or operator, or are likely to affect adversely the competitive position of such owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production submits satisfactory proof in writing, such records or information ~~shall~~ must be only for the confidential use of ~~the Agency~~LRAPA. ~~-~~Nothing contained in these regulations ~~shall~~ will prohibit ~~the Agency~~LRAPA from using such records or information as deemed necessary by ~~the Agency~~LRAPA, in its sole discretion, in the enforcement of provisions of these regulations or the laws of the State of Oregon against such owner or operator. ~~-~~Nothing in this section ~~shall~~ will be construed to make confidential any information as to the composition or amount of air contaminant emissions from any source or sources.

~~(6)~~(3) ~~The Agency~~LRAPA may charge a reasonable fee for inspection and copying of the records.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 29

DESIGNATION OF AIR QUALITY AREAS

Section 29-0010 Definitions

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

(1) ~~(1)~~ "Eugene-Springfield UGB" means the area within the bounds beginning at the Willamette River at a point due east from the intersection of East Beacon Road and River Loop No.1; thence southerly along the Willamette River to the intersection with Belt Line Road; thence easterly along Belt Line Road approximately one-half mile to the intersection with Delta Highway; thence northwesterly and then northerly along Delta Highway and on a line north from the Delta Highway to the intersection with the McKenzie River; thence generally southerly and easterly along the McKenzie River approximately eleven miles to the intersection with Marcola Road; thence southwesterly along Marcola Road to the intersection with 42nd Street; thence southerly along 42nd Street to the intersection with the northern branch of US Highway 126; thence easterly along US Highway 126 to the intersection with 52nd Street; thence north along 52nd Street to the intersection with High Banks Road; thence easterly along High Banks Road to the intersection with 58th Street; thence south along 58th Street to the intersection with Thurston Road; thence easterly along Thurston Road to the intersection with the western boundary of Section 36, T17S, R2W; thence south to the southwest corner of Section 36, T17S, R2W; thence west to the Springfield City Limits; thence following the Springfield City Limits southwesterly to the intersection with the western boundary of Section 2, T18S, R2W; thence on a line southwest to the Private Logging Road approximately one-half mile away; thence southeasterly along the Private Logging Road to the intersection with Wallace Creek; thence southwesterly along Wallace Creek to the confluence with the Middle Fork of the Willamette River; thence generally northwesterly along the Middle Fork of the Willamette River approximately seven and one-half miles to the intersection with the northern boundary of Section 11, T18S, R3W; thence west to the northwest corner of Section 10, T18S, R3W; thence south to the intersection with 30th Avenue; thence westerly along 30th Avenue to the intersection with the Eugene City Limits; thence following the Eugene City Limits first southerly then westerly then northerly and finally westerly to the intersection with the northern boundary of Section 5, T18S, R4W; thence west to the intersection with Greenhill Road; thence north along Greenhill Road to the intersection with Barger Drive; thence east along Barger Drive to the intersection with the Eugene City Limits (Ohio Street); thence following the Eugene City Limits first north then east then north then east then south then east to the intersection with Jansen Drive; thence east along Jansen Drive to the intersection with Belt Line Road; thence northeasterly along Belt Line Road to the intersection with

Highway 99; thence northwesterly along Highway 99 to the intersection with Clear Lake Road; thence west along Clear Lake Road to the intersection with the western boundary of Section 9, T17S, R4W; thence north to the intersection with Airport Road; thence east along Airport Road to the intersection with Highway 99; thence northwesterly along Highway 99 to the intersection East Enid Road; thence east along East Enid Road to the intersection with Prairie Road; thence southerly along Prairie Road to the intersection with Irvington Road; thence east along Irvington Road to the intersection with the Southern Pacific Railroad Line; thence southeasterly along the Southern Pacific Railroad Line to the intersection with Irving Road; thence east along Irving Road to the intersection with Kalmia Road; thence northerly along Kalmia Road to the intersection with Hyacinth Road; thence northerly along Hyancinth Road to the intersection with Irvington Road; thence east along Irvington Road to the intersection with Spring Creek; thence northerly along Spring Creek to the intersection with River Road; thence northerly along River Road to the intersection with East Beacon Drive; thence following East Beacon Drive first east then south then east to the intersection with River Loop No.1; thence on a line due east to the Willamette River and the point of beginning.

~~(7)~~(2) ~~(2)~~ "Oakridge $PM_{2.5}$ Maintenance Area" means the area enclosed by the following: T21S, R2E, Sect 11 (NW Corner) east to T21S, R3E, Sect 11 (NE corner), south to T21S, R3E, Sect 23(SE Corner), west to T21S, R2E, Sect 23(SW corner) correctly back to T21S, R2E, Sect 11(NW corner).

~~(8)~~(3) ~~(3)~~ "Oakridge UGB" means the area enclosed by the following: Beginning at the northwest corner of Section 17, T21S, R3E and the city limits; thence south along the western boundary of Section 17, T21S, R3E along the city limits approximately 800 feet; thence southwesterly following the city limits approximately 750 feet; thence west along the city limits approximately 450 feet; thence northwesterly along the city limits approximately 450 feet; thence on a line south along the city limits approximately 250 feet; thence on a line east along the city limits approximately 100 feet; thence southwesterly along the city limits approximately 200 feet; thence on a line east along the city limits approximately 400 feet; thence on a line south along the city limits to the channel of the Willamette River Middle Fork; thence south-easterly up the Willamette River Middle Fork along the city limits approximately 7200 feet; thence exiting the Willamette River Middle Fork with the city limits in a northerly manner and forming a rough semicircle with a diameter of approximately one-half mile before rejoining the Willamette River Middle Fork; thence diverging from the city limits upon rejoining the Willamette River Middle Fork and moving southeasterly approximately 5600 feet up the Willamette River Middle Fork to a point on the river even with the point where Salmon Creek Road intersects with U.S. Highway 58; thence on a line east from the channel of the Willamette River Middle Fork across the intersection of Salmon Creek Road and U.S. Highway 58 to the intersection with the Southern Pacific Railroad Line; thence northerly along the Southern Pacific Railroad Line to the intersection with the northern boundary of Section 22, T21S, R3E; thence west along the northern boundary of Section 22, T21S, R3E to the intersection with Salmon Creek Road; thence on a line north to the intersection with the Southern Pacific Railroad Line; thence east along the Southern Pacific Railroad Line approximately 600 feet; thence on a line north to the intersection with High Prairie Road; thence on a line west approximately 400 feet; thence on a line

north to the intersection with the northern boundary of Section 15, T21S, R3E; thence west along the northern boundary of Section 15, T21S, R3E to the intersection with the southeastern corner of Section 9, T21S, R3E; thence north along the eastern boundary of Section 9, T21S, R3E approximately 1300 feet; thence on a line west approximately 1100 feet; thence on a line south to the intersection with West Oak Road; thence northwesterly along West Oak Road approximately 2000 feet; thence on a line south to the intersection with the northern boundary line of the city limits; thence westerly and northwesterly approximately 8000 feet along the city limits to the point of beginning.

Section 29-0020 Designation of Air Quality Control Regions

Oregon's ~~thirty-six~~36 counties are divided into five (5) AQCRs. The AQCR boundaries follow county lines, and there are no counties that belong to more than one AQCR. The five (5) AQCRs are as follows:

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

(a) Benton County;

(b) Clackamas County;

(c) Columbia County;

(d) Lane County;

(e) Linn County;

(f) Marion County;

(g) Multnomah County;

(h) Polk County;

(i) Washington County;

(j) Yamhill County.

~~(9)~~(2) Northwest Oregon AQCR, containing three (3) counties:

(a) Clatsop County;

(b) Lincoln County;

(c) Tillamook County.

~~(10)~~(3) Southwest Oregon AQCR, containing five (5) counties:

(a) Coos County;

(b) Curry County;

(c) Douglas County;

(d) Jackson County;

(e) Josephine County.

~~(11)~~(4) Central Oregon AQCR, containing eight (8) counties:

(a) Crook County;

(b) Deschutes County;

(c) Hood River County;

(d) Jefferson County;

(e) Klamath County;

(f) Lake County;

(g) Sherman County;

(h) Wasco County.

~~(12)~~(5) Eastern Oregon AQCR, containing ten (10) counties:

(a) Baker County;

(b) Gilliam County;

(c) Grant County;

(d) Harney County;

(e) Malheur County;

(f) Morrow County;

(g) Umatilla County;

(h) Union County;

(i) Wallowa County;

(j) Wheeler County.

Section 29-0030 Designation of Nonattainment Areas

The following areas are designated as Nonattainment Areas:

(1) [Reserved]

Section 29-0040 Designation of Maintenance Areas

The following areas are designated as Maintenance Areas:

(1) Carbon Monoxide Maintenance Areas:

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

(2) PM_{10} Maintenance Areas:

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

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

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

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

Section 29-0050 Designation of Prevention of Significant Deterioration Areas

(1) All of the following areas which were in existence on August 7, 1977, and for which the 1990 Clean Air Act Amendments clarified, ~~shall~~ will be Class I Areas and may not be redesignated:

~~(b)~~(a) Mt. Hood Wilderness, as established by Public Law 88-577;

~~(c)~~(b) Eagle Cap Wilderness, as established by Public Law 88-577;

~~(d)~~(c) Hells Canyon Wilderness, as established by Public Law 94-199;

~~(e)~~(d) Mt. Jefferson Wilderness, as established by Public Law 90-548;

~~(f)~~(e) Mt. Washington Wilderness, as established by Public Law 88-577;

~~(g)~~(f) Three Sisters Wilderness, as established by Public Law 88-577;

~~(h)~~(g) Strawberry Mountain Wilderness, as established by Public Law 88-577;

~~(i)~~(h) Diamond Peak Wilderness, as established by Public Law 88-577;

~~(j)~~(i) Crater Lake National Park, as established by Public Law 32-202;

~~(k)~~(j) Kalmiopsis Wilderness, as established by Public Law 88-577;

~~(l)~~(k) Mountain Lakes Wilderness, as established by Public Law 88-577;

~~(m)~~(l) Gearhart Mountain Wilderness, as established by Public Law 88-577.

~~(4)~~(2) All other areas, in Oregon are initially designated Class II, but may be redesignated as provided in section 29-0060.

~~(5)~~(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.

~~(6)~~(4) The extent of the areas referred to in subsections (1) and (3) ~~shall~~ will conform to any changes in the boundaries of such areas which occurred between August 7, 1977, and April 15, 2015.

Section 29-0060 Redesignation of Prevention of Significant Deterioration Areas

(1) (a) All areas in Oregon, except as otherwise provided under section 29-0050, are designated Class II as of December 5, 1974;

(b) Redesignation, except as otherwise precluded by section 29-0050, may be proposed by LRAPA, as provided below, subject to approval by the EPA Administrator as a revision to the SIP.

(2) LRAPA may submit to the EPA Administrator a proposal to redesignate areas of the state Class I or II provided that:

(a) At least one public hearing has been held in accordance with procedures established in the SIP;

(b) Other states, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation were notified at least 30 days prior to the public hearing;

(c) A discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic, social and energy effects of the proposed redesignation, was prepared and made available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contained appropriate notification of the availability of such discussion;

(d) Prior to the issuance of notice respecting the redesignation of an area that includes any federal lands, LRAPA has provided written notice to the appropriate Federal Land Manager and afforded adequate opportunity, not in excess of 60 days to confer with LRAPA respecting the redesignation and to submit written comments and recommendations. In redesignating any area with respect to which any Federal Land Manager had submitted written comments and recommendations, LRAPA must have published a list of any inconsistency between such redesignation and such comments and recommendations together with the reasons for making such redesignation against the recommendation of the Federal Land Manager; and

(e) LRAPA has proposed the redesignation after consultation with the elected leadership of local general purpose governments in the area covered by the proposed redesignation.

(3) Any area other than an area to which section 29-0050 refers may be redesignated as Class III if:

(a) The redesignation would meet the requirements of subsection (2);

(b) The redesignation, except any established by an Indian Governing Body, has been specifically approved by the Governor, after consultation with the appropriate committees of the legislature, if it is in session, or with the leadership of the legislature, if it is not in session, unless state law provides that the redesignation must be specifically approved by state legislation, and if general purpose units of local government representing a majority of the residents of the area to be redesignated enact legislation or pass resolutions concurring in the redesignation;

(c) The redesignation would not cause, or contribute to, a concentration of any regulated pollutant which would exceed any maximum allowable increase permitted under the classification of any other area or any ambient air quality standard; and

(d) Any permit application for any major stationary source or major modification, subject to review under subsection (1), which could receive a permit under this section only if the area in question were redesignated as Class III, and any material submitted as part of that application, were available insofar as was practicable for public inspection prior to any public hearing on redesignation of the area as Class III.

(4) Lands within the exterior boundaries of Indian Reservations may be redesignated only by the appropriate Indian Governing Body.

(5) The EPA Administrator may disapprove, within 90 days of submission, a proposed redesignation of any area only if the EPA Administrator finds, after notice and opportunity for public hearing, that such redesignation does not meet the procedural requirements of this paragraph or is inconsistent with section 29-0050. If any such disapproval occurs, the classification of the area must be that which was in effect prior to the redesignation which was disapproved.

(6) If the EPA Administrator disapproves any proposed redesignation, LRAPA, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the EPA Administrator.

Section 29-0070 Special Control Areas

The following areas are designated as Special Control Areas:

(1) Lane County;

~~(7)~~(2) Within incorporated cities having a population of 4,000 or more, and within three (3) miles of the corporate limits of any such city.

Section 29-0080 Motor Vehicle Inspection Boundary Designations

In addition to the area specified in ORS 815.300, pursuant to ORS 468A.390, the following geographical areas are designated as areas within which motor vehicles are subject to the requirement under ORS 815.300 to have a Certificate of Compliance issued pursuant to ORS 468A.380 to be registered or have the registration of the vehicle renewed.

(1) There are currently no geographic areas in Lane County subject to motor vehicle inspection programs.

Section 29-0090 Oxygenated Gasoline Control Areas

There currently are no oxygenated gasoline control areas in Lane County.

Designation of Areas

Section 29-0300 Designation of Sustainment Areas

(1) The Board may designate sustainment areas provided that LRAPA submits a request for designation that includes the following information:

(a) Monitoring data showing that an area is exceeding or has the potential to exceed an ambient air quality standard;

(b) A description of the affected area based on the monitoring data;

(c) A discussion and identification of the priority sources contributing to the exceedance or potential exceedance of the ambient air quality standard; and

(d) A discussion of the reasons for the proposed designation.

(2) Designation of sustainment areas:

(a) Reserved

(b) Reserved

(3) An area designated as a sustainment area under subsection (2) will automatically be reclassified immediately upon the EPA officially designating the area as a nonattainment area.

(4) The Board may rescind the designation based on a request by LRAPA. LRAPA will consider the following information for rescinding the designation:

(a) Whether at least three (3) consecutive years of monitoring data shows the area is meeting the ambient air quality standard; and

(b) A request by a local government.

Section 29-0310 Designation of Reattainment Areas

(1) The Board may designate reattainment areas provided that LRAPA submits a request for designation that includes the following information:

~~(c)~~(a) At least three (3) consecutive years of monitoring data showing that an area that is currently designated by EPA as nonattainment is attaining an ambient air quality standard; and

~~(d)~~(b) A discussion of the reasons for the proposed designation.

~~(5)~~(2) Designation of reattainment areas:

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

(b) Reserved.

~~(6)~~(3) An area designated as a reattainment area under subsection (2) will automatically be reclassified immediately upon:

(a) The Board designating the area as a maintenance area and EPA officially designating the area as an attainment area; or

(b) The Board rescinding the designation based on a request by LRAPA. LRAPA will consider the following information for rescinding the designation:

(A) Monitoring data that shows the area is not meeting the ambient air quality standard; and

(B) A request by a local government.

Section 29-0320 Priority Sources

For the purposes of ~~LRAPA title~~title 38, priority sources are identified as follows:

(1) In the Oakridge reattainment area, uncertified residential wood fuel-fired devices. The offset values for replacement of uncertified residential wood fuel-fired devices are specified in OAR 340-240-0560.

~~(7)~~(2) In any other area, LRAPA may identify priority sources during a specific permit action based on the sources addressed in the emission reduction strategies that were included in the attainment or maintenance plans for the area. The offset value for priority sources identified under this section must be determined by LRAPA. The offset values for replacement of uncertified residential wood fuel-fired devices in rules LRAPA develops for areas with unique air quality needs may only be used if LRAPA determines that the values reasonably apply to the geographical area in question.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 31

PUBLIC PARTICIPATION

Section 31-0010 Purpose

The purpose of this title is to specify the requirements for notifying the public of certain permit actions and providing an opportunity for the public to participate in those permit actions.

Section 31-0020 Applicability

This title applies to permit actions requiring public notice as specified in OAR chapter 340 divisions 218, 245, and ~~LRAPA title~~title 37.

Section 31-0030 Public Notice Categories and Timing

(1) LRAPA categorizes permit actions according to potential environmental and public health significance and the degree to which LRAPA has discretion for implementing the applicable regulations. Category I is for permit actions with low environmental and public health significance so they have less public notice and opportunity for public participation. Category IV is for permit actions with potentially high environmental and public health significance so they have the greatest level of public notice and opportunity for participation.

~~(8)~~(2) Permit actions are assigned to specific categories in OAR chapter 340, divisions 218, 245 and ~~LRAPA title~~title 37. If a permit action is uncategorized, the permit action will be processed under Category III.

~~(9)~~(3) The following describes the public notice or participation requirements for each category:

(a) Category I -- No prior public notice or opportunity for participation. However, LRAPA will maintain a list of all permit actions processed under Category I and make the list available for public review.

(b) Category II -- LRAPA will provide public notice of the proposed permit action and a minimum of 30 days to submit written comments.

(c) Category III -- LRAPA will provide public notice of the proposed permit action and a minimum of 35 days to submit written comments. LRAPA will provide a minimum of 30 days notice for a hearing, if one is scheduled. LRAPA will schedule a hearing at a reasonable time and place to allow interested persons to submit oral or written comments if:

(A) LRAPA determines that a hearing is necessary; or

(B) Within 35 days of the mailing of the public notice, LRAPA receives written requests from ten persons, or from an organization representing at least ten persons, for a hearing.

(d) Category IV -- Once an application is considered complete under section 37-0040, LRAPA will:

(A) Provide notice of the completed application and requested permit action; and

(B) Schedule an informational meeting within the community where the facility will be or is located and provide public notice at least 14 days before the meeting. During the meeting, LRAPA will describe the requested permit action and accept comments from the public. LRAPA will consider any information gathered in this process in its drafting of the proposed permit, but will not maintain an official record of the meeting and will not provide a written response to the comments;

(C) Once a draft permit is completed, provide public notice of the proposed permit and a minimum of 40 days to submit written comments; and

(D) Schedule a public hearing at a reasonable time and place to allow interested persons to submit oral or written comments and provide a minimum of 30 days public notice for the hearing.

~~(10)~~(4) Except for actions regarding LRAPA Title V Operating Permits, LRAPA may move a permit action to a higher category under subsection (3) based on, but not limited to the following factors:

(a) Anticipated public interest in the facility;

(b) Compliance and enforcement history of the facility or owner;

(c) Potential for significant environmental or public harm due to location or type of facility; or

(d) Federal requirements.

Section 31-0040 Public Notice Information

(1) The following information is required in public notices or included in a web link from the public notice for all proposed ACDP, draft LRAPA Title V Operating Permit actions, and Toxic Air Contaminant Permit Addenda(s) issued under OAR chapter 340, division 245, except for General Permit actions:

~~(e)~~(a) Name of applicant and location of the facility;

~~(f)~~(b) Type of facility, including a description of the facility's processes subject to the permit;

~~(g)~~(c) Description of the air contaminant emissions including, the type of regulated pollutants, quantity of emissions, and any decreases or increases since the last permit action for the facility;

~~(h)~~(d) Location and description of documents relied upon in preparing the draft permit;

~~(i)~~(e) Other permits required by LRAPA;

~~(j)~~(f) Date of previous permit actions;

~~(k)~~(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 ~~P~~public ~~N~~notice category);

~~(l)~~(h) Compliance, enforcement, and complaint history along with resolution of the same;

~~(m)~~(i) A summary of the discretionary decisions made by LRAPA in drafting the permit;

~~(n)~~(j) Type and duration of the proposed or draft permit action;

~~(o)~~(k) Basis of need for the proposed or draft permit action;

~~(p)~~(l) Any special conditions imposed in the proposed or draft permit action;

~~(q)~~(m) Whether each proposed permitted emission is a criteria pollutant and whether the area in which the source is located is designated as attainment/unclassified, sustainment, non-attainment, reattainment or maintenance for that pollutant;

~~(r)~~(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;

~~(s)~~(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;

~~(t)~~(p) Other available information relevant to the permitting action;

~~(u) The name and address of LRAPA office processing the permit;~~

~~(v)~~(q) The name, address, and telephone number and e-mail address of a person from whom interested persons may obtain additional information, including copies of

the permit draft, the application, all relevant supporting materials, including any compliance plan, permit, and monitoring and compliance certification report, except for information that is exempt from disclosure, and all other materials available to LRAPA that are relevant to the permit decision;

~~(w)~~(r) If applicable, a statement that an enhanced NSR process, under ~~LRAPA title~~title 38, including the external review procedures required under OAR 340-218-0210 and 340-218-0230, is being used to allow for subsequent incorporation of the operating approval into an LRAPA Title V Operating Permit as an administrative amendment; and

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

~~(11)~~(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 ~~P~~public ~~N~~notice category)

(h) Compliance, enforcement, and complaint history along with resolution of the same;

(i) A summary of the discretionary decisions made by LRAPA in drafting the permit;

(j) Type and duration of the proposed or draft permit action;

(k) Basis of need for the proposed or draft permit action;

(l) Any special conditions imposed in the proposed or draft permit action;

(m) Whether each proposed permitted emission is a criteria pollutant and whether the area in which the sources are located are designated as attainment or nonattainment for that pollutant;

(n) If the proposed permit action is for a federal major source, whether the proposed permitted emission would have a significant impact on a Class I airshed;

(o) Other available information relevant to the permitting action; and

(p) The name, address, and telephone number and e-mail address of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including any compliance plan, permit, and monitoring and compliance certification report, except for information that is exempt from disclosure, and all other materials available to LRAPA that are relevant to the permit decision.

Section 31-0050 Public Notice Procedures

(1) All notices. LRAPA will mail or e-mail a notice of proposed permit actions to the persons identified in section 31-0060.

~~(12)~~(2) NSR, LRAPA Title V Operating Permit and General ACDP actions. In addition to subsection (1), LRAPA will provide notice of NSR, LRAPA Title V Operating Permit and General ACDP actions as follows:

(a) On the LRAPA website ~~and/or will be located~~, electronic noticing ~~(termed e-notice)~~, 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:

~~(c)~~(a) The applicant;

~~(d)~~(b) Persons on a mailing list maintained by LRAPA, including those who request in writing to be notified of air quality permit actions;

~~(e)~~(c) Local news media; and

~~(f)~~(d) Interested state and federal agencies.

~~(13)~~(2) General ACDP or General LRAPA Title V Operating Permit actions. In addition to subsection (1), LRAPA will notify the following:

(a) Potential applicants; and

(b) All existing permit holders in the source category in the case where a General Permit is being issued to a category of sources already permitted.

~~(14)~~(3) LRAPA Title V Operating Permit actions. LRAPA will provide notice to affected states and the EPA in addition to the persons identified in subsections (1) and (2).

~~(15)~~(4) NSR actions. For NSR actions excluding Type B State NSR actions (title 38), LRAPA will provide notice to the following officials and agencies having jurisdiction over the location where the proposed construction would occur in addition to the persons identified in subsection (1):

(a) The chief executives of the city and county where the source or modification would be located;

(b) Any comprehensive regional land use planning agency;

(c) Any state, federal land manager, or Indian governing body whose land may be affected by emissions from the source or modification; and

(d) The EPA.

Section 31-0070 Hearing Procedures

When a public hearing is required or requested, LRAPA will provide the hearing at a reasonable place and time before taking the final permit action.

(1) Notice of the hearing may be given either in the notice accompanying the proposed or draft permit action or in such other manner as is reasonably calculated to inform interested persons. LRAPA will provide notice of the hearing at least 30 days before the hearing.

~~(16)~~(2) Presiding Officer. A Presiding Officer will preside over the public hearing and ensure that proper procedures are followed to allow for the public to comment on the proposed permit action.

(a) Before accepting oral or written comments by members of the public, the Presiding Officer ~~or LRAPA representative~~ will present a summary of the proposed permit action and ~~the~~ LRAPA's preliminary decision. During this period, there may be an opportunity to ask questions about the proposed or draft permit action.

(b) The Presiding Officer will then provide an opportunity for interested persons to submit oral or written comments regarding the proposed permit action. Interested persons are encouraged to submit written comments because time constraints may be imposed, depending on the level of participation. While public comment is being accepted, discussion of the proposed or draft permit action will not be

allowed.

(c) After the public hearing, ~~the Presiding Officer~~ LRAPA will prepare a report of the hearing that includes the date and time of the hearing, the permit action, names of persons attending the hearing, written comments, and a summary of the oral comments. ~~The Presiding Officer's~~ LRAPA's report will be entered into the permit action record.

Section 31-0080 Issuance or Denial of a Permit

(1) Following the public comment period and public hearing, if one is held, LRAPA will take action upon the matter as expeditiously as possible. Before taking such action, LRAPA will prepare a written response to ~~separately~~ address each ~~substantial~~relevant, distinct issue raised during the comment period and raised during the hearing on the record.

~~(17)~~(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.

~~(18)~~(3) The applicant may submit a written response to any comments submitted by the public within ten (10) ~~-~~working days after ~~the~~ LRAPA provides the applicant with a copy of the written comments received by LRAPA. LRAPA will consider the applicant's response in making a final decision.

~~(19)~~(4) After considering the comments, LRAPA may adopt or modify the provisions requested in the permit application or in the permit.

~~(20)~~(5) Issuance of permit: LRAPA will promptly notify the applicant in writing of the final action as provided in section 14-140 and will include a copy of the issued permit. If the permit conditions are different from those contained in the proposed permit, the notification will identify the affected conditions and include the reasons for the changes. The permit is effective on the date that it is signed unless the applicant requests a hearing to contest the permit within 20 days of the date of the notification of issuance of the permit.

~~(21)~~(6) Denial of a permit application: If LRAPA proposes to deny a permit application, LRAPA will promptly notify the applicant in writing of the proposed final action as provided in section14-140. ~~If LRAPA denieI~~s a permit application, tThe notification will include the reasons for the denial. The denial of a permit application is effective 60 days from the date of notification of the proposed denial unless within that time, the applicant requests a hearing as provided in subsection (7).

~~(22)~~(7) ~~LRAPA's decision under subsections (4) and (5) is effective 20 days from the date of service of the notice unless, within that time, LRAPA receives a request for a hearing from the applicant. The~~A request for a hearing to challenge a LRAPA decision under subsections (5) or (6) must be in writing and state the grounds for the request. The hearing will be conducted as a contested case hearing in accordance with ORS 183.413

through 183.470 and ~~LRAPA title~~title ~~31~~14.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 32

EMISSION STANDARDS

Section 32-001 Definitions

The definitions in title 12 and title 29 and this section apply to this title. ~~-~~If the same term is defined in this section and title 12 or title 29, the definition in this section applies to this title.

(1) "Distillate fuel oil" means any oil meeting the specifications of ASTM Grade 1 or 2 fuel oils;

~~(23)~~(2) "Residual fuel oil" means any oil meeting the specifications of ASTM Grade 4, 5, or 6 fuel oils.

~~(24)~~(3) "Special control area" means an area designated in title 29 or OAR 340-204-0070.

Section 32-005 Highest and Best Practicable Treatment and Control Required

(1) As specified in sections 32-006 through 32-009 and subsections (2) and~~through~~ (~~6~~3), LRAPA will include appropriate conditions in permits to ensure that the highest and best practicable treatment and control of air contaminant emissions ~~shall~~is in every case ~~be~~ provided so as to maintain overall air quality at the highest possible levels, and to maintain contaminant concentrations, visibility reduction, odors, soiling and other deleterious factors at the lowest possible levels. ~~In the case of sources installed, constructed, or modified after June 1, 1970, particularly those located in areas with existing high-level air quality degradation,~~ The permit conditions must ensure that the degree of treatment and control provided ~~shall~~ must be such that further degradation of existing air quality is minimized to the greatest extent possible.

~~(25) A source is in compliance with subsection (1) if the source is in compliance with all other applicable emission standards and requirements contained in LRAPA titles 32 through 51 and OAR 340 division 218.~~

~~(26) LRAPA may adopt additional rules as necessary to ensure that the highest and best practicable treatment and control is provided as specified in subsection (1). Such rules may include, but are not limited to, the following requirements:~~

~~(a) Applicable to a source category, regulated pollutant or geographic area of Lane County;~~

~~(b) Necessary to protect public health and welfare for air contaminants that are not otherwise regulated by LRAPA; or~~

~~(c) Necessary to address the cumulative impact of sources on air quality.~~

~~(27)~~(2) ~~LRAPA~~ The Board encourages the owner or operator of a source to further reduce emissions from the source beyond applicable control requirements where feasible.

~~(28)~~(3) Nothing in sections 32-005 through 32-009 revokes or modifies any existing permit term or condition unless or until LRAPA revokes or modifies the term or condition by a permit revision.

~~(29) 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;

~~(30)~~(2) Capture and reuse air contaminants;

~~(31)~~(3) Treat to reduce the toxicity and/or quantity of air contaminants released; or

~~(32)~~(4) Otherwise control emissions of air contaminants.

Section 32-007 Operating and Maintenance Requirements

(1) Operational, Maintenance and Work Practice Requirements:

(a) Where LRAPA has determined that specific operational, maintenance, or work practice requirements are appropriate to ensure that the owner or operator of a source is operating and maintaining air pollution control equipment and emission reduction processes at the highest reasonable efficiency and effectiveness to minimize emissions, LRAPA ~~shall~~ will establish such requirements by permit condition or Notice of Construction (NOC) approval.

(b) Operational, maintenance and work practice requirements include, but are not limited to:

(A) Flow rates, temperatures, pressure drop, ammonia slip, and other physical or chemical parameters related to the operation of air pollution control devices and emission reduction processes;

(B) Monitoring, recordkeeping, testing and sampling requirements and schedules;

(C) Maintenance requirements and schedules; or

(D) Requirements that components of air pollution control devices be functioning properly.

~~(33)~~(2) Emission Action Levels

(a) Where LRAPA has determined that specific operational, maintenance, or work practice requirements considered or required under subsection (1) are not sufficient to ensure that the owner or operator of a source is operating and maintaining air pollution control devices and emission reduction processes at the highest reasonable efficiency and effectiveness, LRAPA may establish, by permit or Notice of Construction (NOC) approval, specific emission action levels in addition to applicable emission standards. ~~-~~An emission action level ~~shall~~ will be established at a level which ensures that air pollution control devices or an emission reduction process is operated at the highest reasonable efficiency and effectiveness to minimize emissions.

(b) If emissions from a source equal or exceed the applicable emission action level, the owner or operator of the source ~~shall~~must:

(A) Take corrective action as expeditiously as practicable to reduce emissions to below the emission action level;

(B) Maintain records at the plant site for five (5) years which document the exceedance, the cause of the exceedance, and the corrective action taken;

(C) Make such records available for inspection by LRAPA during normal business hours; and

(D) Submit such records to LRAPA upon request.

(c) LRAPA ~~shall~~ will revise an emission action level if it finds that the level does not reflect the highest reasonable efficiency and effectiveness of air pollution control devices and emission reduction processes.

(d) An exceedance of an emission action level which is more stringent than an applicable emission standard ~~shall~~ will not be a violation of the emission standard.

~~(34)~~(3) In determining the highest reasonable efficiency and effectiveness for purposes of this rule, LRAPA ~~shall~~ will take into consideration operational variability and the capability of air pollution control devices and emission reduction processes. ~~-~~If the performance of air pollution control devices and emission reduction processes during start-up or shut-down differs from the performance under normal operating conditions, LRAPA ~~shall~~ will determine the highest reasonable efficiency and effectiveness separately for these start-up and shut-down operating modes.

Section 32-008 Typically Achievable Control Technology (TACT)

~~For existing sources, the emission limit established will be typical of the emission level achieved by emissions units similar in type and size. For new and modified sources, the emission limit established will be typical of the emission level achieved by well controlled new or modified emissions units similar in type and size that were recently installed.~~ TACT determinations will be based on information known to LRAPA while considering pollution prevention, impacts on other environmental media, energy impacts, capital and operating costs, cost effectiveness, and the age and remaining economic life of existing emission control devices. LRAPA may consider emission control technologies typically applied to other types of emissions units where such technologies could be readily applied to the emissions unit. If an emission limitation is not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be required.

(1) Existing Sources. ~~-~~For existing sources, the emission limit established will be typical of the emission level achieved by emissions units similar in type and size. An existing emissions unit must meet TACT for existing sources if:

(a) The emissions unit is not already subject to emissions standards for the regulated pollutant under title 30, ~~title 32,~~ title 33, title 38, ~~title 39~~ or title 46 ~~at the time TACT is required~~;

(b) The source is required to have a permit;

(c) The emissions unit has emissions of criteria pollutants equal to or greater than five (5) tons per year of particulate or ten (10) tons per year of any gaseous pollutant; and

(d) LRAPA determines that air pollution control devices and emission reduction processes in use for the emissions unit do not represent TACT and that further emission control is necessary to address documented nuisance conditions, address an increase in emissions, ensure that the source is in compliance with other applicable requirements, or to protect public health or welfare or the environment.

~~(35)~~(2) New and Modified Sources. ~~-~~For new and modified sources, the emission limit established will be typical of the emission level achieved by well controlled new or modified emissions units similar in type and size that were recently installed. A new or modified emissions unit must meet TACT for new or modified sources if:

(a) The new or modified emissions unit is not subject to a control technology requirement based on Major NSR in title 38, a Type A State NSR action under ~~LRAPA title~~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~~30, title 33, ~~or~~ title 39 or title 46 for the regulated pollutant emitted;

(b) The source is required to have a permit;

(c) The emissions unit:

(A) If new, would have emissions of any criteria pollutant equal to or greater than one (1) ton per year, or of PM_{10} equal to or greater than 500 pounds per year in a PM_{10} nonattainment area; or

(B) If modified, would have an increase in emissions from the permitted level for the emissions unit of any criteria pollutant equal to or greater than one (1) ton per year, or of PM_{10} equal to or greater than 500 pounds per year in a PM_{10} nonattainment area; and

(d) LRAPA determines that the proposed air pollution control devices and emission reduction processes do not represent TACT.

~~(36)~~(3) Before making a TACT determination, LRAPA will notify the owner or operator of a source of its intent to make such determination utilizing information known to LRAPA. The owner or operator of the source may supply LRAPA with additional information by a reasonable date set by LRAPA.

~~(37)~~(4) The owner or operator of a source subject to TACT ~~shall~~ must submit, by a reasonable date established by LRAPA, compliance plans and specifications for LRAPA's approval. The owner or operator of the source must demonstrate compliance in accordance with a method and compliance schedule approved by LRAPA.

Section 32-009 Additional Control Requirements for Stationary Sources of Air Contaminants

LRAPA ~~shall~~ may establish control requirements in addition to otherwise applicable requirements by permit, if necessary, as specified in subsections (1) through (5):

(1) Requirements ~~shall~~ will be established to prevent violation of an ambient air quality standard caused or projected to be caused substantially by emissions from the source as determined by modeling, monitoring or a combination thereof. Any air quality analysis must be conducted in accordance with the procedures in ~~LRAPA~~ title 40. ~~-~~For existing sources, LRAPA may conduct monitoring or modeling or may require a source to conduct monitoring or modeling to determine whether the source's emissions will cause or contribute to a new exceedance of an ambient air quality standard.~~the violation of an ambient air quality standard shall be confirmed by monitoring conducted by LRAPA.~~

(2) Requirements ~~shall~~ will be established to prevent significant impairment of visibility in Class I areas caused or projected to be caused substantially by a source as determined by modeling, monitoring or a combination thereof. ~~-~~For existing sources, LRAPA will conduct monitoring to confirm visibility impairment.~~the visibility impairment shall be confirmed by monitoring conducted by LRAPA~~.

(3) A requirement applicable to major source ~~shall~~ will be established if it has been adopted by EPA but has not otherwise been adopted by the EQC or the Board.

(4) An additional control requirement ~~shall~~ will be established if requested by the owner or

operator of a source.

~~(5) Additional controls may be required to achieve air contaminant reduction as part of a State Implementation Plan.~~

Section 32-010 Visible Air Contaminant Limitations

(1) The emissions standards in this section do not apply to fugitive emissions from a source or part of a source, or to recovery furnaces regulated under title 33.

~~(38)~~(2) ~~For all visible emission standards in this section, the minimum observation period must be six (6) minutes, though longer periods may be required by a specific rule or permit condition. Aggregate times (e.g., three (3) minutes in any one (1) hour) consist of the total duration of all readings during the observation period that are equal to or greater than the opacity percentage in the standard, whether or not the readings are consecutive. Each EPA Method 203B reading represents 15 seconds of time. Three-minute aggregate periods are measured by~~The visible emission standards in this rule are based on the average of 24 consecutive observations recorded at 15-second intervals, or more frequently as allowed under paragraph (b), which comprise a six-minute block. Six-minute blocks need not be consecutive in time and in no case may two blocks overlap. For each set of 24 observations, the six-minute block average is calculated by summing the opacity of the 24 observations and dividing the sum by 24. Six-minute block averages are measured by:

(a) EPA Method ~~203B~~9;

(b) A continuous opacity monitoring system (COMS) installed and operated in accordance with the DEQ Continuous Monitoring Manual or 40 CFR part 60; or

(c) An alternative monitoring method approved by LRAPA that is equivalent to EPA Method ~~203B~~9.

~~(39)~~(3) For sources, other than wood-fired boilers, no person may emit or allow to be emitted any visible emissions that equal or exceed an average of 20 percent opacity for a period or periods aggregating more than three (3) minutes in any one (1) hour.

~~(40)~~(4) For wood-fired boilers that existed prior to June 1, 1970, no person may emit or allow to be emitted any visible emissions that equal or exceed:

(a) An average of 40 percent opacity for a period or periods aggregating more than three (3) minutes in any one (1) hour through December 31, 2019.

(b) An average of 20 percent opacity for a period or periods aggregating more than three (3) minutes in any one (1) hour on or after January 1, 2020, with one or more of the following exceptions:

(A) Visible emissions may equal or exceed 20 percent opacity but may not equal or exceed 40 percent opacity, as the average of all three-minute aggregate

periods during grate cleaning operations provided the grate cleaning is performed in accordance with a grate cleaning plan approved by LRAPA; or

(B) LRAPA may approve, at the owner's or operator's request, a boiler specific limit greater than 20 percent opacity for a period or periods aggregating more than three (3) minutes in any one (1) hour, but not to equal or exceed 40 percent opacity for a period or periods aggregating more than three (3) minutes in any one (1) hour, based on the opacity measured during a source test that demonstrates compliance with subsection 32-020(2) as provided below:

(i) Opacity must be measured for at least 60 minutes during each compliance source test run using any method included in subsection (2);

(ii) The boiler specific limit will be the average of at least 30 three-minute aggregate periods obtained during the compliance source test;

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

(iv) Specific opacity limits will be included in the permit for each affected source as a minor permit modification (simple fee) for sources with an LRAPA Title V Operating Permit or a Basic Technical Modification for sources with an Air Contaminant Discharge Permit.

~~(41)~~(5) For wood-fired boilers installed, constructed, or modified on or after June 1, 1970 but before April 16, 2015, no person may emit or allow to be emitted any visible emissions that equal or exceed an average of 20 percent opacity for a period or periods aggregating more than three (3) minutes in any one (1) hour.

~~(42)~~(6) For all wood-fired boilers installed, constructed, or modified on or after April 16, 2015, no person may emit or allow to be emitted any visible emissions that equal or exceed an average of 20 percent opacity for a period or periods aggregating more than three (3) minutes in any one (1) hour.

Section 32-015 Particulate Emission Limitations for Sources Other Than Fuel Burning Equipment, Refuse Burning Equipment and Fugitive Emissions

(1) This section does not apply to fugitive emissions sources, fuel burning equipment, refuse burning equipment, or to solid fuel burning devices certified under OAR 340-262-0500.

~~(43)~~(2) No person may cause, suffer, allow, or permit particulate matter emissions from any air contaminant source in excess of the following limits:

(a) For sources installed, constructed, or modified before June 1, 1970:

(A) 0.10 grains per dry standard cubic foot ~~provided that~~if all representative compliance source test results collected prior to April 16, 2015, demonstrate that emissions are no greater than 0.080 grains per dry standard cubic foot;

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

~~(i) 0.24 grains per dry standard cubic foot prior to Dec. 31, 2019; and~~

~~(ii) 0.15 grains per dry standard cubic foot on or after Jan. 1, 2020; and~~

(C) In addition to the limits in subparagraphs (A) ~~or~~ and (B), for equipment or a mode of operation that is used less than 876 hours per calendar year, ~~0.24 grains per dry standard cubic foot from April 16, 2015 through December 31, 2019, and~~ 0.20 grains per dry standard cubic foot ~~on or after Jan. 1, 2020~~.

(b) For sources installed, constructed, or modified on or after June 1, 1970 but prior to April 16, 2015:

(A) 0.10 grains per dry standard cubic foot ~~provided that~~if all representative compliance source test results prior to April 16, 2015 demonstrate that emissions are no greater than 0.080 grains per dry standard cubic foot; or~~;~~

(B) 0.14 grains per dry standard cubic foot ~~I~~if any representative compliance source test results prior to April 16, 2015 are greater than 0.080 grains per dry standard cubic foot, or if there are no representative compliance source test results~~, then 0.14 grains per dry standard cubic foot; and~~.

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

~~(d) The owner or operator of a source installed, constructed, or modified before June 1, 1970 who is unable to comply with the standard in sub-subparagraph (a)(B)(ii) may request that LRAPA grant an extension allowing the source up to one additional year to comply with the standard. The request for an extension must be submitted no later than Oct. 1, 2019.~~

~~(44)~~(3) Compliance with the emissions standards in subsection (2) is determined using:

(a) DEQ Method 5;

(b) DEQ Method 8, as approved by LRAPA for sources with exhaust gases at or near ambient conditions;

(c) DEQ Method 7 for direct heat transfer sources; or

(d) An alternative method approved by LRAPA.

(e) For purposes of this section, representative compliance source test results are data that was obtained:

(A) No more than ten (10) years before April 16, 2015; and

(B) When a source is operating and maintaining air pollution control devices and emission reduction processes at the highest reasonable efficiency and effectiveness to minimize emissions based on the current configuration of the emissions unit and pollution control equipment.

Section 32-020 Particulate Matter Weight Standards - Existing Combustion Sources

(1) For fuel burning equipment sources installed, constructed, or modified before June 1, 1970, except solid fuel burning devices that have been certified under OAR 340-262-0500, no person may cause, suffer, allow, or permit particulate matter emissions from any fuel burning equipment in excess of the following limits:

(f)(a) 0.10 grains per dry standard cubic foot provided thatif all representative compliance source test results collected prior to April 16, 2015 demonstrate emissions no greater than 0.080 grains per dry standard cubic foot;

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

(A) 0.24 grains per dry standard cubic foot until Dec. 31, 2019; and

(B) 0.15 grains per dry standard cubic foot on and after Jan. 1, 2020; and

(h)(c) In addition to the limits in paragraph (a) orand (b), for equipment or a mode of operation (e.g., backup fuel) that is used less than 876 hours per calendar year, 0.24 grains per dry standard cubic foot from April 16, 2015 through December 31, 2019, and 0.20 grains per dry standard cubic foot on and after Jan. 1, 2020.

(45)(2) The owner or operator of a source installed, constructed or modified before June 1, 1970, who is unable to comply with the standard in subparagraph (1)(b)(B) may request that LRAPA set a source specific limit of 0.17 grains per dry standard cubic foot if the owner or operator requested this alternative limit by no later than October 1, 2019 and. The owner or operator must submit an application for a permit modification to request the alternative limit by no later than Oct. 1, 2019 that demonstratesd, based on a signed

report prepared by a registered professional engineer that specializes in boiler/multiclone operation, that the fuel burning equipment ~~will be~~was unable to comply with the standard in ~~sub~~paragraph (1)(b).~~(B) after either:~~

~~(a) Maintenance or upgrades to an existing multiclone system; or~~

~~(b) Conducting a boiler tune-up if the boiler does not have a particulate matter emission control system.~~

~~(46) If a source qualifies under subsection (2), LRAPA will add the 0.17 grains per dry standard cubic foot source specific limit as a significant permit modification (simple fee) for sources with an LRAPA Title V Operating Permit or a Simple Technical Modification for sources with an Air Contaminant Discharge Permit.~~

~~(47) The owner or operator of a source installed, constructed or modified before June 1, 1970 may request that LRAPA grant an extension allowing the source up to one additional year to comply with the standard in subsection (2) provided that the owner or operator demonstrates, based on an engineering report signed by a registered professional engineer that specializes in boiler/multiclone operation, that the source cannot comply with the source specific limit established in 32-020(2) without making significant changes to the equipment or control equipment or adding control equipment. The request for an extension must be submitted no later than Oct. 1, 2019.~~

~~(48)~~(3) Compliance with the emissions standards in section 32-020 is determined using ~~Oregon~~ DEQ Method 5, or an alternative method approved by LRAPA.

(a) For fuel burning equipment that burns wood fuel by itself or in combination with any other fuel, the emission results are corrected to 12% CO_2.

(b) For fuel burning equipment that burns fuels other than wood, the emission results are corrected to 50% excess air.

(c) For purposes of this rule, representative compliance source test results are data that was obtained:

(A) No more than ten (10) years before April 16, 2015; and

(B) When a source is operating and maintaining air pollution control devices and emission reduction processes at the highest reasonable efficiency and effectiveness to minimize emissions based on the current configuration of the fuel burning equipment and pollution control equipment.

Section 32-030 Particulate Matter Weight Standards - New Combustion Sources

(1) For fuel burning equipment sources installed, constructed, or modified on or after June 1, 1970, but prior to April 16, 2015, except solid fuel burning devices that have been certified under OAR 340-262-0500, no person may cause, suffer, allow, or permit particulate matter emissions from any fuel burning equipment in excess of the following

limits:

~~(d)~~(a) 0.10 grains per dry standard cubic foot ~~provided that~~if all representative compliance source test results prior to April 16, 2015 demonstrate that emissions are no greater than 0.080 grains per dry standard cubic foot; or

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

~~(49)~~(2) For sources installed, constructed or modified on or after April 16, 2015, except solid fuel burning devices that have been certified under OAR 340-262-0500, no person may cause, suffer, allow, or permit particulate matter emissions from any fuel burning equipment in excess of 0.10 grains per dry standard cubic foot.

~~(50)~~(3) Compliance with the emissions standards in section 32-030 is determined using DEQ Method 5, or an alternative method approved by LRAPA.

(a) For fuel burning equipment that burns wood fuel by itself or in combination with any other fuel, the emission results are corrected to 12% CO_2.

(b) For fuel burning equipment that burns fuels other than wood, the emission results are corrected to 50% excess air.

(c) For purposes of this section, representative compliance source test results are data that was obtained:

(A) No more than ten (10) years before April 16, 2015; and

(B) When a source is operating and maintaining air pollution control devices and emission reduction processes at the highest reasonable efficiency and effectiveness to minimize emissions based on the current configuration of the fuel burning equipment and pollution control equipment.

Section 32-045 Process Weight Emission Limitations and Determination of Process Weight

(1) No person may cause, suffer, allow, or permit the emissions of particulate matter in any one (1) hour from any process in excess of the amount shown in section 32-8010, for the process weight rate allocated to such process.

~~(51)~~(2) Process weight is the total weight of all materials introduced into a piece of process equipment. Solid fuels charged are considered part of the process weight, but liquid and gaseous fuels and combustion air are not.

(a) For a cyclical or batch operation, the process weight per hour is derived by dividing the total process weight by the number of hours in one complete

operation, excluding any time during which the equipment is idle.

(b) For a continuous operation, the process weight per hour is derived by dividing the process weight by a typical period of time, as approved by LRAPA.

~~(52)~~(3) Where the nature of any process or operation or the design of any equipment permits more than one interpretation of this rule, the interpretation that results in the minimum value for allowable emission applies.

Section 32-050 Concealment and Masking of Emissions

(1) No person ~~shall~~ may ~~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.

~~(53)~~(2) No person ~~shall~~ may cause or permit the installation or use of any device or use of any means designed to mask the emission of an air contaminant which causes or is likely to~~tends to~~ cause detriment to health, safety, or welfare of any person or otherwise violate any other regulation or requirement.

Section 32-055 Particulate Fallout Limitation

No person may cause or permit the emission of particulate matter larger than 250 microns in size at such duration or quantity as to create an observable deposition upon the real property of another person.

Section 32-060 Air Conveying Systems

(1) Affected Sources

Dry material air conveying systems located within PM_{10} Nonattainment or Maintenance Areas which use a cyclone or other mechanical separating device and which have a baseline year emission rate of three (3) metric tons or more of particulate matter are affected sources.

~~(54)~~(2) Emission Limits for Affected Sources

Notwithstanding the general and specific emission standards and regulations contained in these rules, affected sources ~~shall~~ must not emit particulate matter to the atmosphere in excess of the following amounts:

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

(b) 2.88 kg/day (6.24 lb~~s.~~/day)

Gaseous Emission Limitations

Section 32-065 Sulfur Content of Fuels

(1) Residual Fuel Oils

No person may sell, distribute, use or make available for use, any residual fuel oil containing more than 1.75 percent sulfur by weight.

~~(55)~~(2) Distillate Fuel Oils

No person may sell, distribute, use or make available for use, any distillate fuel oil or on-specification used oil containing more than the following percentages of sulfur:

(a) ASTM Grade 1 fuel oil - 0.3 percent by weight

(b) ASTM Grade 2 fuel oil - 0.5 percent by weight

~~(56)~~(3) Coal

(a) Except as provided in paragraph (b), no person may sell, distribute, use or make available for use, any coal containing greater than 1.0 percent sulfur by weight.

(b) No person may sell, distribute, use or make available for use any coal or coal-containing fuel with greater than 0.3 percent sulfur and five (5) percent volatile matter as defined in ASTM Method D3175 for direct space heating within PM_{10} nonattainment or maintenance areas. For coals subjected to a devolatilization process, compliance with the sulfur limit may be demonstrated on the sulfur content of coal prior to the devolatilization process.

(c) Distributors of coal or coal-containing fuel destined for direct residential space heating use must keep records for a five-year period which must be available for LRAPA inspection and which:

(A) Specify quantities of coal or coal-containing fuels sold;

(B) Contain name and address of customers who are sold coal or coal-containing fuels;

(C) Specify the sulfur and volatile content of coal or the coal-containing fuel sold to residences in PM_{10} nonattainment or maintenance areas.

~~(57)~~(4) Exemptions. Exempted from the requirements of subsections 32-065(1) through (3), above, are:

(a) Fuels used exclusively for the propulsion and auxiliary power requirements of vessels, railroad locomotives and diesel motor vehicles.

(b) With prior approval of LRAPA, fuels used in such a manner or control provided such that sulfur dioxide emissions can be demonstrated to be equal to or less than those resulting from the combustion of fuels complying with the limitations of section 32-065.

Section 32-070 Sulfur Dioxide Emission Limitations

Fuel Burning Equipment: The following emissions standards are applicable to new sources (any air contaminant source installed, constructed or modified after January 1, 1972) except recovery furnaces regulated in ~~LRAPA T~~title 33:

(1) For fuel burning equipment having more than 150 million BTU per hour heat input, but not more than 250 million BTU per hour input, no person ~~shall~~ may cause, suffer, allow or permit the emission into the atmosphere of sulfur dioxide in excess of:

~~(c)~~(a) 1.4 pounds per million BTU heat input, maximum 3-hour average, when liquid fuel is burned.

~~(d)~~(b) 1.6 pounds per million BTU heat input, maximum 3-hour average, when solid fuel is burned.

~~(58)~~(2) For fuel burning equipment having more than 250 million BTU per hour heat input, no person ~~shall~~ may cause, suffer, allow or permit the emission into the atmosphere of sulfur dioxide in excess of:

(a) 0.8 pounds per million BTU heat input, maximum 3-hour average, when liquid fuel is burned.

(b) 1.2 pounds per million BTU heat input, maximum 3-hour average, when solid fuel is burned.

Section 32-075 Federal Acid Rain Regulations Adopted by Reference

(1) 40 CFR parts 72, 75, and 76 are by this reference adopted and incorporated herein, for purposes of implementing an acid rain program that meets the requirements of Title IV of the FCAA. ~~-~~The term "permitting authority" ~~shall~~ means LRAPA, and the term "Administrator" means the Administrator of the United States EPA.

~~(59)~~(2) If the provisions or requirements of 40 CFR part 72 conflict with or are not included in OAR chapter 340, divisions 218 and 220, the 40 CFR part 72 provisions and requirements must apply and take precedence.

Section 32-090 Other Emissions

(1) No person ~~shall~~ may discharge from any source whatsoever such quantities of air contaminants which cause injury or damage to any persons, the public, business or property. ~~-~~Such determination is to be made by LRAPA.

~~(60)~~(2) No person ~~shall~~ may cause or permit emission of water vapor if the water vapor causes or tends to cause detriment to the health, safety, or welfare of any person or causes, or tends to cause damage to property or business.

Section 32-100 Alternative Emission Controls (Bubble) ~~**[moved from 34-060(8)]**~~

(1) LRAPA may approve alternative emission controls for VOC and ~~NOx~~ NO_X emissions in a Standard ACDP or LRAPA Title V Operating Permit for use within a single source such that a specific emission limit is exceeded, provided that:

(a) Such alternatives are not specifically prohibited by a rule or permit condition;

(b) Net total emissions for each regulated pollutant from all emissions units involved (i.e., "under the bubble") are not increased above the PSEL;

(c) The owner or operator of the source demonstrates the net air quality under section 38-0520;

(d) No other air contaminants including malodorous, toxic or hazardous pollutants are substituted;

(e) BACT and LAER, where required by a previously issued permit pursuant to ~~LRAPA T~~title 38 (NSR), ~~LRAPA T~~title 46 (NSPS), and ~~LRAPA Title~~ title 44 (NESHAP), where required, are not relaxed;

(f) Specific emission limits are established for each emission unit involved ("under the bubble") such that compliance with the PSEL can be readily determined;

(g) The owner or operator of the source applies for a permit or permit modification and such application is approved by LRAPA; and

(h) The emissions unit that reduces its emissions achieves the reductions by reducing its allowable emission rate, and not by reducing production, throughput, or hours of operation.

~~(61)~~(2) The permit will include a net total emissions limit on total emissions from all devices or emissions units involved ("under the bubble").

~~(62)~~(3) Alternative emission controls, in addition to those allowed in subsection (1), may be approved by LRAPA and EPA as a source specific SIP amendment.

Section 32-8010

Particulate Matter Emissions Standards for Process Equipment					
Process lbs/hr	Emissions lbs/hr	Process lbs/hr	Emissions lbs/hr	Process lbs/hr	Emissions lbs/hr
50	0.24	2300	4.44	7500	8.39
100	0.46	2400	4.55	8000	8.71
150	0.66	2500	4.64	8500	9.03
200	0.85	2600	4.74	9000	9.36
250	1.03	2700	4.84	9500	9.67
300	1.20	2800	4.92	10000	10.00
350	1.35	2900	5.02	11000	10.63
400	1.50	3000	5.10	12000	11.28
450	1.63	3100	5.18	13000	11.89
500	1.77	3200	5.27	14000	12.50
550	1.89	3300	5.36	15000	13.13
600	2.01	3400	5.44	16000	13.74
650	2.12	3500	5.52	17000	14.36
700	2.24	3600	5.61	18000	14.97
750	2.34	3700	5.69	19000	15.58
800	2.43	3800	5.77	20000	16.19
850	2.53	3900	5.85	30000	22.22
900	2.62	4000	5.93	40000	28.30
950	2.72	4100	6.01	50000	34.30
1000	2.80	4200	6.08	60000	40.00
1100	2.97	4300	6.15	70000	41.30
1200	3.12	4400	6.22	80000	42.50
1300	3.26	4500	6.30	90000	43.60
1400	3.40	4600	6.37	100000	44.60
1500	3.54	4700	6.45	120000	46.30
1600	3.66	4800	6.52	140000	47.80
1700	3.79	4900	6.60	160000	49.00
1800	3.91	5000	6.67	200000	51.20
1900	4.03	5500	7.03	1000000	69.00
2000	4.14	6000	7.37	2000000	77.60

Particulate Matter Emissions Standards for Process Equipment					
Process lbs/hr	Emissions lbs/hr	Process lbs/hr	Emissions lbs/hr	Process lbs/hr	Emissions lbs/hr
2100	4.24	6500	7.71	6000000	92.70
2200	4.34	7000	8.05		

Interpolation and extrapolation of emissions above a process weight of 6,000,000 pounds/~~-~~hour ~~shall~~ will be accomplished by the use of this equation:

$E = (55.0 \times P^{0.11}) - 40$,
where: P = process weight in tons/ hour, and
E = emission rate in pounds/hour.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 33

PROHIBITED PRACTICES AND CONTROL OF SPECIAL CLASSES OF INDUSTRY

Section 33-005 Definitions

See individual sections for applicable definitions. The definitions in title 12 and in the individual sections in this title apply to this title. If the same term is defined in this title and title 12, the definition in this title applies to this title.

Section 33-045 Gasoline Tanks

Gasoline tanks with a capacity of 1500 gallons or more may not be installed without a permanent submerged fill pipe or other adequate vapor loss control device in any control area.

Section 33-060 Board Products Industries (Hardboard, Particleboard, Plywood, Veneer)

(1) Definitions

(a) "Baseline emissions rate" means a source's actual emissions rate during the baseline period, as defined in title 12, expressed as pounds of emissions per thousand square feet of finished product, on a 1/8" basis.

(b) "Tempering oven" means any facility used to bake hardboard following an oil treatment process.

~~(63)~~(2) General Provisions

(a) This section establishes minimum performance and emission standards for veneer, plywood, particleboard and hardboard manufacturing operations.

(b) Emission limitations established herein are in addition to, and not in lieu of, general emission standards for visible emissions, fuel burning equipment, and refuse burning equipment, except as provided for in subsection 33-060(3).

(c) Each affected veneer, plywood, particleboard, and hardboard plant must proceed with a progressive and timely program of air pollution control. Each plant must, at the request of LRAPA, submit periodic reports in such form and frequency as directed to demonstrate the progress being made toward full compliance with subsections 33-060(2) through (5).

~~(64)~~(3) **Veneer and Plywood Manufacturing Operations**

(a) Veneer Dryers:

(A) Consistent with paragraphs 33-060(2)(a) through (c), it is the objective of this section to control air contaminant emissions, including but not limited to condensable hydrocarbons, such that visible emissions from each veneer dryer are limited to a level which does not cause a characteristic "blue haze" to be observable.

(B) No person may operate any veneer dryer such that visible air contaminants emitted from any dryer stack or emission point exceed:

(i) A daily average operating opacity of ten (10) percent on more than two (2) days within any 12-month period, with the days separated from each other by at least 30 days, as measured by EPA Method 9; and

(ii) A maximum opacity of 20 percent at any time as measured by EPA Method 9.

(C) Particulate emissions from wood-fired veneer dryers may not exceed:

(i) 0.75 pounds per 1000 square feet of veneer dried (3/8 inch basis) for units using fuel which has a moisture content equal to or less than 20 percent by weight on a wet basis as measured by ASTM D442-84;

(ii) 1.50 pounds per 1000 square feet of veneer dried (3/8 inch basis) for units using fuel which has a moisture content of greater than 20 percent by weight on a wet basis as measured by ASTM D442-84; or

(iii) 0.40 pounds per 1000 pounds of steam generated in boilers which exhaust gases to the veneer dryer.

(D) Exhaust gases from fuel-burning equipment vented to the veneer dryer are exempt from sections 32-020 and 32-030.

(E) Each veneer dryer must be maintained and operated at all times such that air contaminant generating processes and all contaminant control devices must be at full efficiency and effectiveness so that the emissions of air contaminants are kept at the lowest practicable levels.

(F) No person may willfully cause or permit the installation or use of any means, such as dilution, which without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission which would otherwise violate this regulation.

(G) Where effective measures are not taken to minimize fugitive emissions, LRAPA may require that the equipment or structures in which processing,

handling and storage are done be tightly closed, modified, or operated in such a way that air contaminants are minimized, controlled, or removed before discharge to the open air.

(H) LRAPA may require more restrictive emission limits than provided in subparagraphs (a)(A) and (a)(B) for an individual plant upon finding by the Board that the individual plant is located or is proposed to be located in a special problem area. The more restrictive emission limits for special problem areas may be established on the basis of allowable emission expressed in opacity, pounds per hour, or total maximum daily emissions to the atmosphere, or a combination thereof.

(b) Other Sources: No person ~~shall~~ may cause to be emitted particulate matter from veneer and plywood mill sources, including but not limited to, sanding machines, saws, presses, barkers, hogs, chippers and other material size reduction equipment, process or space ventilation systems, and truck loading and unloading facilities in excess of a total from all sources within the plant site of an average hourly emission rate (pounds/hour) based on the maximum hourly production capacity of the facility times one (1.0) pound per 1000 square feet of production. Production is expressed in terms of 1000 square feet of plywood or veneer production on a 3/8 inch basis of finished product equivalent. The maximum hourly production capacity is the maximum production capacity for a typical operating shift divided by the number of hours in the operating shift.

(c) Excepted from paragraph (b) are veneer dryers, fuel burning equipment and refuse burning equipment.

(d) Compliance with the average hourly emission rate is determined by summing the emissions from the affected sources as determined by emission factor calculations or actual emissions data for a 24-hour period divided by 24.

(e) Monitoring and Reporting: LRAPA may require any veneer dryer facility to establish an effective program for monitoring the visible air contaminant emissions from each veneer dryer emission point. The program must be reviewed and approved by LRAPA and must consist of the following:

(A) A specified minimum frequency for performing visual opacity determinations on each dryer emission point;

(B) All data obtained must be recorded on copies of a "Veneer Dryer Visual Emission Monitoring Form" provided by LRAPA or on an alternate form which is approved by LRAPA; and

(C) A specified period during which all records must be maintained at the plant site for inspection by authorized representatives of LRAPA.

~~(65)~~(4) **Particleboard Manufacturing Operations**

(a) Every person operating or intending to operate a particleboard manufacturing plant must enclose all truck dump and storage areas holding or intended to hold raw materials to prevent windblown particle emissions from these areas to be deposited upon property not under the ownership of said person.

(b) The temporary storage of raw materials outside the regularly used areas of the plant site is prohibited unless the person who desires to temporarily store such raw materials notifies LRAPA and receives written approval for said storage:

(A) When authorized by LRAPA, temporary storage areas must be operated to prevent windblown particulate emissions from being deposited upon property not under the ownership of the person storing the raw materials.

(B) Any temporary storage areas authorized by LRAPA may not be operated in excess of six (6) months from the date they are first authorized.

(c) Any person who proposes to control windblown particulate emissions from truck dump and storage areas other than by enclosure must apply to LRAPA for authorization to utilize alternative controls. The application must describe in detail the plan proposed to control windblown particulate emissions and indicate on a plot plan the nearest location of property not under ownership of the applicant.

(d) The combined particulate emissions from particleboard plant sources including, but not limited to, hogs, chippers and other material size reduction equipment, process or space ventilation systems, particle dryers, classifiers, presses, sanding machines and materials handling systems must not exceed a plant specific average hourly emission rate, pounds per hour, determined by multiplying the plant production capacity by three (3) pounds per 1,000 square feet. The plant production capacity is the maximum production in terms of 1,000 square feet on a 3/4 inch basis of finished product for a typical operating shift divided by the number of hours in the operating shift.

(e) Excepted from paragraph (d) are truck dump and storage areas, fuel burning equipment and refuse burning equipment.

(f) Compliance with the average hourly emission rate is determined by summing the emissions from the affected sources as determined by emission factor calculations or actual emissions data for a 24-hour period divided by 24.

~~(66)~~(5) **Hardboard Manufacturing Operations**

(a) Every person operating or intending to operate a hardboard manufacturing plant must enclose all truck dump and storage areas holding or intended to hold raw materials to prevent windblown particle emissions from these areas to be deposited upon property not under the ownership of said person;

(b) The temporary storage of raw materials outside the regularly used areas of the

plant site is prohibited unless the person who desires to temporarily store such raw materials first notifies LRAPA and receives written approval:

(A) When authorized by LRAPA, temporary storage areas must be operated to prevent windblown particulate emissions from being deposited upon property not under the ownership of the person storing the raw materials;

(B) Any temporary storage areas authorized by LRAPA may not be operated in excess of six (6) months from the date they are first authorized.

(c) Alternative Means of Control

Any person who desires to control windblown particulate emissions from truck dump and storage areas other than by enclosure must first apply to LRAPA for authorization to utilize alternative controls. The application must be submitted pursuant to ~~LRAPA~~ section 34-035 and ~~shall~~ must describe in detail the plan proposed to control windblown particulate emissions and indicate on a plot plan the nearest location of property not under ownership of the applicant.

(d) The combined particulate emissions from all emissions sources at the plant must not exceed a plant specific hourly average emission rate determined by multiplying the plant production capacity by one (1.0) pound per 1,000 square feet of production. The plant production capacity is the maximum production in terms of 1000 square feet on a 1/8 inch finished basis for a typical operating shift divided by the number of hours in the operating shift.

(e) Excepted from paragraph~~s~~ (d) ~~and (e)~~ are truck dump and storage areas, fuel burning equipment and refuse burning equipment.

(f) Compliance with the average hourly emission rate is determined by summing the emissions from the affected sources as determined by emission factor calculations or actual emissions data for a 24-hour period divided by 24.

(g) No person may operate any hardboard tempering oven unless all gases and vapors emitted from said oven are treated in a fume incinerator capable of raising the temperature of said gases and vapors to at least 1500° F for 0.3 seconds or longer except that specific operating temperatures lower than 1500° F may be approved by LRAPA using the procedures in 40 CFR 63.2262 of the NESHAP for Plywood and Composite Wood Products.

~~(67)~~(6) **Testing and Monitoring**: All source tests must be done using the DEQ Source Sampling Manual.

(a) Veneer dryers, wood particle dryers, fiber dryers and press/cooling vents must be tested using DEQ Method 7.

(b) Air conveying systems must be tested using DEQ Method 8.

(c) Fuel burning equipment must be tested using DEQ Method 5. When combusting wood fuel by itself or in combination with any other fuel, the emission results are corrected to 12% CO_2. When combusting fuels other than wood, the emission results are corrected to 50% excess air.

Section 33-065 Charcoal Producing Plants

(1) No person may cause or permit the emission of particulate matter from charcoal producing plant sources including, but not limited to, charcoal furnaces (retorts), heat recovery boilers, after combustion chambers, and wood dryers using any portion of the charcoal furnace off-gases as a heat source, in excess of a total from all sources within the plant site of ten (10.0) pounds per ton of charcoal produced (as determined from the retort process) as an annual average.

~~(68)~~(2) Emissions from char storage, briquette making (excluding dryers using furnace off-gases), boilers not using charcoal furnace off-gases, and fugitive sources are excluded in determining compliance with subsection (1).

~~(69)~~(3) Charcoal producing plants as described in subsection (1) are exempt from the limitations of section 32-030 which concern particulate emission concentrations.

~~(70)~~(4) LRAPA may require the installation and operation of instruments and recorders for measuring emissions and/or parameters which affect the emission of air contaminants from sources covered by this rule to ensure that the sources and the air pollution control equipment are operated at all times at their full efficiency and effectiveness so that the emission of air contaminants is kept at the lowest practicable level. The instruments and recorders must be periodically calibrated. The method and frequency of calibration must be approved in writing by LRAPA. The recorded information must be kept for a period of at least one (1) year and ~~shall~~ must be made available to LRAPA upon request.

~~(71)~~(5) The person responsible for the sources of particulate emissions must ~~make~~ conduct or have ~~made~~ conducted tests once every year to determine the type, quantity, quality and duration of emissions, and process parameters affecting emissions, in conformance with test methods on~~f~~ file with LRAPA. If this test exceeds the annual emission limitation, then three (3) additional tests are required at three (3) month intervals with all four (4) tests being averaged to determine compliance with the annual standard. No single test may be greater than twice the annual average emission limitation for that source.

(a) Source testing must begin within 90 days of the date by which compliance is to be achieved for each individual emission source.

(b) These source testing requirements must remain in effect unless waived in writing by LRAPA upon adequate demonstration that the source is consistently operating at lowest practicable levels.

Section 33-070 Kraft Pulp Mills

(1) Definitions

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

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

(c) "Daily arithmetic average" means the average concentration over the ~~twenty-four hour~~24-hour period in a ~~calendar~~ day, as determined by continuous monitoring equipment or reference method testing. ~~Any equivalent period must be approved first by EPA.~~ Determinations based on EPA reference methods using the DEQ Source Sampling Manual consist of three (3) separate consecutive runs having a minimum sampling time of ~~sixty (~~60~~)~~ minutes each and a maximum sampling time of eight (8) hours each. The three values for concentration (ppm or grains/dscf) are averaged and expressed as the daily arithmetic average which is used to determine compliance with process weight limitations, grain loading or volumetric concentration limitations and to determine daily emission rate. "Day" in this definition is the same as the definition of "day" in title 12.

(d) ~~–~~"Dry standard cubic meter" means the amount of gas that would occupy a volume of one (1) cubic meter, if the gas were free of uncombined water, at a temperature of 20° C. (68° F.) and a pressure of 760 mm of mercury (29.92 inches of mercury). The corresponding English unit is dry standard cubic foot.

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

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

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

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

(i) "Other sources" as used in section 33-070 means sources of TRS emissions in a kraft mill other than recovery furnaces, lime kilns, smelt dissolving tanks, sewers, drains, categorically insignificant activities and wastewater treatment facilities, including but not limited to:

~~A.~~(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) ~~B.~~ Any vent which is shown to contribute to an identified nuisance condition.

(j) "Production" as used in section 33-070 means the daily amount of air-dried unbleached pulp, or equivalent, produced during the 24-hour period each calendar day, or LRAPA-approved equivalent period, and expressed in air-dried metric tons (admt) per day. The corresponding English unit is air-dried tons (adt) per day.

(k) "Recovery furnace" means the combustion device in which dissolved wood solids are incinerated and pulping chemicals recovered from the molten smelt. For section 33-070, this term includes the direct contact evaporator, if present.

(l) "Recovery system" means the process by which all or part of the cooking chemicals may be recovered, and cooking liquor regenerated from spent cooking liquor, including evaporation, combustion, dissolving, fortification, and storage facilities associated with the recovery cycle.

(m) "Smelt dissolving tank vent" means the vent serving the vessel used to dissolve the molten smelt produced by the recovery furnace.

(2) Statement of Policy

Recent technological developments have enhanced the degree of malodorous emissions control possible for the kraft pulping process. While recognizing that complete malodorous and particulate emission control is not presently possible, consistent with the meteorological and geographical conditions in Oregon, it is hereby declared to be the policy of LRAPA to:

(a) Require, in accordance with a specific program and time table for all sources at each operating mill, the highest and best practicable treatment and control of atmospheric emissions from kraft mills through the utilization of technically feasible equipment, devices, and procedures. Consideration will be given to the economic life of equipment which, when installed, complies with the highest and best practicable treatment requirement.

(b) Require degrees and methods of treatment for major and minor emissions points that will minimize emissions of odorous gases and eliminate ambient odor nuisances.

(c) Require effective monitoring and reporting of emissions and reporting of other data pertinent to air quality or emissions. LRAPA will use these data in conjunction with ambient air data and observation of conditions in the surrounding area to develop and revise emission and ambient air standards, and to determine compliance therewith.

(d) Encourage and assist the kraft pulping industry to conduct a research and technological development program designed to progressively reduce kraft mill emissions, in accordance with a definite program, including specified objectives and time schedules.

(3) Emission Limitations

(a) Emission of Total Reduced Sulfur (TRS):

(A) Recovery Furnaces:

(i) The emissions of TRS from each recovery furnace placed in operation before January 1, 1969, may not exceed ten (10) ppm and 0.15 kg/metric ton (0.30 pound/ton) of production as daily arithmetic averages;

(ii) TRS emissions from each recovery furnace placed in operation after January 1, 1969, and before September 25, 1976, or any recovery furnace modified significantly after January 1, 1969, and before September 25, 1976, to expand production, must be controlled such that the emissions of TRS may not exceed five (5) ppm and 0.075 kg/metric ton (0.150 pound/ton) of production as daily arithmetic averages.

(B) Lime Kilns. Lime kilns must be operated and controlled such that emission of TRS may not exceed 20 ppm ~~as a daily arithmetic average~~ and 0.05 kg/metric ton (0.10 pound/ton) of production as ~~a~~ daily arithmetic averages. This subparagraph applies to those sources where construction was initiated prior to September 25, 1976.

(C) Smelt Dissolving Tanks:

(i) TRS emissions from each smelt dissolving tank may not exceed 0.0165 gram/kg BLS (0.033 pound/ton BLS) as a daily arithmetic average.

(D) Non-Condensables:

Non-condensables from digesters, multiple-effect evaporators and contaminated condensate stripping must be continuously treated to destroy TRS gases by thermal incineration in a lime kiln or incineration device capable of subjecting the non-condensables to a temperature of not less than 650° C (1200° F) for not less than 0.3 second. An alternate device meeting the above requirements must be available in the event adequate incineration in the primary device cannot be accomplished. Venting of TRS gases during changeover must be minimized but in no case may the time exceed one (1) hour.

(E) Other Sources:

(i) The total emissions of TRS from other sources may not exceed 0.078 kg/metric ton (0.156 pound/ton) of production as a daily arithmetic average.

(ii) Miscellaneous Sources and Practices. ~~-~~If LRAPA determines that sewers, drains, and anaerobic lagoons significantly contribute to an odor problem, a program for control will be required.

(b) Particulate Matter:

(A) Recovery Furnaces. ~~-~~The emissions of particulate matter from each recovery furnace stack may not exceed:

(i) 2.0 kilograms per metric ton (4.0 pounds per ton) of production as a daily arithmetic average;

(ii) 0.30 gram per dry standard cubic meter (0.13 grain per dry standard cubic foot) as a daily arithmetic average; and

(iii) ~~Thirty-five~~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).

(B) Lime Kilns. ~~-~~The emissions of particulate matter from each lime kiln stack may not exceed:

(i) 0.50 kilogram per metric ton (1.00 pound per ton) of production as a daily arithmetic average;

(ii) 0.46 gram per dry standard cubic meter (0.20 grain per dry standard cubic foot) as a daily arithmetic average; and

(iii) The visible emission limitations in paragraph 33-070(3)(d).

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

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

(ii) The visible emission limitations in paragraph 33-070(3)(d).

(D) Replacement of or modification or a rebuild of an existing particulate pollution control device for which a capital expenditure of 50 percent or more of the replacement cost of the existing device is required, other than ongoing routine maintenance, after July 1, ~~1988~~1988, will result in more restrictive standards as follows:

(i) Recovery Furnaces.

(I) The emission of particulate matter from each affected recovery furnace stack may not exceed 1.00 kilogram per metric ton (2.00 pounds per ton) of production as a daily arithmetic average; and

(II) 0.10 gram per dry standard cubic meter (0.044 grain per dry standard cubic foot) as a daily arithmetic average.

(ii) Lime Kilns.

(I) The emission of particulate matter from each affected lime kiln stack may not exceed 0.25 kilogram per metric ton (0.50 pound per ton) of production as a daily arithmetic average; and

(II) 0.15 gram per dry standard cubic meter (0.067 grain per day standard cubic foot) as a daily arithmetic average when burning gaseous fossil fuel; or

(III) 0.50 kilogram per metric ton (1.00 pound per ton) of production as a daily arithmetic average; and

(IV) 0.30 gram per dry standard cubic meter (0.13 grain per dry standard cubic foot) as a daily arithmetic average when burning liquid fossil fuel.

(iii) Smelt Dissolving Tanks. The emissions of particulate matter from each smelt dissolving tank vent stack may not exceed 0.15 kilogram per metric ton (0.30 pound per ton) of production as a daily arithmetic average.

(c) Sulfur Dioxide (SO_2). Emissions of sulfur dioxide from each recovery furnace stack may not exceed a 3-hour arithmetic average of 300 ppm on a dry-gas basis except when burning fuel oil. The sulfur content of fuel oil used may not exceed the sulfur content of residual and distillate oil established in subsections 32-065(1) and (2), respectively.

(d) Emissions from each kraft mill source, with the exception of the mill's emissions attributable to a recovery furnace, may not equal or exceed 20 percent opacity ~~for a period exceeding three (3) minutes in any one (1) hour~~as a six (6) minute average of the operating time.

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

~~(e)~~(f) New Source Performance Standards. New or modified sources that commenced construction after September 24, 1976, are subject to each provision of this

section and the New Source Performance Standards, 40 CFR part 60, subpart BB as adopted under section 46-630, In addition, when these sections are more stringent than 40 CFR part 60 subpart BB, LRAPA may require some or all of the relevant monitoring in this subsection~~whichever is more stringent~~.

(4) More Restrictive Emission Limits

LRAPA may establish more restrictive emission limits than the numerical emission standards contained in subsection 33-070(3) and maximum allowable daily mill site emission limits in kilograms per day for an individual mill upon a finding by LRAPA that:

(a) The individual mill is located or is proposed to be located in a special problem area or an area where ambient air standards are exceeded or are projected to be exceeded or where the emissions will have a significant impact in an area where the standards are exceeded; or

(b) An odor or nuisance problem has been documented at any mill, in which case the TRS emission limits may be reduced below the regulatory limits; or LRAPA may require the mill to undertake an~~d~~ odor emission reduction study program; or

(c) Other rules which are more stringent apply.

(5) Monitoring

(a) (Reserved)

(b) Total Reduced Sulfur (TRS). Each mill must monitor TRS continuously using the following:

(A) The monitoring equipment must determine compliance with the emission limits and reporting requirements established by these regulations, and must continuously sample and record concentrations of TRS;

(B) The sources monitored must include, but are not limited to, individual recovery furnaces and lime kilns. All sources must be monitored downstream of their respective control devices, in either the ductwork or the stack, in accordance with the DEQ Continuous Monitoring Manual;

(C) Unless otherwise authorized or required by permit, at least once per year, vents from other sources as required in subparagraph 33-070(3)(a)(E), other sources, must be sampled to demonstrate the representativeness of the emissions of TRS using EPA Method 16, 16A, 16B or continuous emissions monitors. Sampling using these EPA methods must consist of three (3) separate consecutive runs of one (1) hour each, using the DEQ Source Sampling Manual. Continuous emissions monitors must be operated for three (3) consecutive hours in accordance with the DEQ Continuous Monitoring Manual. All results must be reported to LRAPA;

(D) Smelt dissolving tank vents must be sampled for TRS quarterly except that testing may be semi-annual when the preceding six (6) source tests were less than 0.0124 gram/kg BLS (0.025 pound/ton BLS) using EPA Method 16, 16A, 16B or continuous emission monitors. Sampling using these EPA methods must consist of three (3) separate consecutive runs of one (1) hour each using the DEQ Source Sampling Manual.

(c) Particulate Matter.

(A) Each mill must sample the recovery furnace, lime kiln and smelt dissolving tank vent for particulate emissions as measured by EPA Method 5 or 17, using the DEQ Source Sampling Manual. Particulate matter emission determinations by EPA Method 5 must use water as the cleanup solvent instead of acetone, and consist of the average of three (3) separate consecutive runs having a minimum sampling time of 60 minutes each, a maximum sampling time of eight (8) hours each, and a minimum sampling volume of 31.8 dscf each.

(i) When applied to recovery furnace gases "dry standard cubic meter" requires adjustment of the gas volume to that which would result in a concentration of eight (8) percent 8% oxygen if the oxygen concentration exceeds eight (8) percent.8%.

(ii) When applied to lime kiln gases "dry standard cubic meter" requires adjustment of the gas volume to that which would result in a concentration of ten (10) percent 10% oxygen if the oxygen concentration exceeds ten (10) percent10%.

(iii) The mill must demonstrate that oxygen concentrations are below the values in sub-subparagraphs (i) and (ii) or furnish oxygen levels and corrected data.

(B) Each mill must provide continuous monitoring of opacity of emissions discharged to the atmosphere from each recovery furnace stack using the DEQ Continuous Monitoring Manual.

(C) (Reserved)

(D) Recovery furnace particulate source tests must be performed quarterly except that testing may be semi-annual when the preceding six (6) source tests were less than 0.225 gram/dscm (0.097 grain/dscf) for furnaces subject to sub-subparagraph 33-070(3)(b)(A)(i) or 0.075 gram/dscm (0.033 grain/dscf) for furnaces subject to - supersub-subparagraph 33-070(3)(b)(D)(i)(I).

(E) Lime kiln source tests must be performed semi-annually.

(F) Smelt dissolving tank vent source tests must be performed quarterly

except that testing may be semi-annual when the preceding six (6) source tests were less than 0.187 kilogram per metric ton (0.375 pound per ton) of production.

(d) Sulfur Dioxide (SO_2). Representative sulfur dioxide emissions from each recovery furnace must be determined at least once each month by the average of three (3) one-hour source tests using the DEQ Source Sampling Manual or from continuous emission monitors. If continuous emission monitors are used, the monitors must be operated for three (3) consecutive hours using the DEQ Continuous Monitoring Manual.

(e) Combined Monitoring. LRAPA may allow the monitoring for opacity of a combination of more than one emission stream if each individual emission stream has been demonstrated (with the exception of opacity) to be in compliance with all the emission limits of subsection 33-070(3). LRAPA may establish more stringent emission limits for the combined emission stream.

(f) New Source Performance Standards Monitoring. New or modified sources that are subject to the New Source Performance Standards, 40 CFR part 60, subpart BB, must conduct monitoring or source testing as required by s~~S~~ubpart BB. In addition, when these rules are more stringent than 40 CFR part 60, subpart BB, LRAPA may require some or all of the relevant monitoring in this subsection.

(6) Reporting

If required by LRAPA or required by permit, each mill must report data each calendar month by the last day of the subsequent month as follows:

(a) Applicable daily average emissions of TRS gases expressed in parts per million of H_2S on a dry gas basis with oxygen concentrations, if oxygen corrections are required, for each source included in the approved monitoring program.

(b) Daily average emissions of TRS gases in pounds of total reduced sulfur per equivalent ton of pulp processed, expressed as H_2S for each source included in the approved monitoring program.

(c) Maximum daily 3-hour average emissions of SO_2 based on all samples collected from the recovery furnace, expressed as ppm, dry basis.

(d) All daily average opacities for each recovery furnace stack where transmissometers are utilized.

(e) All 6-minute average opacities from each recovery furnace stack that exceed 35 percent.

(f) Daily average kilograms of particulate per equivalent metric ton (pounds of particulate per equivalent ton) of pulp produced for each recovery furnace stack.

(g) Unless otherwise approved in writing, all periods of non-condensable gas bypass must be reported.

(h) Each Kraft mill must furnish, upon request of LRAPA, such other pertinent data as LRAPA may require to evaluate the mill's emission control program.

(i) Monitoring data reported must reflect actual observed levels corrected for oxygen, if required, and analyzer calibration.

(j) Oxygen concentrations used to correct regulated pollutant data must reflect oxygen concentrations at the point of measurement of regulated pollutants.

(7) Chronic Upset Conditions

If LRAPA determines that an upset condition is chronic and correctable by installing new or modified process or control procedures or equipment, the owner or operator must submit to LRAPA a program and schedule to effectively eliminate the deficiencies causing the upset conditions. Such reoccurring upset conditions causing emissions in excess of applicable limits may be subject to civil penalty or other appropriate action.

Section 33-075 Hot Mix Asphalt Plants

(1) Definitions

(a) "Dusts" means minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, or sweeping.

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

(c) "Portable hot mix asphalt plants" means those hot mix asphalt plants which are designed to be dismantled and are transported from one job site to another job site.

(d) "Process weight" means the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "process weight per hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

(e) "Special control areas" means any area designated in OAR 340-204-0070, title 29, and:

(A) Any incorporated city or within six (6) miles of the city limits of said incorporated city;

(B) Any area of Lane County within one (1) mile of any structure or building used for a residence;

(C) Any area of Lane County within two (2) miles straight-line distance or air miles of any paved public road, highway, or freeway having a total of two (2) or more traffic lanes.

(2) Control Facilities Required

(a) No person may operate any hot mix asphalt plant, either portable or stationary, located within any area of Lane County outside special control areas unless all dusts and gaseous effluents generated by the hot mix asphalt plant are controlled by a control device or devices with a removal efficiency for particulate matter of at least 80 percent by weight. To determine compliance with this standard, the owner or operator must conduct a particulate matter source test using DEQ Method 5 at the inlet and outlet of the control device. If it is not feasible to conduct a particulate matter source test at the inlet to the control device, the owner or operator must provide documentation demonstrating that the control device is designed to meet the standard and prepare and implement an operation and maintenance plan for ensuring that the control device will have at least an 80 percent removal efficiency when operated.

(b) No person may operate any hot mix asphalt plant, either portable or stationary, located within any special control area of Lane County without installing and operating systems or processes for the control of particulate emissions so as to comply with the emission limits established by the process weight table in section 33-500, attached herewith and by reference made part of this rule. Compliance is determined using DEQ Method 5. All source tests must be done using the DEQ Source Sampling Manual.

(c) Hot mix asphalt plants are subject to the emission limitations in sections 32-010, 32-015, and 46-535, as applicable.

(d) If requested by LRAPA, the owner or operator must develop a fugitive emission control plan.

(3) Other Established Air Quality Limitations

The emission limits established under section 33-075 are in addition to visible emission and other ambient air standards, established or to be established by the Board, unless otherwise provided by rule.

(4) Ancillary Sources of Emission--Housekeeping of Plant Facilities

(a) Ancillary air contamination sources from a hot mix asphalt plant and its facilities

which emit air contaminants into the atmosphere such as, but not limited to, the drier openings, screening and classifying system, hot rock elevator, bins, hoppers, and pug mill mixer, must be controlled at all times so as to maintain the highest possible level of air quality and the lowest possible discharge of air contaminants.

(b) The handling of aggregate and truck traffic must be conducted at all times so as to minimize emissions into the atmosphere.

Section 33-080 Reduction of Animal Matter

(1) Applicability. Section 33-080 applies in all areas of Lane County which are within city limits or within two (2) miles of the boundaries of incorporated cities.

~~(1)~~(2) Control Facilities Required

~~(c)~~(a) A person may not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such article, machine, equipment or other contrivance are:

(A) Incinerated at temperatures of not less than 1200° F for a period of not less than 0.3 seconds; or

(B) Processed in such a manner determined by LRAPA to be equally, or more, effective for the purpose of air pollution control than subparagraph (A).

~~(d)~~(b) Any person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this section must provide, properly install and maintain in calibration, in good working order and in operation, devices as specified by LRAPA, for indicating temperature, pressure or other operating conditions.

~~(e)~~(c) For the purpose of this section, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.

~~(f)~~(d) The provisions of this section do not apply to any article, machine, equipment, or other contrivance used exclusively for the processing of food for human consumption.

~~(5)~~(3) Monitoring of Reduction Facilities

(a) When requested by LRAPA for the purpose of formulating plans in conjunction with industries who are or may be sources of air pollution, and to investigate sources of air pollution, monitoring data must be submitted for plant operational periods and must include:

(A) Continuous or at least hourly influent and effluent temperature readings on the condenser;

(B) Continuous or at least hourly temperature readings on the after-burner;

(C) Estimated weights of finished products processed in pounds per hour;

(D) Hours of operation per day; and

(E) A narrative description to accurately portray control practices, including the housekeeping measures employed.

(b) Except as otherwise required under the Oregon Public Records Law, ORS 192.~~410~~ 311 to 192.~~505~~478, when requested by the plant manager any information relating to processing or production must be kept confidential by LRAPA and may not be disclosed or made available to competitors or their representatives in the rendering industry.

(c) Whenever a breakdown of operating facilities occurs or unusual loads or conditions are encountered that cause or may cause release of excessive and malodorous gases or vapors, LRAPA must be immediately notified.

~~(6)~~(4) Housekeeping of Plant and Plant Area. The plant facilities and premises are to be kept clean and free of accumulated raw material, products, and waste materials. The methods used for housekeeping must include, but not be limited to:

(a) A washdown at least once each working day, of equipment, facilities and building interiors that come in contact with raw or partially processed material, with steam or hot water and detergent or equivalent additive;

(b) Storage of all solid wastes in covered containers, and daily disposal in an incinerator or fill, approved by LRAPA, or by contract with a company or municipal department providing such service; and

(c) Disposal of liquid and liquid-borne waste in a manner approved by LRAPA.

~~(7) Applicability. Section 33-080 shall appliesy in all areas of Lane County which are within city limits or within two (2) miles of the boundaries of incorporated cities~~.

Section 33-500 Particulate Matter Emissions Standards for Process Equipment

Particulate Matter Emissions Standards for Process Equipment					
Process lbs/hr	Emissions lbs/hr	Process lbs/hr	Emissions lbs/hr	Process lbs/hr	Emissions lbs/hr
50	0.24	2300	4.44	7500	8.39
100	0.46	2400	4.55	8000	8.71
150	0.66	2500	4.64	8500	9.03
200	0.85	2600	4.74	9000	9.36

Particulate Matter Emissions Standards for Process Equipment					
Process lbs/hr	Emissions lbs/hr	Process lbs/hr	Emissions lbs/hr	Process lbs/hr	Emissions lbs/hr
250	1.03	2700	4.84	9500	9.67
300	1.20	2800	4.92	10000	10.00
350	1.35	2900	5.02	11000	10.63
400	1.50	3000	5.10	12000	11.28
450	1.63	3100	5.18	13000	11.89
500	1.77	3200	5.27	14000	12.50
550	1.89	3300	5.36	15000	13.13
600	2.01	3400	5.44	16000	13.74
650	2.12	3500	5.52	17000	14.36
700	2.24	3600	5.61	18000	14.97
750	2.34	3700	5.69	19000	15.58
800	2.43	3800	5.77	20000	16.19
850	2.53	3900	5.85	30000	22.22
900	2.62	4000	5.93	40000	28.30
950	2.72	4100	6.01	50000	34.30
1000	2.80	4200	6.08	60000	40.00
1100	2.97	4300	6.15	70000	41.30
1200	3.12	4400	6.22	80000	42.50
1300	3.26	4500	6.30	90000	43.60
1400	3.40	4600	6.37	100000	44.60
1500	3.54	4700	6.45	120000	46.30
1600	3.66	4800	6.52	140000	47.80
1700	3.79	4900	6.60	160000	49.00
1800	3.91	5000	6.67	200000	51.20
1900	4.03	5500	7.03	1000000	69.00
2000	4.14	6000	7.37	2000000	77.60
2100	4.24	6500	7.71	6000000	92.70
2200	4.34	7000	8.05		

Interpolation and extrapolation of emissions above a process weight of 6,000,000 pounds/ hour ~~shall be~~is accomplished by the use of this equation:

$E = (55.0 \times P^{0.11}) - 40$,
where: P = process weight in tons/ hour, and
E = emission rate in pounds/hour.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 34

STATIONARY SOURCE NOTIFICATION REQUIREMENTS

Section 34-005 Definitions

The definitions in title 12 and title 29 and this section apply to this title. If the same term is defined in this section and title 12 or title 29, the definition in this section applies to this title.

Section 34-010 Applicability and Requirements

~~(1) This title applies to air contaminant sources, to stationary sources, and to modifications of existing portable sources that are required to have permits under title 37.~~

~~(8)~~(1) Except as provided in subsection (2), sections 34-010 and 34-034 through 34-038 apply to the following:

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

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

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

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

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

~~(c) All sources that use air pollution control devices used to comply with emissions limits, or used to avoid the requirement to obtain an LRAPA Title V Operating Permit (OAR 340 division 218) or Major NSR or Type A State NSR (LRAPA title 38) requirements, or MACT standards (LRAPA title 44).~~

~~(9)~~(2) Sections 34-010 and 34-034 through 34-038 do not apply to the following sources:

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

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

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

~~(c)~~(d) Other activities associated with residences used exclusively as dwellings for not more than four families, including, but not limited to barbecues, house painting, maintenance, and groundskeeping;

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

(f) Categorically insignificant activities as defined in title 12 unless they are subject to NESHAP or NSPS requirements. This exemption applies to all categorically insignificant activities whether or not they are located at major or non-major sources.

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

Section 34-015 Request for Information

All owners or operators of stationary sources must provide ~~in a reasonably timely manner~~ any and all information and analysis, including an air quality analysis of the source, that LRAPA reasonably requires for the purpose of regulating stationary sources. ~~-~~LRAPA will provide the source with a written request to provide such information to LRAPA by a reasonable date. Such information may be required on a one-time, periodic, or continuous basis and may include, but is not limited to, information necessary to:

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

(2) Ascertain applicability of any requirement;

(3) Ascertain compliance or noncompliance with any applicable requirement; and

(4) Determine whether a source's emissions may cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50; and

~~(4)~~(5) Incorporate monitoring, recordkeeping, reporting, and compliance certification requirements into a permit.

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

Section 34-016 Records; Maintaining and Reporting

(1) When notified by LRAPA, any person owning or operating a source within the state must keep and maintain written records of the nature, type, and amounts of emissions from such source and other information LRAPA may require in order to determine whether the source is in compliance with applicable emission rules, limitations, or control measures.

~~(5)~~(2) The records must be prepared in the form of a report and submitted to LRAPA on an annual, semi-annual, or more frequent basis, as requested in writing by LRAPA. Submittals must be filed at the end of the first full period after the LRAPA's notification to such persons owning or operating a stationary air contaminant source of these recordkeeping requirements. Unless otherwise required by rule or permit, semi-annual periods are January 1 to June 30, and July 1 to December 31. A more frequent basis for reporting may be required due to noncompliance or if necessary to protect human health or the environment.

~~(6)~~(3) The required reports must be completed on forms approved by LRAPA and submitted within 30 days after the end of the reporting period, unless otherwise authorized by permit.

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

~~(7)~~(5) All reports and certifications submitted to LRAPA under title 1 through title 51 must accurately reflect the monitoring, record keeping and other documentation held or performed by the owner or operator.

~~(8)~~(6) The owner or operator of any source required to obtain a permit under title 37 or OAR chapter 340, division 218 must retain records of all required monitoring data and supporting information for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application. ~~For the owner or operator of a source permitted under title 37, this requirement took effect on July 1, 2015.~~

Section 34-017 Enforcement; Credible Evidence

Notwithstanding any other provisions contained in any applicable requirement, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any such applicable requirements.

Section 34-020 Information Exempt from Disclosure

(1) Pursuant to the provisions of ORS 192.311 to 192.~~363~~478, all information submitted to LRAPA under title 34 ~~shall be presumed to be~~is subject to inspection upon request by any person unless such information is determined to be exempt from disclosure pursuant to subsections (2) or (3).

~~(9)~~(2) If an owner or operator claims that any writing, as that term is defined in ORS 192.311, is

confidential or otherwise exempt from disclosure, in whole or in part, the owner or operator ~~shall~~ must comply with the following procedures:

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

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

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

~~(10)~~(3) For a writing to be considered exempt from disclosure as a ~~"~~"trade secret,~~"~~" it ~~shall~~ must meet all of the following criteria:

(a) ~~t~~The information ~~shall~~ cannot be patented;

(b) ~~i~~It ~~shall~~ must be known only to a limited number of individuals within a commercial concern who have made efforts to maintain the secrecy of the information;

(c) I~~i~~t ~~shall~~ must be information which derives actual or potential economic value from not being disclosed to other persons;

(d) ~~i~~It ~~shall~~must give its users the chance to obtain a business advantage over competitors not having the information; and

(e) It must not be emissions data.

Registration

Section 34-025 Registration in General

(1) Any air contaminant source which is not subject to the Air Contaminant Discharge Permits, ~~LRAPA title~~title 37, or the Oregon Title V Operating Permits, OAR chapter 340, division 218, must register with LRAPA upon request pursuant to subsections 34-030(1) through (4).

~~(11)~~(2) The following sources that are certified through an LRAPA approved environmental certification program, as provided in subsection (3), and that is subject to an ~~A~~area ~~S~~source NESHAP may register with LRAPA pursuant to section 34-030 in lieu of obtaining a permit ~~in accordance with~~otherwise required by section 37-0020, unless LRAPA determines that the source has not complied with the requirements of the environmental certification program. A source registered under this section must pay fees

as provided in subsection (4), is subject to termination of its registration for failure to pay fees as provided in ~~subsection~~paragraph (4)(a)~~,~~ and must keep records as provided in subsection (5).

(a) Motor vehicle surface coating operations.

(b) Dry cleaners using perchloroethylene.

~~(12)~~(3) Approved environmental certification program. To be approved, the environmental certification program must, at a minimum, require certified sources to comply with all applicable state and federal rules and regulations and require additional measures to increase environmental protection.

~~(13)~~(4) Fees. In order to obtain and maintain registration, owners and operators of sources registered pursuant to subsection (2) must pay the applicable fees in title 37 Table 2 by March 1 of each year:

(a) Failure to pay fees. Registration is automatically terminated upon failure to pay annual fees within 90 days of invoice by LRAPA, unless prior arrangements for payment have been approved in writing by LRAPA.

~~(14)~~(5) Recordkeeping. In order to maintain registration, owners and operators of sources registered pursuant to subsection (2) must maintain records required by the approved environmental performance program under subsection (3). The records must be kept on site and in a form suitable and readily available for expeditious inspection and review.

~~(15)~~(6) The owner or operator of an air contaminant source that is subject to a federal NSPS in 40 CFR part 60 or NESHAP in ~~40 CFR part 60 or~~ 40 CFR part 63 and that is not located at a source that is required to obtain a permit under title 37 (Air Contaminant Discharge Permits) or OAR chapter 340, division 218 (Oregon Title V Operating Permits), must register and maintain registration with LRAPA pursuant to section 34-030 if requested in writing by LRAPA (or by EPA at LRAPA's request).

~~(16)~~(7) Revocation. LRAPA may revoke a registration if a source fails to meet any requirement in 34-030.

Section 34-030 Registration Requirements and Re-Registration and Maintaining Registration

(1) Registration pursuant to section 34-025 ~~shall~~ must be completed within ~~thirty (~~30~~)~~ days following the mailing date of the request by LRAPA.

~~(17)~~(2) Registration must be made on forms furnished by LRAPA and completed by the owner, lessee of the source, or agent. ~~-~~If a form is not available from LRAPA, the registrant may provide the information using a format approved by LRAPA.

~~(18)~~(3) In order to obtain registration pursuant to subsection 34-025(1), the following information ~~shall~~ must be reported by registrants:

(a) Nname, address, and nature of business;

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

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

(d) Aa description of the production processes and a related flow chart;

(e) Aa plot plan showing the location and height of all air contaminant sources (the plot plan shall must also indicate the nearest residential or commercial property);

(f) Ttype and quantity of fuels used;

(g) Aamount, nature, and duration of air contaminant emissions;

(h) Eestimated efficiency of air pollution control devices under present or anticipated operating conditions; and

(i) Aany other information requested by LRAPA.

(19)(4) In order to obtain registration pursuant to subsection 34-025(2) the following information must be submitted by a registrant:

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

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

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

(d) Information demonstrating that the air contaminant source is operating in compliance with all applicable state and federal rules and regulations, as requested by LRAPA;

(e) Information demonstrating that the source is certified through an approved environmental certification program;

(f) A signed statement that the submitted information is true, accurate, and complete. This signed statement must state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete; and

(g) Any other information requested by LRAPA.

(20)(5) In order to obtain registration pursuant to subsection 34-025(6), the following information must be submitted by a registrant:

(a) Name, address and nature of business or institution;

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

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

(d) A description of the air contaminant source subject to regulation;

(e) Identification of the applicable regulation;

(f) Confirmation that approval to construct and operate the air contaminant source was obtained in accordance with sections 34-010 and 34-034 through 34-038;

(g) Confirmation that the air contaminant source is operating in compliance with all applicable state rules and regulations, including but not limited to sections 32-010 (visible air contaminant limitations) and section 32-020 or 32-030 (grain loading standards);

(h) Confirmation that the air contaminant source is operating in compliance with all applicable federal rules and regulations, including but not limited to 40 CFR part 60 and part 63 standards and work practice requirements, such as routine tune-up for boilers; and

(i) Any other information requested by LRAPA.

~~(21)~~(6) In order to re-register or maintain registration, a person responsible for an air contaminant source ~~shall~~ must reaffirm in writing, by March 1st each year, the correctness and current status of the information furnished to LRAPA.

~~(22)~~(7) Any changes in any of the factual data reported under subsection (3) or (4) ~~shall~~ must be reported to LRAPA, at which time re-registration may be required on forms furnished by LRAPA.

~~(23)~~(8) In order to re-register, a person must not have had their registration terminated or revoked within the last three (3) years, unless the air contaminant source has changed ownership since termination or revocation, in which case the person must not have had their registration terminated or revoked since the change in ownership.

~~(24)~~(9) If a registered air contaminant source is sold or transferred, the sale or transfer must be reported to LRAPA by either the former owner or the new owner within 30 days of the date of sale or transfer. The new owner of the registered air contaminant source must register the air contaminant source within 30 days of the date of sale or transfer in accordance with subsections (2) and (4).

Notice of Construction and Approval of Plans

~~**Section 34-034 Requirements for Construction**~~

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

~~(25) Modifications to existing sources. No person is allowed to make a physical change or change in operation of an existing stationary source that will cause an increase, on an hourly basis at full production, in any regulated pollutant emissions without first notifying LRAPA in writing.~~

~~(26) Air Pollution Control Devices. No person is allowed to construct or modify any air pollution control device without first notifying LRAPA in writing.~~

Section 34-035 Types of Construction/Modification Changes

For the purpose of sections 34-010 and 34-034 through 34-038, emission calculations for determining the type of change at a source must use the regulated air pollutant emission capacity, except for Type 1 changes under ~~subsection~~paragraph (1)(b) and Type 4 changes. The notices of construction changes ~~that involve new construction or modifications of sources or air pollution control devices~~ are divided into the following ~~T~~types:

(1) Type 1 changes include construction or modification for which the owner or operator is not required to obtain a permit or permit modification under title 37, and where the changes meet the criteria in either ~~subsection~~paragraph (a) or (b):~~of sources or air pollution control devices where such a change meets the criteria in paragraphs (a) through (f):~~

(a) The construction or modification would:

~~(a)~~(A) Have emissions from any new, modified, or replaced device or activity, or any combination of devices or activities, of less than or equal to the de minimis levels defined in title 12;~~Would not increase emissions from the source above the PSEL by more than the de minimis emission level defined in title 12 for sources required to have a permit;~~

~~(b)~~(B) Not result in an increase of emissions from the source above any PSEL;~~Would not increase emissions from the source above the netting basis by more than or equal to the SER;~~

~~(c)~~(C) Not result in an increase of emissions from the source above the netting basis by more than or equal to the SER;~~Would not increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or process at the source by more than the de minimis emission levels defined in LRAPA title 12;~~

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

~~(e)~~(E) Not require a TACT determination under section 32-005 or a MACT determination under section 44-040; or~~Would not require a TACT determination under 32-008 or a MACT determination under 44-0200; and~~

~~(f) Is not required to obtain a permit under title 37.~~

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

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

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

(C) Hand-held sanding equipment;

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

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

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

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

(H) Vacuum pumps;

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

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

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

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

(M) Dredging wet spoils handling and placement;

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

(O) Ultraviolet disinfection processes;

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

(Q) Ozone generators and ozonation equipment;

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

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

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

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

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

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

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

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

(Z) Contaminant detectors, sampling devices and recorders;

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

(BB) Lithographic printing equipment which uses laser printing;

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

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

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

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

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

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

(II) Concrete application, and installation.

(2) Type 2 changes include construction or modification for which the owner or operator is not required to obtain a permit or permit modification under ~~T~~title 37, and where the construction or modification would:~~of stationary sources or air pollution control devices where such a change meets the criteria in paragraphs (a) through (f):~~

(a) ~~Would n~~Have emissions from any new, modified, or replaced device or activity, or any combination of devices or activities, of less than the SER defined in title 12;~~ot increase emissions from the source above the PSEL by more than the de minimis emission level defined in title 12 for sources required to have a permit;~~

(b) Not result in an increase of emissions from the source above any PSEL;~~Would not increase emissions from the source above the netting basis by more than or equal to the SER;~~

(c) Not result in an increase of emissions from the source above the netting basis by more than or equal to the SER;~~Would not increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than or equal to the SER;~~

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

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

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

~~(e)~~(g) Not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50 for a new or replaced device or activity. ~~Would not require a TACT determination under 32-008 or a MACT determination under 44-130; and~~

~~(f) Is not required to obtain a permit under title 37.~~

(3) Type 3 changes include construction or modification where the construction or modification would:~~of stationary sources or air pollution control devices where such a change does not qualify as a Type 4 change under subsection (4) and:~~

(a) Have emissions from any new, modified, or replaced device or activity, or any combination of devices or activities, of more than or equal to the SER defined in title 12;~~Would increase emissions from the source above the PSEL by more than the de minimis emission level defined in title 12 before applying unassigned emissions or emissions reduction credits available to the source but less than the SER after applying unassigned emissions or emissions reduction credits available to the source for sources required to have a permit;~~

(b) Result in an increase of emissions from the source above any PSEL before applying unassigned emissions or emissions reduction credits available to the source but less than the SER after applying unassigned emissions or emissions reduction credits available to the source;~~Would increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than the SER but are not subject to 42-0041(3)(b) or title 38 (NSR rules);~~

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

(d) Require a TACT determination under OAR 340-226-0130 or a MACT determination under OAR 340-244-0200; or~~Would require a TACT determination under 32-008 or a MACT determination under 44-130.~~

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

(4) Type 4 changes include construction or modification subject to New Source Review under title 38.~~of stationary sources or air pollution control devices where such a change or changes would increase emissions from the source above the PSEL, after applying unassigned emissions or emissions reduction credits available to the source, or netting basis of the source by more than the SER.~~

Section 34-036 Notice to Construct Application

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

~~(1)~~(2) Any person proposing a Type 1 or 2 change must submit a notice of construction application using electronic forms provided by LRAPA, unless otherwise approved in writing by LRAPA ~~provide notice to LRAPA,~~ before undertaking such construction~~ng~~ or modification~~ying a stationary source or air pollution control device~~. ~~-~~The notice of construction application ~~notice must be in writing on a form supplied by LRAPA and~~

must include the following information, as applicable, for present or anticipated operating conditions:

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

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

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

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

(e) A description of the proposed construction or modification;~~ed or modified source;~~

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

(g) A plot plan showing the location and height of the proposed construction or modification, and ~~of all air contaminant sources and indicating~~ the nearest residential ~~-~~and~~or~~ commercial propert~~y~~ies;

(h) Production, throughput, or material usage;

~~(h)~~(i) Type and quantity of fuels used;

~~(i)~~(j) The amount, nature and duration of regulated pollutant emissions from the proposed construction or modification and any proposed change in emissions with supporting calculation, except for equipment listed in OAR 340-210-0225(1)(b);~~Change in amount, nature and duration of air contaminant emissions;~~

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

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

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

(m) A list of any requirements applicable to the ~~new~~ construction or modification;

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

(o) Amount and method of refuse disposal;~~ and~~

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

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

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

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

(r) Anticipated date of construction or modification completion.

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

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

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

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

~~(2)~~(5) Any person proposing a Type ~~3 or~~ 4 change must comply with title 38 and must submit an application for either a ~~c~~Construction ACDP, or a new or modified Standard ACDP ~~permit, or permit modification~~, whichever is appropriate.

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

(7) If LRAPA determines it is not able to approve the applicant's submittal, or if the

applicant does not timely provide additional information or corrections requested by LRAPA under subsection (6), then in addition to any other remedies available, LRAPA may:

(a) Return the application;

(b) Retain any applicable fees; and

(c) Issue a proposed denial of the application.

~~(3)~~(8) A person who has submitted an application under this rule ~~The owner or operator~~ must notify LRAPA of any corrections and revisions to the plans and specifications that would impact emissions upon becoming aware of the changes. If the correction or revision changes the type of Notice of Construction, the person must submit the appropriate application.

~~(4)~~(9) Where a permit issued in accordance with title 37 or OAR chapter 340, division 218 includes construction approval for future changes for operational flexibility, the notice requirements in this rule are waived for the approved changes.

Section 34-037 Construction Approval

(1) Approval to Construct:

(a) For Type 1 changes:~~, the owner or operator may proceed with the construction or modification 10 calendar days after LRAPA receives the notice required in 34-036 or on the date that LRAPA approves the proposed construction in writing, whichever is sooner, unless LRAPA notifies the owner or operator in writing that the proposed construction or modification is not a Type 1 change.~~

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

(B) Under paragraph 34-035(1)(a), the owner or operator of a source may proceed with the construction or modification immediately after notifying LRAPA unless ~~LRAPA~~they request~~s~~ confirmation that the proposed construction or modification qualifies as a Type 1 change. LRAPA has 30 calendar days from receipt of the written request, with a complete notice application, to provide written approval of the proposed construction or modification, or notify the owner or operator in writing that the proposed construction or modification does not qualify as a Type 1 change.

(b) For Type 2 changes, the owner or operator of a source may proceed with the construction or modification 60 calendar days after LRAPA receives the complete notice application required in section 34-036 or on the date that LRAPA approves the proposed construction or modification in writing, whichever is sooner, unless LRAPA notifies the owner or operator in writing that the proposed construction or

modification does ~~is~~ not qualify as a Type 2 change.

(c) For Type 3 changes, the owner or operator of a source must obtain either: ~~a Construction ACDP or a new or modified Standard ACDP in accordance with title 37 before proceeding with the construction or modification.~~

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

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

(d) For Type 4 changes, the owner or operator of a source must obtain either a Construction ACDP or a new or modified Standard ACDP in accordance with ~~title~~title 37 before proceeding with the construction or modification. ~~Type 4 changes may also be subject to title 38, NSR requirements.~~

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

~~(5)~~(3) Approval to construct or modify does not relieve the owner or operator of a source of the obligation of complying with applicable requirements.

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

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

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

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

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

(b) The owner or operator may submit a request to extend the construction or modification commencement deadline by submitting a written, detailed

explanation of why the source could not commence construction or modification within the initial 18-month period. LRAPA~~DEQ~~ may grant, for good cause, one 18-month construction or modification approval extension.

~~(6)~~(5) Notice of Completion. Unless otherwise specified in the ~~c~~Construction ACDP or approval, the owner or operator of a source must notify LRAPA in writing that the construction or modification has been completed using a form furnished by LRAPA. Unless otherwise specified, the notice is due 30 days after completing the construction or modification. The notice of completion must include the following:

(a) The date of completion of construction or modification; and

(b) Whether the construction or modification was completed in accordance with approved plans, specifications and any corrections or revisions thereto under OAR 340-210-0230, such as but not limited to:

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

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

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

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

~~(7)~~(6) Order Prohibiting Construction or Modification. If at any time, LRAPA determines that the proposed construction is not in accordance with applicable statutes, rules, regulations, and orders, LRAPA will issue an order prohibiting the construction or modification. The order prohibiting construction or modification will be forwarded to the owner or operator of the source by certified mail.

~~(8)~~(7) Hearing. An owner or operator of a source ~~person~~ against whom an order prohibiting construction or modification is directed may request a contested case hearing within 20 days from the date of mailing the order. The request must be in writing, state the grounds for hearing, and be mailed to the Director of LRAPA. The hearing will be conducted pursuant to the applicable provisions in title 14.

Section 34-038 Approval to Operate

(1) The approval to construct does not provide approval to operate the constructed, ~~or~~ modified, or replaced stationary source or air pollution control device unless otherwise allowed by subsection (2) or (3) or under the applicable ACDP (title 37) or Oregon Title V Operating Permit programs (~~title 37 and~~ OAR chapter 340, division 218).

~~(9)~~(2) Type 1 and 2 changes:

(a) For sources that are not required to obtain a permit in accordance with section 37-0020, Type 1 and 2 changes may be operated without further approval subject to the conditions of LRAPA's approval to construct provided in accordance with section 34-037.

(A) Approval to operate does not relieve the owner of the obligation of complying with applicable requirements that may include but are not limited to the general opacity standards in section 32-010 and general particulate matter standards in sections 32-015 and 32-030.

(B) If required by LRAPA as a condition of the approval to construct or at any other time in accordance with section 35-0120~~34-030~~, the owner or operator must conduct testing or monitoring to verify compliance with applicable requirements. All required testing must be performed in accordance with section 35-0140.

(C) The owner or operator must register the air contaminant source with LRAPA if required as a condition of the approval to construct or at any other time in accordance with section 34-030.

~~(b) For new sources that are required to obtain an ACDP in accordance with 37-0020, the ACDP, which allows operation, is required before operating the newly constructed equipment.~~

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

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

~~(10)~~(3) Type 3 and 4 changes:

(a) For new sources, or sources that have not been required to obtain a permit, Type 3 changes require the owner or operator to obtain a Construction, Basic, General, Simple, or Standard ACDP, whichever is appropriate, before operation of the approved changes.~~For new sources, Type 3 or 4 changes require a standard ACDP before operation of the changes.~~

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

~~(b)~~(c) For sources currently operating under a Basic, Simple or Standard ACDP, approval to operate a Type 3 change will require the owner or operator to obtain a new or modified Basic ACDP, a new or modified Simple ACDP, or a new or modified Standard ACDP, in accordance with title 37 before operation of the

approved changes. All current ACDP terms and conditions remain in effect until the new or modified ACDP is issued.~~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~~.

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

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

Rules Applicable To Sources Required To Have Title V Operating Permits

Section 34-170 Applicability

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

Section 34-180 Authority to Implement

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

Section 34-190 Definitions

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

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

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

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 36

EXCESS EMISSIONS

Following the reporting and recordkeeping prescribed herein or approval of procedures for startup, shutdown or maintenance ~~shall~~ will not absolve sources from enforcement action for conditions resulting in excess emissions.

Section 36-001 General Policy and Discussion

(1) Emissions of air contaminants in excess of applicable standards or permit conditions are unauthorized and are subject to enforcement action~~, pursuant to s~~ Sections 36-~~010~~ 001 through 36-030~~. These rules~~ apply to any source which emits air contaminants in ~~violation~~ excess of any applicable air quality rule or permit condition, including but not limited to excess emissions resulting from the breakdown of air pollution control devices or operating equipment, process upset, startup, shutdown, or scheduled maintenance. Sources that do not emit air contaminants in excess of any applicable air quality rule or permit condition are not subject to the recordkeeping and reporting requirements in title 36. ~~-~~Emissions in excess of applicable standards are not excess emissions if the standard is in an NSPS or NESHAP and the NSPS or NESHAP exempts startups, shutdowns and malfunctions as defined in the applicable NSPS or NESHAP.

~~(11)~~(2) The purpose of these rules is to:

(a) Require that, where applicable, the owner or operator immediately report all excess emissions to LRAPA;

(b) Require the owner or operator to submit information and data regarding conditions which resulted or could result in excess emissions;

(c) Identify criteria for LRAPA to use in determining whether it will take enforcement action against an owner or operator for an excess emission; and

(d) Provide owners and operators of sources with LRAPA Title V Operating Permits an affirmative defense to a penalty action when noncompliance with technology-based limits is due to an emergency pursuant to section 36-040.

Section 36-005 Definitions

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

(1) "Large Source", as used in this title, means any stationary source required to maintain a Title V Operating Permit or whose actual emissions or potential controlled emissions

while operating full time at the design capacity are equal to or exceed 100 tons per year of any regulated air pollutant other than GHG.

~~(12)~~(2) "Small Source" means any stationary source that is not a large source and that operates under ~~with~~ a Basic, General, Simple or Standard ACDP.

Section 36-010 Planned Startup and Shutdown

(1) This section applies to any source where startup or shutdown of a production process or system may result in excess emissions and:

(a) Which is a major source; or

(b) Which is in a non-attainment or maintenance area for the regulated pollutant which may constitute excess emissions; or

(c) From which LRAPA requires the application in subsection (2).

~~(13)~~(2) The owner or operator must obtain prior LRAPA authorization of startup and shutdown procedures. ~~-~~The owner or operator must submit to LRAPA a written application for approval of new procedures or modifications to existing procedures. ~~-~~The application must be submitted in time for LRAPA to receive it at least ~~seventy-two (~~72~~)~~ hours prior to the first occurrence of a startup or shutdown event to which the procedures apply. The application must:

(a) Explain why the excess emissions during startup and shutdown ~~will not~~cannot be avoided~~able~~;

(b) Identify the specific production process or system that will cause~~causing~~ the excess emissions;

(c) Identify the nature of the air contaminants likely to be emitted~~,~~ and estimate the amount and duration of the excess emissions; and

(d) Identify specific procedures to be followed that will minimize excess emissions at all times during startup and shutdown.

~~(14)~~(3) LRAPA will approve the procedures if it determines that they are consistent with good pollution control practices, will minimize emissions during such period to the extent practicable, and that no adverse health impact on the public will occur. ~~-~~The owner or operator must record all excess emissions in the excess emissions log as required in subsection 36-025(3). ~~-~~Approval of the procedures does not shield the owner or operator from an enforcement action, but LRAPA in determining whether a penalty action is appropriate will consider whether the procedures were followed.

~~(15)~~(4) Once LRAPA approves startup and~~/~~ shutdown procedures, the owner or operator does not have to notify LRAPA of a planned startup or shutdown event unless it results in excess

emissions.

~~(16)~~(5) When notice is required by subsection (4), it must be made in accordance with paragraph 36-020(1)(a).

~~(17)~~(6) The owner or operator is subject to the requirements under All Other Excess Emissions in section 36-020 if the owner or operator fails to obtain LRAPA approval of startup and shutdown procedures in accordance with subsection (2).

~~(18)~~(7) LRAPA may revoke or require modifications to previously approved procedures at any time by written notification to the owner or operator.

~~(19)~~(8) No startup or shutdown that may result in excess emissions associated with the approved procedures in subsection (3) are allowed during any period in which an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency has been declared, or during an announced yellow or red woodstove advisory period within areas designated by LRAPA as $PM_{2.5}$ or PM_{10} nonattainment areas.

Section 36-015 Scheduled Maintenance

(1) If the owner or operator anticipates that scheduled maintenance of air contaminant sources or air pollution control devices may result in excess emissions, the owner or operator must obtain prior LRAPA authorization of procedures that will be used to minimize excess emissions. Application for approval of procedures associated with scheduled maintenance ~~shall~~ must be submitted and received by LRAPA in writing at least ~~seventy-two (~~72~~)~~ hours prior to the event, and ~~shall~~ must include the following:

(a) The reasons explaining the need for maintenance, including but not limited to: why the maintenance activity is necessary; why it would be impractical to shut down the source operation during the maintenance activity; if applicable, why air pollution control devices must be by-passed or operated at reduced efficiency during the maintenance activity; and why the excess emissions could not be avoided through better scheduling for maintenance or through better operation and maintenance practices;

(b) Identification of the specific production or emission control device or system to be maintained;

(c) Identification of the nature of the air contaminants likely to be emitted during the maintenance period, and the estimated amount and duration of the excess emissions, including measures such as the use of overtime labor and contract services and equipment that will be taken to minimize the length of the maintenance period; and

(d) Identification of specific procedures to be followed which will minimize excess emissions at all times during the scheduled maintenance.

~~(20)~~(2) LRAPA will approve the procedures if it determines that they are consistent with good

pollution control practices, will minimize emissions during such period to the extent practicable, and that no adverse health impact on the public will occur. The owner or operator must record all excess emissions in the excess emissions log as required in subsection 36-025(3). Approval of the above procedures does not shield the owner or operator from an enforcement action, but LRAPA will consider whether the procedures were followed in determining whether an enforcement action is appropriate.

~~(21)~~(3) Once LRAPA approves the maintenance procedures ~~are approved,~~the owner~~s~~ or operator~~s~~ ~~are~~ does not ~~be required~~ have to notify LRAPA of a scheduled maintenance event unless it results in excess emissions.

~~(22)~~(4) When required by subsection (3), notification must be made in accordance with paragraph 36-020(1)(a).

~~(23)~~(5) LRAPA may revoke or require modifications to previously approved procedures at any time by written notification to the owner or operator.

~~(24)~~(6) No scheduled maintenance associated with the approved procedures in subsection (2) that is likely to result in excess emissions may occur during any period in which an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency has been declared, or during an announced yellow or red woodstove advisory period, in areas determined by LRAPA as $PM_{2.5}$ or PM_{10} nonattainment areas.

~~(25)~~(7) The owner or operator is subject to the requirements under All Other Excess Emissions in section 36-020 if the owner or operator fails to obtain LRAPA approval of maintenance procedures in accordance with subsection (1).

Section 36-020 All Other Excess Emissions

(1) ~~For~~ This rule applies to all ~~other~~ excess emissions not addressed in sections 36-010, 36-015, ~~or~~and 36-040~~., the following requirements apply:~~

(a) The owner or operator of a large source, as defined by subsection 36-005(4), must immediately notify LRAPA the first onset per calendar day of any excess emissions event, unless otherwise specified by a permit condition.

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

(c) Additional reporting and recordkeeping requirements are specified in section 36-025.

~~(26)~~(2) During any period of excess emissions, ~~LRAPA may require that an~~the owner or operator of the source must immediately reduce emissions to the greatest extent practicable or cease operation of the equipment or facility until such time as the condition causing the excess emissions has been corrected or brought under control. The owner or operator

must cease operation of the equipment or facility within eight (8) hours of the beginning of the period of excess emissions unless:~~LRAPA will consider the following factors:~~

(a) Ceasing operation could result in physical damage to the equipment or facility;~~Whether potential risk to the public or environment exists;~~

(b) Ceasing operation could cause injury to employees; or~~Whether any Air Pollution Alert, Warning, Emergency, or yellow or red woodstove curtailment period exists;~~

(c) Emissions associated with shutdown and the subsequent startup will exceed those emissions resulting from continued operation. ~~Whether shutdown could result in physical damage to the equipment or facility, or cause injury to employees; or~~

~~(d) Whether continued excess emissions were avoidable.~~

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

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

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

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

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

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

~~(27) If there is an on-going period of excess emissions, the owner or operator must cease operation of the equipment or facility no later than forty-eight (48) hours after the beginning of the excess emission period, if the condition causing the emissions is not corrected within that time. The owner or operator does not have to cease operation if~~

~~LRAPA approves procedures to minimize excess emissions until the condition causing the excess emissions is corrected or brought under control. Approval of these procedures will be based on the following information supplied to the LRAPA:~~

~~(a) The reasons why the condition causing the excess emissions cannot be corrected or brought under control, including equipment availability and difficulty of repair or installation; and~~

~~(b) Information as required in 36-010(2)(b), (c) and (d) or 36-015(1)(b), (c), and (d) as appropriate.~~

~~(28)~~(5) ~~LRAPA will approve the procedures if it determines that they are consistent with good pollution control practices, will minimize emissions during such period to the extent practicable, and that no adverse health impact on the public will occur. The owner or operator must record all excess emissions in the excess emission log as required in 36-025(3).~~ Notwithstanding subsection (2), ~~A~~at any time during the period of excess emissions, LRAPA may require the owner or operator to cease operation of the equipment or facility. ~~in accordance with subsection (2). Approval of these procedures does not shield the owner or operator from an enforcement action, but LRAPA will consider whether the procedures were followed in determining whether enforcement action is appropriate.~~

Section 36-025 Reporting and Recordkeeping Requirements

(1) For any excess emissions event at a source with an LRAPA Title V Operating Permit and for any other source as required by permit, the owner or operator ~~shall,~~must submit a written excess emission report for each calendar day of the event. ~~If required, this~~The report ~~shall~~ must be submitted within ~~fifteen (~~15~~)~~ days of the date of the event and ~~shall~~ include the following:

(a) The date and time of the beginning of the excess emissions event and the duration or best estimate of the time until return to normal operation;

(b) The date and time the owner or operator notified LRAPA of the event;

(c) The equipment involved;

(d) Whether the event occurred during startup, shutdown, maintenance, or as a result of a breakdown, malfunction, or emergency;

(e) Steps taken to mitigate emissions and corrective actions taken;

(f) The magnitude and duration of each occurrence of excess emissions during the course of an event and the increase over normal rates or concentrations as determined by continuous monitoring or a best estimate, supported by operating data and calculations;

(g) The final resolution of the cause of the excess emissions; and

(h) Where applicable, evidence supporting any claim that emissions in excess of technology-based limits were due to an emergency pursuant to section 36-040.

~~(29)~~(2) Based on the severity of the event, LRAPA may specify a shorter time period for report submittal.

~~(30)~~(3) All owners or operators must keep an excess emissions log of all planned and unplanned excess emissions. The log ~~shall~~ must include all pertinent information as required in subsection (1) and ~~shall~~ must be kept by the owner or operator for five (5) calendar years.

~~(31)~~(4) At each annual reporting period specified in a permit, or sooner if LRAPA requires, the owner or operator must submit:

(a) A copy of the excess emission log entries for the reporting period, unless previously submitted in accordance with subsection (1); and

(b) Where applicable, current procedures to minimize emissions during startup, shutdown, or maintenance, as outlined in sections 36-010 and 36-015. The owner or operator must specify in writing whether these procedures are new, modified, or have already been approved by LRAPA.

Section 36-030 Enforcement Action Criteria

In determining whether to take enforcement action for excess emissions, LRAPA considers, based upon information submitted by the owner or operator, the following:

(1) Whether the owner or operator met the notification, recordkeeping, and reporting requirements of sections 36-020 and 36-025;

~~(32)~~(2) Whether during the period of the excess emissions event the owner or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other permit requirements;

~~(33)~~(3) Whether the owner or operator took appropriate remedial action;

~~(34)~~(4) Whether the owner or operator followed procedures approved by LRAPA for startup, shutdown, or scheduled maintenance at the time of the excess emissions;

~~(35)~~(5) Whether any federal New Source Performance Standard (NSPS) or National Emission Standard for Hazardous Air Pollutants (NESHAP) applies and whether the excess emission event caused a violation of the federal standard;

~~(36)~~(6) Whether the excess emissions event was due to an emergency; and

~~(37)~~(7) Whether the event was due to the owner's or operator's negligent or intentional operation. For LRAPA to find that an incident of excess emissions is not due to the owner's or operator's negligent or intentional operation, LRAPA may ask the owner or operator to demonstrate that all of the following conditions were met:

(a) The process or handling equipment and the air pollution control device were at all times maintained and operated in a manner consistent with good practice for minimizing emissions;

(b) Repairs or corrections were made in an expeditious manner when the operator(s) knew or should have known that emission limits were being or were likely to be exceeded. Expeditious manner may include such activities as use of overtime labor or contract labor and equipment that would reduce the amount and duration of excess emissions; and

(c) The event was not one in a recurring pattern of incidents that indicate inadequate design, operation, or maintenance.

Section 36-040 Emergency as an Affirmative Defense for Title V Permitted Sources

(1) An emergency constitutes an affirmative defense to penalty actions due to non-compliance with technology-based emission limits in an LRAPA Title V Operating Permit if the owner or operator notifies LRAPA immediately of the emergency condition and provides and demonstrates through properly signed, contemporaneous operating logs, excess emission logs, or other relevant evidence that:

(d) An emergency occurred and caused the excess emissions;

(e) The cause of the emergency;

(f) The facility was at the time being properly operated;

(g) During the occurrence of the emergency, the owner or operator took all reasonable steps to minimize levels of excess emissions; and

(h) The notification to LRAPA contained a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(38) The owner or operator seeking to establish the occurrence of an emergency has the burden of proof by a preponderance of the evidence.

(39) This provision is in addition to any emergency or any other excess emissions provisions contained in any applicable requirement.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 37

AIR CONTAMINANT DISCHARGE PERMITS

Section 37-0010 Purpose

This title prescribes the requirements and procedures for obtaining Air Contaminant Discharge Permits (ACDPs) under ORS 468A.040 through 468A.060 and related statutes for sources of air contaminants.

Section 37-0020 Applicability and Jurisdiction

(1) This title applies to all sources referred to in section 37-8010 Table 1. This title also applies to Oregon Title V Operating Permit program sources when an ACDP is required by OAR 340-218-0020 or section 38-0010. Sources referred to in section 37-8010 Table 1 are subject to fees set forth in section 37-8020 Table 2.

~~(40)~~(2) Owners or operators of ~~S~~sources in any one of the categories in section 37-8010 Table 1 ~~(Table 1)~~ must obtain a permit. Source categories are not listed in alphabetical order. If a source meets the requirements of more than one of the source categories and the source is not eligible for a Basic ACDP or a General ACDP that has been authorized by LRAPA, then the owner or operator of the source must obtain a Simple or Standard ACDP. LRAPA may determine that a source is ineligible for a Basic ACDP or a General ACDP based upon the considerations in ~~OAR 340-216~~subsection 37-0025(7). ~~Source categories are not listed in alphabetical order.~~

(a) ~~The~~Owners or operators of commercial and industrial sources listed in Table 1, Part A must obtain a Basic ACDP under section 37-0056 unless the person~~source~~ chooses to obtain a General, Simple or Standard ACDP for the source. For purposes of section 37-8010 Table 1, Part A, production and emission parameters are based on the latest consecutive 12-month period, or future projected operation, whichever is higher. ~~Emission cutoffs are based on actual emissions.~~

(b) Owners or operators of ~~S~~sources in any one of the categories in Table 1, Part B must obtain one of the following unless otherwise allowed in Table 1, Part B:

(A) A General ACDP, if one is available for the source classification and the source qualifies for a General ACDP under section 37-0060;

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

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

(c) Owners or operators of ~~S~~sources in any one of the categories in Table 1, Part C

must obtain a Standard ACDP under the procedures set forth in section 37-0066.

~~(41)~~(3) No person may construct, install, establish, develop or operate any air contaminant source which is listed in section 37-8010 Table 1 without first obtaining an ~~Air Contaminant Discharge Permit (~~ACDP~~)~~ from ~~DEQ or~~ LRAPA and keeping a copy onsite at all times, unless otherwise deferred from the requirement to obtain an ACDP in paragraph (3)(~~b~~c) or LRAPA has granted an exemption from the requirement to obtain an ACDP under paragraph (3)(e). ~~-~~No person may continue to operate an air contaminant source if the ACDP expires, or is terminated, denied, or revoked; except as provided in section 37-0082.

(a) The owner or operator must construct and operate their facility in accordance with the approved plans and specifications, including any corrections or revisions approved by LRAPA, previously submitted in the application required under ~~OAR 340-216~~section 37-0040.

~~(a)~~(b) For portable sources, a ~~single~~ permit may be issued or assigned by DEQ for operation in any area of the state except Lane County or LRAPA for operation in Lane County. ~~for operating at any area of the state if the permit includes the requirements from both DEQ and LRAPA. DEQ or LRAPA, depending where the portable source's corporate offices are located, will be responsible for issuing the permit. If the corporate office of a portable source is located outside of the state, DEQ will be responsible for issuing the permit, unless the source applies initially to be permitted to operate only in Lane County, then LRAPA will be responsible for issuing the permit.~~

~~(b)~~(c) ~~An air contaminant~~ The owner or operator of a source required to obtain an ACDP or ACDP Attachment ~~under~~ in order to comply with a NESHAP under title 44 or a NSPS under title 46 is not required to submit an application for an ACDP or ACDP Attachment until four (4) months after the effective date of the LRAPA Board's adoption of the NESHAP or NSPS, and is not required to obtain an ACDP or ACDP Attachment until six (6) months after the LRAPA Board's adoption of the NESHAP or NSPS. ~~-~~In addition, LRAPA may defer the requirement to submit an application for, or to obtain an ACDP or ACDP Attachment, or both, for up to an additional twelve months, subject to subparagraphs (A) and (B).

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

~~(d)~~(B) Subparagraphs 37-0060(1)(b)(A), 37-0062(2)(b)(A) and paragraphs~~,~~ 37-0064(4)(a)~~,~~ and 37-0066(3)(a), do not relieve a permittee from the responsibility of complying with federal NESHAP or NSPS requirements that apply to the source even if LRAPA has not incorporated such requirements into the permit.

~~(e)~~(d) LRAPA may exempt a source from the requirement to obtain an ACDP if it determines that the source is subject to only procedural requirements, such as notification that the source is affected by an NSPS or NESHAP.

~~(42)~~(4) No person may construct, install, establish, or develop any source that will be subject to the Oregon Title V Operating Permit program without first obtaining an ACDP ~~from LRAPA~~, unless the source may be placed onsite and operated without any other construction necessary and obtains an Oregon Title V Operating Permit prior to operation.

~~(43)~~(5) ~~No person may modify any~~The owner or operator of a source that has been issued an ACDP may not modify the source without first complying with the requirements of sections 34-010 and 34-~~035~~ 034 through 34-038.

~~(44)~~(6) ~~No person may modify any~~The owner or operator of a source required to have an ACDP may not make modifications to ~~such that~~ the source that would result in the source becoming ~~becomes~~ subject to the Oregon Title V Operating Permit program without complying with the requirements of sections 34-010 and 34-~~035~~ 034 through 34-038.

(7) The owner or operator of a source required to have an ACDP ~~No person~~ may not increase emissions above the PSEL ~~by more than the de minimis levels specified in LRAPA title 12~~ without first applying for and obtaining a modified ACDP.

~~(45)~~(8) The owner or operator of a source that has been issued an ACDP may not violate any conditions included in the ACDP.

Section 37-0025 Types of Permits

(1) Construction ACDP:

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

(b) A Construction ACDP is required for Type 3 changes specified in section 34-035 at sources subject to the Oregon Title V Operating Permit program requirements.

~~(46)~~(2) General ACDP. A General ACDP is a permit for a category of sources for which individual permits are unnecessary in order to protect the environment, as determined by LRAPA. An owner or operator of a source may be assigned to a General ACDP if LRAPA has issued a General ACDP for the source category and:

(a) The source meets the qualifications specified in the General ACDP;

(b) LRAPA determines that the source has not had ongoing, recurring, or serious compliance problems; and

(c) LRAPA determines that a General ACDP would appropriately regulate the source.

~~(47)~~(3) Short Term Activity ACDP. A Short Term Activity ACDP is a letter permit that authorizes the activity and includes any conditions placed upon the method or methods of operation of the activity. ~~-~~LRAPA may issue a Short Term Activity ACDP for activities included in ~~OAR 340-216~~section 37-0054.~~unexpected or emergency activities, operations, or emissions.~~

~~(48)~~(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 37-8010 must, at a minimum, obtain a Basic ACDP.

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

~~(49)~~(5) Simple ACDP

(a) Owners and operators of sources and activities listed in Table 1, Part B of section 37-8010 that do not qualify for a General ACDP and are not required to obtain a Standard ACDP must, at a minimum, obtain a Simple ACDP. The owner or operator of a~~Any~~ source required to obtain a Simple ACDP may choose to obtain a Standard ACDP. ~~LRAPA may determine that a source is ineligible for a Simple ACDP and must obtain a Standard ACDP based upon, but not limited to, the following considerations:~~

~~(A) The na'ture, extent, and toxicity of the source's emissions;~~

~~(B) The complexity of the source and the rules applicable to that source;~~

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

~~(D) The location of the source; and~~

~~(E) The compliance history of the source.~~

(b) A Simple ACDP is a permit that contains:

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

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

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

~~(D) A permit duration not to exceed 5 years.~~

~~(50)~~(6) Standard ACDP:

(a) Applicability

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

(B) The owner or operator of a source listed in Table 1, Part B of section 37-8010 that does not qualify for a General ACDP or Simple ACDP must obtain a Standard ACDP.

(C) The owner or operator of a source not required to obtain a Standard ACDP may choose to apply for~~obtain~~ a Standard ACDP.

(b) A Standard ACDP is a permit that contains:

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

(B) ~~Source specific~~ PSELs for all regulated pollutants emitted at more than the de minimis emission level~~or Generic PSEL levels, whichever are applicable, as specified in~~ in ~~according to~~accordance with ~~title~~title 42; and

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

~~(D) A permit duration not to exceed 5 years.~~

(7) Notwithstanding the other provisions of this section that establish the eligibility of a source for different types of ACDPs, LRAPA may determine, pursuant to the standards described ~~paragraph~~subsection (8), that the owner or operator of a source is ineligible for certain types of ACDP and must be issued a different type of ACDP.

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

(a) The nature, extent, toxicity and impact on human ~~'~~health and the environment of the source's emissions;

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

(c) The complexity of the emission controls, potential threat to human health and the environment if the emission controls fail, and the source's capacity;

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

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

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

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

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

Section 37-0030 Definitions

The definitions in title 12, section 29-0010, OAR 340-245-0020 and this section apply to this title. If the same term is defined in this section and title 12 or OAR 340-245-0020, the definition in this section applies to this title.

(1) "Basic technical modification" includes, but is not limited to changing source test dates if the equipment is not being operated, and similar changes.

~~(51)~~(2) "Complex technical modification" includes, but is not limited to incorporating a complex new compliance method into a permit, adding a complex compliance method or monitoring for an emission point or control device not previously addressed in a permit, adding a complex new applicable requirement into a permit due to a change in process or change in rules, and similar changes.

~~(52)~~(3) "Moderate technical modification" includes, but is not limited to adding a simple compliance method or monitoring for an emission point or control device not previously addressed in a permit, revising monitoring and reporting requirements other than dates and frequency, adding a new applicable requirement into a permit due to a change in process or change in rules, incorporating complex NSPS and NESHAP requirements, and similar changes.

~~(53)~~(4) "Non-technical modification" means name changes, change of ownership, correction of typographical errors and similar administrative changes.

~~(54)~~(5) "Simple technical modification" includes, but is not limited to modifying a compliance method to use different emission factors or process parameters, changing reporting dates or frequency, incorporating simple NSPS and NESHAP requirements, and similar changes.

Section 37-0040 Application Requirements

~~(55)~~(1) New Permits.

(a) Except for Short Term Activity ACDPs, any person required to obtain a new

ACDP must provide a complete application with the following general information, as applicable, ~~using forms provided by LRAPA~~ in addition to any other information required for a specific permit type. Complete applications must be submitted using electronic forms provided by LRAPA, unless otherwise approved in writing by LRAPA:

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

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

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

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

(E) A plot plan showing the location and height of all emissions units, devices and activities that emit to the atmosphere, including any air pollution control devices,~~air contaminant sources. The plot plan must also indicate~~ and the nearest residential ~~or~~and commercial propert~~y~~ies;

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

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

~~(F)~~(H) The type and quantity of fuels used;

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

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

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

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

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

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

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

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

(O) An air quality analysis, conducted in accordance with the procedures in ~~OAR chapter 340, division 225~~title 40, demonstrating that the emissions, including reductions due to air pollution control devices or permitted limits on production capacity, will not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under ~~OAR chapter 340, division 202~~title 50;

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

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

(R) Anticipated date of construction completion; and

~~(M)~~(S) Any other information requested by LRAPA.

(b) Owners or operators must submit complete ~~A~~applications for new permits ~~must be submitted at least 60 days prior to when a permit is needed. When preparing an application, the applicant must also consider~~in accordance with the timelines provided in paragraph (2)(b), as well as OAR 340-245-0030, Cleaner Air Oregon submittal and payment deadlines, and section 38-0030, permit applications subject to New Source Review, to allow LRAPA adequate time to process the

application and issue a permit before it is needed.

~~(56)~~(2) Permit Renewals ~~Permits~~. ~~Except for Short Term Activity ACDPs, a~~Any person who wants ~~required~~ to renew an existing permit must submit a complete application~~the information identified in subsection (1)~~ using forms provided by LRAPA, unless otherwise allowed in writing by LRAPA. ~~unless there are no significant changes to the permit. If there are significant changes, the applicant must provide the information identified in subsection (1) only for those changes.~~

(a) The renewal application must include:

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

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

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

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

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

~~(a) Where there are no significant changes to the permit, the applicant may use a streamlined permit renewal application process by providing the following information:~~

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

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

(b) The owner or operator must submit an application for renewal of the existing permit by no later than:

(A) 30 days prior to the expiration date of a Basic ACDP;

(B) 120 days prior to the expiration date of a Simple ACDP; or

(C) 180 days prior to the expiration date of a Standard ACDP.

(c) LRAPA must receive an application for reassignment to General ACDPs and General ACDP attachments within 30 days prior to expiration of the General ACDPs or General ACDP attachments.

(3) Permit Modifications.

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

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

~~(57)~~(c) When required by LRAPA, the owner or operator must submit an air quality analysis demonstrating that the emissions, including reductions due to air pollution control devices or permitted limits on production capacity, will not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50.

~~(58)~~(4) Any ~~owner or operator~~person who fails to submit any relevant facts or who has submitted incorrect information in a permit application must, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.

~~(59)~~(5) ~~The~~ Permit applications must be completed in full and signed by the applicant or the applicant's legally authorized representative.

~~(60) 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.~~

~~(61)~~(6) When a ~~A copy of~~ permit application~~s~~ is subject to Major NSR under title 38, a copy of the permit application, including all supplemental and supporting information, must also be submitted directly to the EPA.

~~(62)~~(7) The name of the applicant on a permit application must be the legal name of the facility's owner, ~~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 Oregon Secretary of State Corporation~~s~~ Division, unless the applicant is an individual person that is operating the

facility or applying for the permit, and is not doing so under an assumed business name.

~~(63)~~(8) Once an application is deemed complete by LRAPA, all ~~applications~~ applicants must submit the appropriate fees invoiced by LRAPA as specified in Table 2 of section 37-8020 and Table 3 of section 37-8030.

~~(64)~~(9) Permit ~~A~~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.

~~(65)~~(10) Within 15 days after receiving the application, LRAPA will preliminarily review the application to determine the adequacy of the information submitted, and:

(a) If LRAPA determines that additional information is needed, LRAPA will promptly ask the applicant for the needed information and provide the applicant with a written request to provide such information by a date, not to exceed a 60-day period;~~. 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) An applicant may request an extension of time from a deadline established in ~~subsection~~paragraph (a) by providing LRAPA with a written request 15 days prior to the submittal deadline. LRAPA may grant an extension based on the following criteria:

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

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

(c) If~~,~~ LRAPA determines it is not able to approve the applicant's submittal, or if the applicant does not timely provide additional information or corrections requested by LRAPA under ~~subsection~~paragraph (a), then in addition to any other remedies available, LRAPA may issue a proposed denial of the application under ~~OAR 340-209~~31-0080(6);~~in the opinion of LRAPA, additional measures are necessary to gather facts regarding the application,~~

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

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

~~(66)~~(11) If at any time while processing the permit application, LRAPA determines that additional information is needed, LRAPA will follow the procedures in subsection (10) to request such information.~~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.~~

~~(67)~~(12) If, upon review of an application, LRAPA determines that a permit is not required, LRAPA will so notify the applicant in writing. Such notification is a final action by LRAPA on the application.

Section 37-0052 Construction ACDP

(1) Purpose. A Construction ACDP is a permit for approval of Type 3 construction or modification changes as specified in sections 34-035 and 34-037. The Construction ACDP includes requirements for the construction or modification of stationary sources or air pollution control devices and does not by itself provide authorization to operate the new construction or modification. A new or modified Standard ACDP or LRAPA Title V Operating Permit is required before operation of the new construction or modification. A Construction ACDP may be used for the following situations:

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

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

~~(68)~~(2) Application requirements. Any person requesting a Construction ACDP must:

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

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

~~(69)~~(3) Fees. Applicants for a Construction ACDP must pay the fees set forth in Table 2 of

section 37-8020.

~~(70)~~(4) Permit content. A Construction ACDP must include at least the following:

(a) A requirement that construction must commence within 18 months after the permit is issued if required by subsection 38-0030(4);

(b) A requirement to construct in accordance with approved plans;

(c) A requirement to comply with all applicable requirements;

(d) Emission limits for affected stationary sources;

(e) Performance standards for affected stationary sources and air pollution control devices;

(f) Performance test requirements;

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

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

(i) General ACDP conditions for incorporating generally applicable requirements;

(j) A requirement to modify the operating permit before commencing operation of the new construction or modification;

(k) A permit expiration date of no more than five (5)~~5~~ years; and

(l) Oregon Title V Permit Program requirements as specified in OAR 340-218-0050, if the applicant requests the external review procedures in OAR 340-218-0210 and 340-218-0230.

~~(71)~~(5) Permit issuance procedures:

(a) A Construction ACDP requires that LRAPA provide public notice in accordance with title 31 as a Category III permit action.

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

(c) Issuance of a modified Construction ACDP requires the following public notice, as applicable:

(A) Public notice as a Category I permit action under title 31 for non-technical modifications and basic and simple technical modifications; or

(B) Public notice as a Category II permit action under title 31 for ~~Non-NSR/PSD~~ moderate and complex technical modifications.

~~(72)~~(6) Construction ACDPs may not be renewed.

Section 37-0054 Short Term Activity ACDPs

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

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

(b) Unexpected or emergency activities; or

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

~~(1)~~(2) Application requirements. ~~-~~Any person requesting a Short Term Activity ACDP must apply in writing, fully describing the ~~emergency and the~~ proposed activities, operations, and emissions. ~~-~~The application must include the ~~fees specified in subsection (2)~~following:~~.~~

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

(b) The name and phone number of a local person responsible for compliance with the permit;

(c) The name of a person authorized to receive requests for data and information;

(d) A description of the production processes and related flow chart;

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

(f) The type and quantity of fuels used;

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

(h) Land use approval;

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

(j) Anticipated date of construction completion; and

(k) When required by DEQ, an air quality analysis, conducted in accordance with the procedures in ~~OAR chapter 340, division 225~~title 40, demonstrating that the source's emissions will not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under ~~OAR chapter 340, division 202~~title 50.

~~(73)~~(3) Fees. Applicants for a Short Term Activity ACDP must pay the fees in Table 2 of section 37-8020.

~~(74)~~(4) Permit content:

(a) A Short Term Activity ACDP must include conditions that ensure adequate protection of property and preservation of public health, welfare, and resources.

(b) A Short Term Activity ACDP may not include a PSEL for any air contaminants discharged as a result of the permitted activity.

(c) A Short Term Activity ACDP will automatically terminate 60 days from the date of issuance ~~and may not be renewed~~. The permittee may request that the Short Term Activity ACDP be renewed one time, for an additional 60-day period by notifying LRAPA in writing at least 14 days before the expiration of the Short Term Activity ACDP. If LRAPA approves the renewal, no additional permit fees are required.

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

~~(75)~~(6) Permit issuance public notice procedures. A Short Term Activity ACDP requires public notice as a Category I permit action under title 31.

Section 37-0056 Basic ACDPs

(1) Application requirements. Any person requesting a Basic ACDP must submit an application ~~according to~~in accordance with title 37 ~~37-0040 and provide the information specified in 37-0040(1)~~.

(2) LRAPA may determine that a source is ineligible for a Basic ACDP based upon the considerations in ~~OAR 340-216~~subsection 37-0025(7).

~~(76)~~(3) Fees. Applicants for a new Basic ACDP must pay the fees in Table 2 of section 37-8020.

~~(77)~~(4) Permit content:

(a) A Basic ACDP will contain only the most significant and relevant rules applicable to the source.

(b) A Basic ACDP may not contain a PSEL;

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

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

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

~~(78)~~(5) Permit issuance public notice procedures. A Basic ACDP requires public notice as a Category I permit action ~~according to~~in accordance with title 31.

Section 37-0060 General Air Contaminant Discharge Permits

(1) Applicability.

(a) LRAPA may issue a General ACDP under the following circumstances:

(A) There are multiple sources that involve the same or substantially similar types of operations;

(B) All requirements applicable to the covered operations can be contained in a General ACDP;

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

(D) The regulated pollutants emitted are of the same type for all covered operations.

(E) LRAPA may determine that a source is ineligible for a General ACDP based upon the considerations in ~~OAR 340-216~~subsection 37-0025(7).

(b) Permit content. Each General ACDP must include the following:

(A) All relevant requirements for the operations covered by the General ACDP, excluding any federal requirements not adopted by the Board or EQC;

(B) ~~Generic~~ PSELs set at the potential to emit for the largest emitting source in the source category in the state for all regulated pollutants emitted at more than the de minimis emission level in accordance with title 42;

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

(D) A permit expiration date not to exceed ten (10) years from the date of issuance.

(c) Permit issuance public notice procedures: A new General ACDP requires public notice as a Category III permit action ~~according to~~in accordance with title 31. ~~-~~A reissued General ACDP or a modification to a General ACDP requires public notice as a Category II permit action ~~according to~~in accordance with title 31.

(d) LRAPA will retain all General ACDPs on file and make them available for public review at LRAPA.

(2) Petition for General ACDP Categories. Any person may file a petition with LRAPA to add a category for a General ACDP. LRAPA may use its discretion to determine whether to issue any such new General ACDP. The petition must include at least the following information:

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

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

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

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

~~(79)~~(3) Source assignment:

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

(b) Fees. ~~-~~Applicants must pay the fees set forth in Table 2 of section 37-8020. ~~-~~The fee class for each General ACDP is Fee Class One unless otherwise specified as follows:

(A) Hard chrome platers – Fee Class Three;

(B) Decorative chrome platers – Fee Class Four;

(C) Halogenated solvent degreasers ~~-~~ batch cold – Fee Class Two;

(D) Perchloroethylene dry cleaners – Fee Class Six;

(E) Asphalt plants – Fee Class Three;

(F) Rock crushers – Fee Class Two;

(G) Ready-mix concrete – Fee Class One;

(H) Sawmills, planing mills, millwork, plywood manufacturing and veneer drying – Fee Class Three;

(I) Boilers – Fee Class Two;

(J) Crematories – Fee Class One;

(K) Coffee roasters – Fee Class One;

(L) Bulk gasoline plants – Fee Class One;

(M) Electric power generators – Fee Class Two;

(N) Clay ceramics – Fee Class One;

~~(O) Secondary nonferrous metals – Fee Class One;~~

~~(P)~~(O) Gasoline dispensing facilities ~~–~~ – stage I – Fee Class Five;

~~(Q)~~(P) Wood preserving – Fee Class Four;

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

~~(S)~~(R) Plating and polishing – Fee Class One;

~~(T) Paint stripping – Fee Class One;~~

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

~~(V) Aluminum, copper, and nonferrous foundries – Fee Class Two;~~

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

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

(V) Air curtain incinerators – Fee Class One.

~~(X)~~

(c) Source assignment procedures:

(A) Assignment of a source to a General ACDP is subject to public notice in accordance with title 31 for Category I permit actions.

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

(C) Assignments to General ACDPs and attachment terminate when the General ACDP or the attachment expires or is modified, terminated or revoked.

(D) Once a source has been assigned to a General ACDP, if the assigned General ACDP does not cover all applicable requirements ~~applicable to the source~~, excluding any federal requirements not adopted by the EQC or the Board, the other applicable requirements must be covered by assignment to one or more General ACDP Attachments ~~according to~~in accordance with section 37-0062, otherwise the owner or operator of the source must obtain a Simple or Standard ACDP.

(E) An owner or operator of a source requesting to be assigned to a General ACDP Attachment, in accordance with section 37-0062, for a source category in a higher annual fee class than the General ACDP to which the source is currently assigned, must be reassigned to the General ACDP for the source category in the higher annual fee class.

~~(80)~~(4) LRAPA Initiated Modification. If LRAPA determines that the conditions have changed such that a General ACDP for a category needs to be modified, LRAPA may issue a ~~new~~ modified General ACDP for that category and assign all existing General ACDP permit holders to the ~~new~~ modified General ACDP.

~~(81)~~(5) Rescission~~.~~.' LRAPA may rescind a ~~an individual source~~''~~s~~permittee's assignment to a General ACDP if the permittee's source no longer meets the requirements or qualification conditions of the permit. ~~-~~In such case, the permittee~~source~~ must submit an application within 60 days for a Simple or Standard ACDP upon notification by LRAPA of LRAPA's intent to rescind the General ACDP. Upon issuance of the Simple or Standard ACDP, or if the permittee~~source~~ fails to submit an application for a Simple or Standard ACDP,~~-~~ '~~'~~LRAPA will rescind the permittee's~~source~~''~~s~~ assignment to the General ACDP.

Section 37-0062 General ACDP Attachments

(1) Purpose. This rule allows a source to be assigned to one General ACDP and one or more General ACDP Attachments, as long as the General ACDP and General ACDP Attachment contain all requirements applicable to the source. This would allow a source to avoid having to obtain a more costly Simple or Standard ACDP if there are no General ACDPs that contain all requirements applicable to the source.

~~(82)~~(2) Applicability.

(a) LRAPA may issue a General ACDP Attachment under the following

circumstances:

(A) There are multiple sources that involve the same or substantially similar types of operations;

(B) All requirements applicable to the covered operations can be contained in a General ACDP Attachment;

(C) The emission limitations, monitoring, recordkeeping, reporting and other enforceable conditions are the same for all operations covered by the General ACDP Attachment;

(D) The regulated pollutants emitted are of the same type for all covered operations. If a General ACDP and a General ACDP Attachment cannot address all activities at a source, the owner or operator of the source must apply for Simple or Standard ACDP in accordance with this title.

(b) Attachment content. Each General ACDP Attachment must include the following:

(A) All relevant requirements for the operations covered by the General ACDP Attachment, excluding any federal requirements not adopted by the Board;

(B) Testing, monitoring, recordkeeping, and reporting requirements necessary to ensure compliance with the applicable emissions limits and standards; and

(C) An attachment expiration date not to exceed ten (10) years from the date of issuance.

(c) Attachment issuance public notice procedures: A General ACDP Attachment requires public notice as a Category II permit action ~~according to~~in accordance with title 31.

(d) LRAPA will retain all General ACDP Attachments on file and make them available for public review.

~~(83)~~(3) Source assignment:

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

(b) Fees. Applicants must pay the fees in Table 2 of section 37-8020 for each assigned General ACDP Attachment. The fee class for each General ACDP Attachment is Fee Class Five.

(c) Assignment procedures:

(A) Assignment to a General ACDP Attachment is a Category I permit action and is subject to the Category I public notice requirements ~~according to~~in accordance with title 31.

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

(C) Assignment to a General ACDP Attachment terminates when the General ACDP Attachment expires or is modified, terminated or revoked.

(D) A source may not be assigned to a General ACDP Attachment for a source category in a higher annual fee class than the General ACDP to which the source is currently assigned. Instead, a source must be reassigned to the General ACDP for the source category in the higher annual fee class in accordance with subparagraph 37-0060(2)~~(c)~~(c)(E) and may be assigned to one or more General ACDP Attachments associated with source categories in an equal or lower annual fee class.

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

Section 37-0064 Simple ACDPs

(1) Application Requirements. Any person requesting a new, modified, or renewed Simple ACDP must submit an application ~~according to~~in accordance with section 37-0040.

(2) LRAPA may determine that a source is ineligible for a Simple ACDP based upon the considerations in ~~OAR 340-216~~subsection 37-0025(7).

~~(84)~~(3) Fees. Applicants for a new or modified Simple ACDP must pay the fees set forth in Table 2 of section 37-8020. Applicants for a new Simple ACDP must initially pay the High Annual Fee. Once the initial permit is issued, annual fees for Simple ACDPs will be assessed based on the following:

(a) Low F~~ee~~ -- A source may qualify for the low fee if:

(A) The source is, or will be, permitted under only one of the following categories in section 37-8010 Table 1, Part B:

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

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

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

than 500 kW;

(iv) Category 30. Galvanizing ~~&~~ and pipe coating;

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

(vi) Category 37. Gypsum products manufacturing;

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

(viii) Category 51. Organic or inorganic industrial chemical manufacturing and distribution with ½ or more tons per year emissions of any one criteria pollutant, sources in this category with less than ½ ton/year of each criteria pollutant are not required to have an ACDP;

(ix) Category 63. Secondary smelting and/or refining of ferrous and non-ferrous metals;

(x) Category 74. All other sources not listed in Table 1, 37-8010 that LRAPA determines an air quality concern exists including minor sources of HAPs not elsewhere classified or one which would emit significant malodorous emissions; or

(xi) Category 75. All other sources not listed in Table 1, section 37-8010 (can be combined with category 25. Electrical power generation); and/or

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

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

(b) High F~~ee~~ -- Any source required to have a Simple ACDP (section 37-8010 Table 1 Part B) that does not qualify for the low fee under paragraph (2)(a) will be assessed the high fee.

(c) If LRAPA determines that a source was invoiced for the low annual fee but does not meet the low fee criteria outlined above, the source will be required to pay the difference between the low and high fees, plus applicable late fees in section 37-8020 Table 2. ~~Late fees start upon issuance of the initial invoice.~~ In the case of late fees ~~this case~~, LRAPA will issue a new invoice specifying applicable fees.

~~(85)~~(4) Permit Content. Each Simple ACDP must include the following:

(a) All relevant applicable requirements for source operation, including general ACDP conditions for incorporating generally applicable requirements, but excluding any federal requirements not adopted by the Board or EQC;

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

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

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

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

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

~~(d)~~(e) A permit duration not to exceed ten (~~5~~ 10) years.

~~(86)~~(5) Permit issuance public notice procedures:

(a) Issuance of a new or renewed Simple ACDP requires public notice as a Category III permit ~~according to~~in accordance with title 31.

(b) Issuance of a modification to a Simple ACDP requires one of the following procedures, as applicable:

(A) Public notice as a Category I permit action for non-technical modifications and basic and simple technical modifications ~~according to~~in accordance with title 31; or

(B) Public notice as a Category III permit action for moderate and complex technical modifications in accordance with~~according to~~ title 31.

Section 37-0066 Standard ACDPs

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

~~(c)~~(a) New or modified Standard ACDPs that are not subject to Major NSR, but have emissions increases above the significant emissions rate are subject to the requirements of State NSR. The application must include an analysis of the air quality and, for federal major sources only, the visibility impacts of the source or modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts.

~~(d)~~(b) For new or modified Standard ACDPs that are subject to Major NSR, the application must include the following information as applicable:

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

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

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

~~(87)~~(2) Fees. Applicants for a Standard ACDP must pay the fees set forth in Table 2, section 37-8020.

~~(88)~~(3) Permit content. Each Standard ACDP must include the following:

(a) All applicable requirements, including general ACDP conditions for incorporating generally applicable requirements but excluding any federal requirements not adopted by the Board or EQC;

(b) ~~Source specific~~ PSELs for all regulated pollutants emitted at more than the de minimis emission level ~~or Generic PSEL levels, whichever are applicable,~~ under title 42;

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

(A) Any physical or operational limitation, including any combination of the use of control devices, restrictions on hours of operation, or restrictions on

the type or amount of materials combusted, stored, or processed, will be included as permit conditions to limit short term emissions for all devices and activities that require controls or limitations; or

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

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

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

~~(89)~~(4) Permit issuance procedures.

(a) Issuance of a new or renewed Standard ACDP requires public notice under title 31 as follows:

(A) Public notice as a Category III permit action for permit actions that will increase allowed emissions but that are not a Major NSR or Type A State NSR permit actions under title 38, ~~or~~ and as a Category III permit action if the permit will not increase allowed emissions.

(B) Public notice as a Category IV permit action for permit actions that are Major NSR or Type A NSR permit actions under title 38.

(b) Issuance of a modified Standard ACDP requires public notice under title 31 as follows:

(A) Public notice as a Category I permit action for non-technical modifications and basic and simple technical modifications.

(B) Public notice as a Category II permit action for moderate and complex technical modifications if there will be no increase in allowed emissions, or as a Category III permit action if there will be an increase in emissions;

(C) Public notice as a Category IV permit action for major modifications subject to M~~m~~ajor NSR or Type A State NSR under title 38.

Section 37-0068 Simple and Standard ACDP Attachments

(1) Purpose. This section allows LRAPA to add new requirements to existing Simple or Standard ACDPs by assigning the source to an ACDP Attachment issued under subsection (2). An ACDP Attachment would apply to an affected source until the new requirements are incorporated into the source's Simple or Standard ACDP at the next permit renewal or at the time of permit modification.

~~(90)~~(2) ACDP Attachment issuance procedures:

(a) An ACDP Attachment issuance requires public notice as a Category II permit action under title 31~~, except that~~. Assigning ACDP Attachments to Simple or Standard ACDPs require notice as Category I permit actions.

(b) LRAPA may issue an ACDP Attachment when there are multiple sources that are subject to the new requirements.

(c) Attachment content. Each ACDP Attachment must include the following:

(A) Testing, monitoring, recordkeeping, and reporting requirements necessary to ensure compliance with the applicable emissions limits and standards; and

(B) An attachment expiration date not to exceed five (5) years from the date of issuance.

~~(91)~~(3) Assignment to ACDP Attachment:

(a) A source is not a permittee under the ACDP Attachment until LRAPA assigns the ACDP Attachment to the source.

(b) The ACDP Attachment is removed from the Simple or Standard ACDP when the requirements of the ACDP Attachment are incorporated into the source's Simple or Standard ACDP at the time of renewal or modification.

(c) If an EPA, DEQ, or LRAPA action causes a source to be subject to the requirements in an ACDP Attachment, assignment to the ACDP Attachment is a LRAPA initiated modification to the Simple or Standard ACDP and the permittee is not required to submit an application or pay fees for the permit action. In such case, LRAPA would notify the permittee of the proposed permitting action and the permittee may object to the permit action if the permittee demonstrates that the source is not subject to the requirements of the ACDP Attachment.

Section 37-0069 Toxic Air Contaminant Permit Addendums

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

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

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

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

~~(92)~~(2) A Toxic Air Contaminant Permit Addendum will be incorporated into a source's ACDP upon renewal or modification that involves a public notice for which LRAPA ~~has~~ will follow~~ed~~ the Category II or Category III public notice procedure in title 31, except for sources that have Basic or General ACDPs.

~~(93)~~(3) Section~~s~~ 37-0062 and 37-0068 do not apply to Toxic Air Contaminant Permit Addenda.

Section 37-0070 Permitting a Source with Multiple Activities or Processes at a Single Adjacent or Contiguous Site

A single or contiguous site containing activities or processes that are covered by more than one General ACDP, or a source that contains processes or activities listed in more than one part of Table 1, Part A to Part C, section 37-8010 may obtain a Standard ACDP, even if not otherwise required to obtain a Standard ACDP under this title.

Section 37-0082 Expiration, Termination, Reinstatement or Revocation of an ACDP

(1) Expiration

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

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

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

(b) If a timely and complete renewal or reassignment application has been submitted, the existing permit will remain in effect until final action has been taken on the renewal application to issue or deny a permit.

(c) For a source operating under an ACDP or LRAPA Title V Operating Permit, a requirement established in an earlier ACDP remains in effect notwithstanding expiration of the ACDP, unless the provision expires by its terms or unless the provision is modified or terminated in accordance with~~according to~~ the

procedures used to establish the requirement initially.

~~(94)~~(2) ~~Automatic~~ Termination. Except as provided in subsection (3), a source may not be operated after the termination of a permit. A permit ~~is automatically~~ terminate~~d~~s upon:

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

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

(c) Failure to submit a timely and complete application for permit renewal or reassignment as required in ~~OAR 340-216~~2section 37-0040. Termination is effective on the permit expiration date; ~~or~~

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

(3) Termination of construction approval.

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

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

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

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

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

~~(95)~~(4) Reinstatement of Terminated Permit.~~: A permit automatically terminated under any of the paragraphs (2)(b) through (2)(d) may only be reinstated by the permittee by applying for a new permit. The permittee must also pay the applicable new source permit application fees in this title unless the owner or operator submits the renewal application within three months of the permit expiration date.~~

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

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

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

~~(96)~~(5) Revocation:

(a) If LRAPA determines that a permittee is in noncompliance with the terms of the permit, submitted false information in the application or other required documentation, or is in violation of any applicable rule or statute, LRAPA may revoke the permit. LRAPA will provide notice of the intent to revoke the permit to the permittee under title 31. The notice will include the reasons why the permit will be revoked, and include an opportunity for the permittee to request a contested case hearing prior to the revocation. A permittee's written request for hearing must be received by LRAPA within 60 days from service of the notice on the permittee, and must state the grounds of the request. The hearing will be conducted as a contested case hearing under ORS 183.413 through 183.470 and title 14. The permit will continue in effect until the 60th day after service of the notice on the permittee, if the permittee does not timely request a hearing, or until a final order is issued if the permittee timely requests a hearing.

(b) If LRAPA finds there is a serious danger to the public health, safety or the environment caused by a permittee's activities, LRAPA may immediately revoke or refuse to renew the permit without prior notice or opportunity for a hearing. If no advance notice is provided, notification will be provided to the permittee as soon as possible as provided under title 31. The notification will set forth the specific reasons for the revocation or refusal to renew and will provide an opportunity for the permittee to request a contested case hearing for review of the revocation or refusal to renew. A permittee's written request for hearing must be received by LRAPA within 90 days of service of the notice on the permittee and must state the grounds for the request. The hearing will be conducted as a

contested case hearing under ORS 183.413 through 183.470 and title 14. The revocation or refusal to renew becomes final without further action by LRAPA if a request for a hearing is not received within the 90 days. If a request for a hearing is timely received, the revocation or refusal to renew will remain in place until issuance of a final order.

Section 37-0084 LRAPA Initiated Modification

(1) If LRAPA determines it is appropriate to modify an ACDP, other than a General ACDP, LRAPA will notify the permittee by regular, registered or certified mail of the modification and will include the proposed modification and the reasons for the modification, following the permit issuance procedures in subsection 37-0056(5) for Basic ACDPs, subsection 37-0064(5) for Simple ACDPs, and subsection 37-0066(4) for Standard ACDPs.

(2) The modification will become effective upon mailing unless the permittee requests a contested case hearing within 20 days. A request for hearing must be made in writing and must include the grounds for the request. The hearing will be conducted as a contested case hearing under ORS 183.413 through 183.470 and title 14. If a hearing is requested, the existing permit will remain in effect until after a final order is issued following the hearing. ~~The permit issuance procedures will be conducted in accordance with 37-0056(4) for Basic ACDPs, 37-0064(5) for Simple ACDPs, and 37-0066(4) for Standard ACDPs.~~

Section 37-0090 Sources Subject to ACDPs and Fees

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

~~(97)~~(2) An owner or operator of a source that is required to demonstrate compliance with Cleaner Air Oregon rules under OAR 340-245-0005 through 340-245-8050 must pay the fees specified in Table 3, ~~Section~~ section 37-8030.

~~(98)~~(3) The fees in Table 2, ~~Section~~ section 37-8020, ~~Parts~~ parts 1, 2, 3, and 4 will increase by four (4) percent on July 1 of each year.

Section 37-0094 Temporary Closure

(1) A permittee that temporarily suspends activities for which an ACDP is required may apply for a fee reduction due to temporary closure. However, the anticipated period of closure must exceed six (6) months and must not be due to regular maintenance or seasonal limitations.

~~(99)~~(2) LRAPA will prorate annual fees for temporary closure based on the length of the closure in a calendar year, but will not be less than one half of the regular annual fee for the source.

~~(100)~~(3) A source who has received LRAPA approval for payment of the temporary

closure fee must obtain authorization from LRAPA prior to resuming permitted activities. An owner or operator of the source must submit written notification, together with the prorated annual fee for the remaining months of the year, to LRAPA at least ~~thirty (~~30~~)~~ days before startup and specify in the notification the earliest anticipated startup date.

LANE REGIONAL AIR PROTECTION AGENCY

TABLE 1 - SECTION 37-8010

ACTIVITIES AND SOURCES

The following source categories must obtain a permit as required by Section 37-0020 Applicability and Jurisdiction

Part A: Basic ACDP

1. Reserved.
2. Boilers and other fuel-burning equipment ~~(with or without #2 diesel oil back-up***)~~ of 2.0 or more MMBTU but less than 10 MMBTU/hour heat input, that do not use more than 9,999 gallons per year of #2 diesel oil as a backup fuel.
3. Concrete manufacturing including redimix and CTB, both stationary and portable, more than 5,000 but less than 25,000 cubic yards per year output.
4. Crematory incinerators with less than 20 tons/year material input.
5. Prepared feeds for animals and fowl and associated grain elevators more than 1,000 tons/year but less than 10,000 tons/year throughput.
6. Rock, concrete or asphalt crushing both portable and stationary more than 5,000 tons/year but less than 25,000 tons/year crushed.
7. Surface coating operations not elsewhere classified whose actual or expected usage of coating materials is greater than 250 gallons/year, but less than 250 gallons/month, excluding sources that exclusively use non-VOC and non-HAP containing coatings.
8. Sources not elsewhere classified with actual emissions of more than 1 ton/year VOC and/or HAP.
9. Sawmills and/or planing mills and/or millwork and/or wood furniture and fixtures manufacturing and/or plywood manufacturing and/or veneer drying of more than 5,000 but less than 25,000 board feet/maximum 8 hour finished product.
10. Coffee roasting, roasting less than 30 green tons per year.
11. Motor vehicle, mobile equipment and miscellaneous surface coating operations subject to an area source NESHAP under title 44 and using less than 20 gallons of coating per year excluding motor vehicle surface coating operations registered pursuant to subsection 34-025(2).

Part B: General, Simple or Standard ACDP

1. Aerospace or aerospace parts manufacturing.
2. Aluminum production – primary.
3. Ammonia manufacturing.
4. Animal rendering and animal reduction facilities.
5. Asphalt blowing plants.
6. Asphalt felts or coating manufacturing.
7. Asphaltic concrete paving plants, both stationary and portable.
8. Bakeries, commercial over 10 tons of VOC emissions per year.
9. Battery separator manufacturing.
10. Lead-acid battery manufacturing and re-manufacturing.
11. Beet sugar manufacturing.
12. Boilers and other fuel burning equipment over 10 MMBTU/hour heat input.
13. Building paper and building board mills.
14. Calcium carbide manufacturing.
15. Can or drum coating.
16. Cement manufacturing.
17. Cereal preparations and associated grain elevators 10,000 or more tons/year throughput.

18. Charcoal manufacturing.
19. Chlorine and alkali manufacturing.
20. Chrome plating (Decorative and Hard) and anodizing subject to a NESHAP under title 44.
21. Coffee roasting, roasting 30 or more tons per year.
22. Concrete manufacturing including redimix and CTB, both stationary and portable, 25,000 or more cubic yards per year output.
23. Crematory incinerators 20 or more tons/year material input.
24. Degreasing operations, halogenated solvent cleanings subject to a NESHAP under title 44.
25. Electrical power generation from combustion, excluding units used exclusively as emergency generators and units less than 500 kW.
26. Ethylene oxide sterilization.
27. Flatwood coating.
28. Flexographic or rotogravure printing.
29. Flour, blended and/or prepared and associated grain elevators 10,000 or more tons/year throughput.
30. Galvanizing and pipe coating.
31. Gasoline bulk plants, bulk terminals, and pipeline facilities.
32. **Gasoline dispensing facilities (GDFs), excluding gasoline dispensing facilities with a monthly throughput of less than 10,000 gallons of gasoline per month. -
33. Glass and glass container manufacturing.
34. Grain elevators used for intermediate storage 10,000 or more tons/year throughput.
35. Reserved.
36. Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries 100 or more tons/year metal charged, not elsewhere identified.
37. Gypsum products manufacturing.
38. Hardboard manufacturing, including fiberboard.
39. Incinerators with two or more tons per day capacity.
40. Lime manufacturing.
41. Reserved
42. Magnetic tape manufacturing.
43. Manufactured home, mobile home, and recreational vehicle manufacturing.
44. Marine vessel petroleum loading and unloading.
45. Millwork manufacturing, including kitchen cabinets and structural wood members, 25,000 or more board feet/maximum 8 hour input.
46. Molded plastic container manufacturing, using extrusion, molding, lamination, and foam processing and molded fiberglass container manufacturing, excluding injection molding.
47. Motor coach, travel trailer, and camper manufacturing.
48. Natural gas and oil production and processing and associated fuel burning equipment.
49. Nitric acid manufacturing.
50. Nonferrous metal foundries 100 or more tons/year of metal charged.
51. Organic or inorganic chemical manufacturing and distribution with ½ or more tons per year emissions of any one criteria pollutant, sources in this category with less than ½ ton/year of each criteria pollutant are not required to have an ACDP.
52. Reserved.
53. Particleboard manufacturing, including strandboard, flakeboard, and waferboard.
54. Perchloroethylene dry cleaning operations subject to an area source NESHAP under title 44, excluding perchloroethylene dry cleaning operations registered pursuant to subsection 34-025(2).
55. Pesticide manufacturing 5,000 or more tons/year annual production.
56. Petroleum refining and re-refining of lubricating oils and greases including asphalt production by distillation and the reprocessing of oils and/or solvents for fuels.
57. Plywood manufacturing and/or veneer drying.
58. Prepared feeds manufacturing for animals and fowl and associated grain elevators 10,000 or more tons per year throughput.
59. Primary smelting and/or refining of ferrous and non-ferrous metals.
60. Pulp, paper and paperboard mills.

61. Rock, concrete or asphalt crushing both portable and stationary, 25,000 or more tons/year crushed.
62. Sawmills and/or planing mills 25,000 or more board feet/maximum 8 hour finished product.
63. Secondary smelting and/or refining of ferrous and nonferrous metals.
64. Seed cleaning and associated grain elevators 5,000 or more tons/year throughput.
65. Sewage treatment facilities employing internal combustion engines for digester gasses.
66. Soil remediation facilities, both stationary and portable.
67. Steel works, rolling and finishing mills.
68. Reserved.
69. Surface coating operations: coating operations whose actual or expected usage of coating materials is greater than 250 gallons per month, excluding sources that exclusively use non-VOC and non-HAP containing coatings.
70. Synthetic resin manufacturing.
71. Tire manufacturing.
72. Wood furniture and fixtures 25,000 or more board feet/maximum 8 hour input.
73. Wood preserving (including waterborne with actual or projected emissions of greater than 1 ton/year VOC and/or HAP).
74. All other sources, both stationary and portable, not listed herein that LRAPA determines an air quality concern exists including minor sources of HAPs not elsewhere classified or one which would emit significant malodorous emissions.
75. All other sources, both stationary and portable, not listed herein which would have ~~actual emissions, if the source were to operate uncontrolled, of~~ the capacity of 5 or more tons per year of direct $PM_{2.5}$ or PM_{10} if located in a $PM_{2.5}$ or PM_{10} nonattainment or maintenance area, or 10 or more tons per year of any single criteria pollutant ~~if located in any part of Lane County~~.
76. Aluminum, copper, and other nonferrous foundries subject to an area source NESHAP under title 44.
77. Ferroalloy production facilities subject to an area source NESHAP under title 44.
78. Metal fabrication and finishing operations subject to an area source NESHAP under title 44.
79. Motor vehicle and mobile equipment surface coating operations subject to an area source NESHAP under title 44, using more than 20 gallons of coating per year excluding motor vehicle surface coating operations registered pursuant to LRAPA subsection 34-025(2).
80. Paint stripping and miscellaneous surface coating operations subject to an area source NESHAP under title 44.
81. Paint and allied products manufacturing subject to an area source NESHAP under title 44.
82. Plating and polishing operations subject to an area source NESHAP under title 44.
83. Fiberglass lay-up and/or reinforced plastic composites production.
84. Chemical manufacturing facilities ~~that do not transfer liquids containing organic HAP listed in Table 1 of 40 CFR part 63 subpart VVVVVV to tank trucks or railcars and are not~~ subject to ~~emission limits in Table 2, 3, 4, 5, 6, or 8 of~~ 40 C~~.~~F~~.~~R~~.~~ part 63, subpart VVVVVV.
85. Stationary internal combustion engines if:
    a. For emergency generators and firewater pumps, the aggregate engine horsepower rating is greater than 30,000 horsepower; or
    b. For any individual non-emergency or non-fire pump engine, the engine is subject to 40 CFR part 63, subpart ZZZZ and is rated at 500 horsepower or more, excluding two stroke lean burn engines, engines burning exclusively landfill or digester gas, and four stroke engines located in remote areas; or
    c. For any individual non-emergency engine, the engine is subject to 40 CFR part 60, subpart IIII and:
        A. The engine has a displacement of 30 liters or more per cylinder; or
        B. The engine has a displacement of less than 30 liters per cylinder and is rated at 500 horsepower or more and the engine and control device are either not certified by the manufacturer to meet the NSPS or not operated and maintained according to the manufacturer's emission-related instructions; or
    d. For any individual non-emergency engine, the engine is subject to 40 CFR part 60, subpart JJJJ and is rated at 500 horsepower or more and the engine and control device

are either not certified by the manufacturer to meet the NSPS or not operated and maintained according to the manufacturer's emission-related instructions.

86. Pathological waste incinerators.
87. Clay ceramics manufacturing subject to an area source NESHAP under title 44.
88. Secondary nonferrous metals processing subject to an Area Source NESHAP under title 44.
89. All sources subject to ~~RACT under OAR chapter 340, division 232,~~ BACT or LAER under ~~OAR chapter 340, division 224~~title 38, a NESHAP ~~under OAR chapter 340, division 244~~under title 44, a NSPS under ~~OAR chapter 340, division 238~~title 46, or State MACT under ~~OAR 340-244-0200~~44-140(2), except sources:
    a. Exempted in any of the categories ~~above~~listed in Part A and/or Part B;
    b. For which a Basic ACDP is available; or
    c. Registered pursuant to ~~OAR 340-210-0100~~34-025(2).
90. Landfills with more than 200,000 tons of waste in place and calculated methane generation rate is less than 664 metric tons per year which are subject to the requirements in OAR chapter 340, division 239.

Part C: Standard ACDP

1. Incinerators for PCBs, other hazardous wastes, or both.
2. All sources that LRAPA determines have emissions that constitute a nuisance.
3. All sources electing to maintain the source's netting basis.
4. All sources that request a PSEL equal to or greater than the SER for a regulated pollutant.
5. All sources having the potential to emit more than 100 tons or more of any regulated pollutant, except GHG, in a year.
6. All sources having the potential to emit more than 10 tons or more of a single hazardous air pollutant in a year.
7. All sources having the potential to emit more than 25 tons or more of all hazardous air pollutants combined in a year.
8. Landfills with more than 200,000 tons of waste in place and calculated methane generation rate is greater than or equal to 664 metric tons per year which are subject to the requirements in OAR chapter 340, division 239.

Notes:

~~** Gasoline dispensing facilities with 1) gasoline storage tanks greater than or equal to 250 gallons and less than 5,000 gallons must obtain registration or 2) exclusively above ground tanks are required to obtain an ACDP only if they have month throughput of 10,000 gallons of gasoline per month or more or sell gasoline for use in motor vehicles.~~

~~*** "back-up" means less than 10,000 gallons of fuel per year~~

For more information contact:

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

LANE REGIONAL AIR PROTECTION AGENCY

TABLE 2 - SECTION 37-8020

AIR CONTAMINANT DISCHARGE PERMIT

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

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

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

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

a. Short Term Activity ACDP	$ NA
b. Basic ACDP	$ 582
c. General ACDP	
(A) Fee Class One	$1,162
(B) Fee Class Two	$2,093
(C) Fee Class Three	$3,022
(D) Fee Class Four	$582
(E) Fee Class Five	$194
(F) Fee Class Six	$395
(G) Attachment	$194
d. Simple ACDP	
(A) Low Fee	$3,098
(B) High Fee	$6,196
e. Standard ACDP	$12,393
f. Greenhouse Gas reporting, as required by OAR chapter 340, ~~D~~division 215	12.5% of the applicable annual fee in Part 2

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

Part 3. Cleaner Air Oregon Annual Fees: (Due date 12/1 for 1/1 to 12/31 of the following year)

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

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

Part 4. Specific Activity Fees:

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

1. The Type 2 Notice of Intent to Construct does not apply to existing Basic ACDP or General ACDP sources.
2. Compliance Order Monitoring is a one-time fee payable when a compliance order is established in a permit or an LRAPA order containing a compliance schedule becomes a final order of LRAPA and is based on the number of months LRAPA will have to oversee the order.

~~**Part 4. Specific Activity Fees:**~~

~~a. Non-Technical Permit Modification~~	~~$186~~
~~b. Non-PSD/NSR Basic Technical Permit Modification~~	~~$560~~
~~c. Non-PSD/NSR Simple Technical Permit Modification~~	~~$1,861~~

~~d. Non-PSD/NSR Moderate Technical Permit Modification~~	~~$9,310~~
~~e. Non-PSD/NSR Complex Technical Permit Modification~~	~~$18,618~~
~~f. Major NSR or Type A State NSR Permit Modification~~	~~$65,164~~
~~g. Modeling Review (outside Major NSR or Type A State NSR)~~	~~$9,310~~
~~h. Public Hearing at Source's Request~~	~~$3,724~~
~~i. LRAPA MACT Determination~~	~~$9,310~~
~~j. Compliance Order Monitoring[1]~~	~~$186/month~~
~~1. This is a one-time fee payable when a compliance order is established in a permit or an LRAPA order containing a compliance schedule becomes a final order of LRAPA and is based on the number of months LRAPA will have to oversee the order.~~	

Part 5. **Late Fees:**

a. 8-30 days late 5%

b. 31-60 days late 10%

c. 61 or more days late 20%

Part 6. Specific Registration Fees:

1. Gasoline Dispensing Facilities subject to area source NESHAPs not required to otherwise obtain an LRAPA permit must pay a one-time registration fee of $50.
2. Motor vehicle surface coating operations registered pursuant to section 34-025 must pay $335 per year.
3. Dry cleaners using perchloroethylene registered pursuant to section 34-025 must pay $251 per year.

LANE REGIONAL AIR PROTECTION AGENCY

TABLE 3 - SECTION 37-8030

CLEANER AIR OREGON SPECIFIC ACTIVITY FEES

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

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

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

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 38

NEW SOURCE REVIEW

Section 38-0010 Applicability, General Prohibitions, General Requirements, and Jurisdiction

(1) Except as provided in paragraph (c), the owner or operator of a source undertaking one of the following actions must comply with the applicable Major New Source Review requirements of sections 38-0010 through 38-0070 and sections 38-0500 through 38-0540 for such actions prior to construction or operation:

(a) In an attainment, unclassified or sustainment area:

(A) Construction of a new federal major source;

(B) Major modification at an existing federal major source; or

(C) Major modification at an existing source that will become a federal major source because emissions of a regulated pollutant are increased to the federal major source level or more.

(b) In a nonattainment, reattainment or maintenance area:

(A) Construction of a new source that will emit 100 tons per year or more of the nonattainment, reattainment or maintenance pollutant;

(B) A major modification for the nonattainment, reattainment or maintenance pollutant, at an existing source that emits 100 tons per year or more of the nonattainment, reattainment or maintenance pollutant; or

(C) A major modification for the nonattainment, reattainment or maintenance pollutant, at an existing source that will increase emissions of the nonattainment, reattainment or maintenance pollutant to 100 tons per year or more.

(c) The owner or operator of a source is subject to Prevention of Significant Deterioration for GHGs under section 38-0070 if the owner or operator is first subject to section 38-0070 for a pollutant other than GHGs, and the source meets the criteria in subparagraph (A) or (B);

(A) The source is a new source which will emit GHGs at a rate equal to or greater than the SER; or

(B) The source is an existing source which is undertaking a major

modification for GHGs.

~~(101)~~(2) Except as provided in paragraph (c), the owner or operator of a source that is undertaking an action that is not subject to Major NSR under subsection (1) and is one of the actions identified in paragraphs (a) or (b) must comply with the applicable State New Source Review requirements of sections 38-0010 through 38-0038, 38-0245 through 38-0270 and ~~-~~ 38-0500 through 38-0540 for such action prior to construction or operation.

(a) In a nonattainment, reattainment or maintenance area:

(A) Construction of a new source that will have emissions of the nonattainment, reattainment or maintenance pollutant equal to or greater than the SER; or

(B) Major modification for the nonattainment, reattainment or maintenance pollutant, at an existing source that will have emissions of the nonattainment, reattainment or maintenance pollutant equal to or greater than the SER over the netting basis.

(b) In any designated area, for actions other than those identified in paragraph (a):

(A) Construction of a new source that will have emissions of a regulated pollutant equal to or greater than the SER; or

(B) Increasing emissions of a regulated pollutant to an amount that is equal to or greater than the SER over the netting basis.

(c) GHGs are not subject to State NSR.

(d) Type A and Type B State NSR: State NSR actions are categorized as follows:

(A) Actions under paragraph (a), and actions for which the source must comply with subsection 38-0245(2), are categorized as Type A State NSR actions; and

(B) Actions under paragraph (b) are categorized as Type B State NSR unless the source must comply with subsection 38-0245(2).

~~(102)~~(3) The owner or operator of a source subject to subsection (1) or (2) must apply this ~~division~~ title based on the type of designated area where the source is located for each regulated pollutant, taking the following into consideration:

(a) The source may be subject to this title for multiple pollutants;

(b) Some pollutants, including but not limited to NOx, may be subject to multiple requirements in this title both as pollutants and as precursors to other pollutants;

(c) Every location in the state carries an area designation for each criteria pollutant

and the entire state is treated as an unclassified area for regulated pollutants that are not criteria pollutants; and

(d) Designated areas may overlap.

~~(103)~~(4) Where this title requires the owner or operator of a source to conduct analysis under or comply with a section in title 40, the owner or operator must complete such work in compliance with sections 40-0030 and 40-0040.

~~(104)~~(5) Owners and operators of all sources may be subject to other LRAPA rules, including, but not limited to, Notice of Construction and Approval Plans (sections 34-034 through 34-038), Air Contaminant Discharge Permits (ACDPs - ~~LRAPA title~~title 37), Title V Operating ~~p~~Permits (OAR chapter 340, division 218), Highest and Best Practicable Treatment and Control Required (sections 32-005 through 32-009), Emission Standards for Hazardous Air Contaminants (~~LRAPA title~~title 44), and Standards of Performance for New Stationary Sources (~~LRAPA title~~title 46) and Stationary Source Plant Site Emission Limits (~~LRAPA title~~title 42), as applicable.

~~(105)~~(6) An owner or operator of a source that meets the applicability criteria of subsections (1) or (2) may not begin actual construction, continue construction or operate the source without complying with the requirements of this title and obtaining an ~~air contaminant discharge permit (~~ACDP~~)~~ issued by LRAPA authorizing such construction or operation.

Section 38-0020 Definitions

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

Section 38-0025 Major Modification

(1) Except as provided in subsections (3) and (4), "major modification" means a change at a source described in subsection (2) for any regulated pollutant subject to NSR since the later of:

(a) The baseline period for all regulated pollutants except $PM_{2.5}$;

(b) May 1, 2011 for $PM_{2.5}$; or

(c) The most recent Major or Type A State NSR action for that regulated pollutant.

~~(106)~~(2) Description of a major modification:

(a) Any physical change or change in the method of operation of a source that results in emissions described in subparagraphs (A) and (B):

(A) A PSEL or actual emissions that exceed the netting basis by an amount that is equal to or greater than the SER; and

(B) The accumulation of emission increases due to all physical changes and changes in the method of operation that is equal to or greater than the SER. For purposes of this paragraph, emission increases ~~shall be~~are calculated as follows: For each unit with a physical change or change in the method of operation occurring at the source since the later of the dates in paragraphs (1)(a) through (1)(c) as applicable for each pollutant, subtract the unit's portion of the netting basis from its post-change potential to emit taking into consideration any federally enforceable limits on potential to emit. Emissions from categorically insignificant activities, aggregate insignificant emissions, and fugitive emissions must be included in the calculations.

(b) For purposes of this section:

(A) "The unit's portion of the netting basis" means the portion of the netting basis assigned to or associated with the unit in question, taking into consideration the following, as applicable:

(i) The unit's portion of the netting basis when the netting basis is established under subsection 42-0046(2); and

(ii) Any adjustments under subsection 42-0046(3) that affect the unit's portion of the netting basis.

(B) Emission increases due solely to increased use of equipment or facilities that existed or were permitted or approved to construct in accordance with ~~LRAPA title~~title 34 during the applicable baseline period are not included, except if the increased use is to support a physical change or change in the method of operation.

(C) If a portion of the netting basis or PSEL or both was set based on PTE because the source had not begun normal operations but was permitted or approved to construct and operate, that portion of the netting basis or PSEL or both must be excluded until the netting basis is reset as specified in- paragraph 42-0046(3)(d) and subsection 42-0051(3).

~~(107)~~(3) "Major modification" means any change, including production increases, at a source that obtained a permit to construct and operate after the applicable baseline period but has not undergone Major NSR or Type A State NSR, that meets the criteria in paragraphs (a) or (b):

(a) The change would result in a PSEL increase of the de minimis level or more for any regulated pollutant at a federal major source in attainment, unclassified or sustainment areas; or

(b) The change would result in a PSEL increase of the de minimis level or more for the sustainment, nonattainment, reattainment or maintenance pollutant if the source emits such pollutant at the SER or more in a sustainment, nonattainment,

reattainment, or maintenance area.

(c) This subsection does not apply to $PM_{2.5}$ and greenhouse gases.

(d) Changes to the PSEL solely due to the availability of more accurate and reliable emissions information are exempt from being considered an increase under this section.

~~(108)~~(4) Major modifications for ozone precursors or $PM_{2.5}$ precursors also constitute major modifications for ozone and $PM_{2.5}$, respectively.

~~(109)~~(5) Except as provided in subsections (1), (3), and (4), the following are not major modifications:

(a) Increases in hours of operation or production rates that would cause emission increases above the levels allowed in a permit but would not involve a physical change or change in method of operation of the source.

(b) Routine maintenance, repair, and replacement of components.

(c) Temporary equipment installed for maintenance of the permanent equipment if the temporary equipment is in place for less than six (6) months and operated within the permanent equipment's existing PSEL.

~~(d) permanent equipment's existing PSEL.~~

~~(e)~~(d) Use of alternate fuel or raw materials, that were available during, and that the source would have been capable of accommodating in the baseline period.

~~(110)~~(6) When more accurate or reliable emissions information becomes available, a recalculation of the PSEL, netting basis, and increases/decreases in emissions must be performed to determine whether a major modification has occurred.

~~**NOTE:** This rule was moved verbatim from title 12 and amended.~~

Section 38-0030 New Source Review Procedural Requirements

(1) Information Required. The owner or operator of a source subject to Major NSR or State NSR must submit all information LRAPA needs to perform any analysis or make any determination required under this title and title 40. The information must be in writing on forms supplied or approved by LRAPA and include the information required to apply for a permit or permit modification under:

(a) Title 37 for Major NSR or Type A State NSR action; or

(b) Title 37 or OAR chapter 340, division 218, whichever is applicable, for Type B State NSR actions.

~~(111)~~(2) Application Processing:

(a) For Type B State NSR, LRAPA will review applications and issue permits using the procedures in title 37 or OAR chapter 340, division 218, whichever is applicable.

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

(A) Notwithstanding the requirements of subsection 37-0040(11), within 30 days after receiving an ACDP permit application to construct, or any additional information or amendment to such application, LRAPA will advise the applicant whether the application is complete or if there is any deficiency in the application or in the information submitted. For purposes of this section, an application is complete as of the date on which LRAPA received all required information;

(B) Upon determining that an application is complete, LRAPA will undertake the public participation procedures in title 31 for a Category IV permit action; and

(C) LRAPA will make a final determination on the application within ~~twelve~~ 12 months after receiving a complete application.

~~(112)~~(3) An owner or operator that obtained approval of a project under this ~~division~~ title must obtain approval for a revision to the project in accordance with~~according to~~ the permit application requirements in this title and title 37 or OAR chapter 340, division 218, whichever is applicable, prior to initiating the revision. If construction has commenced, the owner or operator must temporarily halt construction until a revised permit is issued. The following are considered revisions to the project that would require approval:

(a) A change that would increase permitted emissions;

(b) A change that would require a re-evaluation of the approved control technology; or

(c) A change that would increase air quality impacts.

~~(113)~~(4) For Major NSR and ~~Type A~~ State NSR permit actions, an ACDP that approves construction must require construction to commence within 18 months of issuance. Construction approval terminates and is invalid if construction is not commenced within 18 months after LRAPA issues such approval, or by the deadline approved by LRAPA in an extension under subsection (5). Construction approval also terminates and is invalid if construction is discontinued for a period of 18 months or more, or if construction is not completed within 18 months of the scheduled time. An ACDP may approve a phased construction project with separate construction approval dates for each subsequent phase and, for purposes of applying this section, the construction approval date for the second and subsequent phases will be treated as the construction approval issuance date.

~~(114)~~(5) For Major NSR and ~~Type A~~ State NSR permit actions, LRAPA may grant for good cause one or two 18-month construction approval extensions as follows:

(a) Except as provided in paragraph (i), for the first extension, the owner or operator must submit an application to modify the permit that includes the following:

(A) A detailed explanation of why the source could not commence construction within the initial 18-month period; and

(B) Payment of the simple technical permit modification fee in section 37-8020, Table 2, Part ~~3~~4.

(b) Except as provided in paragraph (i), for the second extension, the owner or operator must submit an application to modify the permit that includes the following for the original regulated pollutants subject to Major NSR or Type A State NSR:

(A) A detailed explanation of why the source could not commence construction within the second 18-month period;

(B) A review of the original LAER or BACT analysis for potentially lower limits and a review of any new control technologies that may have become commercially available since the original LAER or BACT analysis;

(C) A review of the air quality analysis to address any of the following:

(i) All ambient air quality standards and PSD increments that were subject to review under the original application;

(ii) Any new competing sources or changes in ambient air quality since the original application was submitted;

(iii) Any new ambient air quality standards or PSD increments for the regulated pollutants that were subject to review under the original application; and

(iv) Any changes to EPA approved models that would affect modeling results since the original application was submitted, and

(D) Payment of the moderate technical permit modification fee plus the modeling review fee in section 37-8020, Table 2, Part ~~3~~4.

(c) Except as provided in paragraph (i), the permit will be terminated 54 months after it was initially issued if construction does not commence during that 54-month period. If the owner or operator wants approval to construct beyond the termination of the permit, the owner or operator must submit an application for a new Major NSR or ~~Type A~~ State NSR permit.

(d) If construction is commenced prior to the date that construction approval terminates, the permit can be renewed or the owner or operator may apply for a Title V permit as required in OAR 340-218-0190;

(e) To request a construction approval extension under paragraph (a) or (b), the owner or operator must submit an application to modify the permit at least 30 days but not more than 90 days prior to the end of the current construction approval period.

(f) Construction may not commence during the period from the end of the preceding construction approval to the time LRAPA approves the next extension.

(g) LRAPA will make a proposed permit modification available using the following public participation procedures in title 31:

(A) Category II for an extension that does not require an air quality analysis; or

(B) Category III for an extension that requires an air quality analysis.

(h) LRAPA will grant a permit modification extending the construction approval for 18 months from the end of the first or second 18-month construction approval period, whichever is applicable, if:

(A) Based on the information required to be submitted under paragraph (a) or (b), LRAPA determines that the proposed source will continue to meet NSR requirements; and

(B) For any extension, the area impacted by the source has not been redesignated to sustainment or nonattainment prior to the granting of the extension.

(i) If the area where the source is located is redesignated to sustainment or nonattainment before any extension is approved, the owner or operator must demonstrate compliance with the redesignated area requirements if the source is subject to Major NSR or Type A State NSR for the redesignated pollutant, and must obtain the appropriate permit or permit revision before construction may commence. The new permit or permit revision under this subsection will be considered to start a new initial 18-month construction approval period.

~~(115)~~(6) Approval to construct does not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state or federal law;

~~(116)~~(7) Sources that are subject to OAR chapter 340, division 218, LRAPA Title V Operating Permits, are subject to the following:

(a) Except as ~~provided~~ prohibited in paragraph (b), approval to construct a source

under an ACDP issued under title 37 authorizes construction and operation of the source, until the later of:

(A) One (1) year from the date of initial startup of operation of the ~~major~~ source subject to Major NSR or State NSR ~~major modification~~; or

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

(b) Where an existing LRAPA Title V Operating Permit ~~would~~ prohibits construction or a change in operation, the owner or operator must obtain a Title V permit revision before commencing the construction, continuing the construction or making the change in operation.

Section 38-0034 Exemptions

Temporary emission sources that would be in operation at a site for less than two (2) years, such as pilot plants and portable facilities, and emissions resulting from the construction phase of a source subject to Major NSR or Type A State NSR must comply with the control technology requirements in the applicable subsection, but are exempt from the remaining requirements of the applicable sections provided that the source subject to Major NSR or Type A State NSR would not impact a Class I area or an area with a known violation of an ambient air quality standard or a PSD increment.

~~**NOTE:** This rule was moved verbatim from section 38-0080 and amended.~~

Section 38-0038 Fugitive and Secondary Emissions

For sources subject to Major NSR or Type A State NSR, fugitive emissions are included in the calculation of emission rates of all air contaminants. Fugitive emissions are subject to the same control requirements and analyses required for emissions from identifiable stacks or vents. Secondary emissions are not included in calculations of potential emissions that are made to determine if a proposed source or modification is subject to Major NSR or Type A State NSR. Once a source is subject to Major NSR or Type A State NSR, secondary emissions also become subject to the air quality impact analysis requirements in this title and LRAPA title 40.

~~**NOTE:** This rule was moved verbatim from section 38-0100 and amended.~~

Section 38-0040 Review of Sources Subject to Major NSR or Type A State NSR for Compliance With Regulations

The owner or operator of a source subject to Major NSR or Type A State NSR must demonstrate the ability of the proposed source or modification to comply with all applicable air quality requirements of LRAPA.

Major New Source Review

Section 38-0045 Requirements for Sources in Sustainment Areas

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

(1) Section 38-0070; and

~~(117)~~(2) Net Air Quality Benefit: Satisfy sections 38-0510 and 38-0520 for ozone sustainment areas or sections 38-0510 and subsections 38-0530(2) and (4) for non-ozone sustainment areas, whichever is applicable, unless the source can demonstrate that the impacts are less than the significant impact levels at all receptors within the sustainment area.

Section 38-0050 Requirements for Sources in Nonattainment Areas

Within a designated nonattainment area, and when referred to this rule by other rules in this title, a source subject to Major NSR must meet the requirements listed below for each nonattainment pollutant:

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

(a) For a major modification, the requirement for LAER applies to the following:

(A) Each emissions unit that emits the nonattainment pollutant or precursor(s) and is not included in the most recent netting basis established for that pollutant; and

(B) Each emission unit that emits the nonattainment pollutant or precursor(s) and is included in the most recent netting basis and contributed to the emissions increase calculated in subparagraph 38-0025(2)(a)(B) for the nonattainment pollutant or precursor.

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

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

(A) The physical change or change in the method of operation at a unit that contributed to the emissions increase calculated in subparagraph 38-0025(2)(a)(B) was made in compliance with Major NSR requirements in

effect when the change was made, and

(B) No limit will be relaxed that was previously relied on to avoid Major NSR.

(d) Physical changes or changes in the method of operation to individual emission units that contributed to the emissions increase calculated in subparagraph 38-0025(2)(a)(B) but that increased the potential to emit less than ten (10) percent of the SER are exempt from this section unless:

(A) They are not constructed yet;

(B) They are part of a discrete, identifiable, larger project that was constructed within the previous five (5) years and that resulted in emission increases equal to or greater than ten (10) percent of the SER; or

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

~~(118)~~(2) Air Quality Protection:

(a) Air Quality Analysis: The owner or operator of a federal major source must comply with subsection 40-0050(4) and section 40-0070.

(b) Net Air Quality Benefit: The owner or operator of the source must satisfy sections 38-0510 and 38-0520 for ozone nonattainment areas or section 38-0510 and subsections 38-0530(2) and (4) for non-ozone nonattainment areas, whichever is applicable.

~~(119)~~(3) Sources Impacting Other Designated Areas: The owner or operator of any source that will have a significant impact on air quality in a designated area other than the one the source is locating in must also meet the following requirements, as applicable:

(a) The owner or operator of any source that emits an ozone precursor (VOC or NO_X) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under sections 38-0510 and 38-0520 for ozone designated areas.

(b) The owner or operator of any source that emits any criteria pollutant, other than NO_X as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under sections 38-0510 and 38-0540 for designated areas other than ozone designated areas.

~~(120)~~(4) The owner or operator of the source must:

(a) Evaluate alternative sites, sizes, production processes, and environmental control techniques for the proposed source or major modification and demonstrate that benefits of the proposed source or major modification will significantly outweigh

the environmental and social costs imposed as a result of its location, construction or modification.

(b) Demonstrate that all federal major sources owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in the state are in compliance, or are on a schedule for compliance, with all applicable emission limitations and standards under the FCAA.

Section 38-0055 Requirements for Sources in Reattainment Areas

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

(1) Section 38-0050, treating the reattainment pollutant as a nonattainment pollutant for that rule; and

~~(121)~~(2) The owner or operator must demonstrate that it will not cause or contribute to a new violation of an ambient air quality standard or PSD increment in title 50 by conducting the analysis under section 40-0050.

Section 38-0060 Requirements for Sources in Maintenance Areas

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

(1) Section 38-0070; and

~~(122)~~(2) Net Air Quality Benefit: ~~Except for sources described in subsection (7), t~~The owner or operator of the source must satisfy one of the requirements listed below:

(a) Sections 38-0510 and 38-0520 for ozone maintenance areas or section 38-0510 and subsections 38-0530(3) and (4) for non-ozone maintenance areas, whichever is applicable;

(b) Demonstrate that the source or modification will not cause or contribute to an air quality impact in excess of the impact levels in section 50-~~055~~ 065 or OAR 340-202-0225 by performing the analysis specified in section 40-0045; or

(c) Obtain an allocation from a growth allowance. The requirements of this subsection may be met in whole or in part in an ozone or carbon monoxide maintenance area with an allocation by LRAPA from a growth allowance, if available, under the applicable maintenance plan in the SIP adopted by the Board and EQC and approved by EPA.

~~(123)~~(3) Sources Impacting Other Designated Areas: The owner or operator of any source that will have a significant impact on air quality in a designated area other than the one the source is locating in must also meet the following requirements, as applicable:

(a) The owner or operator of any source that emits an ozone precursor (VOC or NO_X) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under sections 38-0510 and 38-0520 for ozone designated areas.

(b) The owner or operator of any source that emits any criteria pollutant, other than NO_X as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under sections 38-0510 and 38-0540 for designated areas other than ozone designated areas.

~~(12)~~(4) Contingency Plan Requirements. If the contingency plan in an applicable maintenance plan is implemented due to a violation of an ambient air quality standard, this section applies in addition to other requirements of this rule until LRAPA adopts a revised maintenance plan and EPA approves it as a SIP revision.

(a) The source must comply with the LAER requirement in subsection 38-0050(1) in lieu of the BACT requirement in subsection (1); and

(b) The source must comply with the net air quality benefit requirement in paragraph (2)(a) and may not apply the alternatives provided in paragraphs (2)(b) and (2)(c).

~~(13)~~(5) Pending Redesignation Requests. This section does not apply to a proposed major source or major modification for which a complete application to construct was submitted to LRAPA before the maintenance area was redesignated from nonattainment to attainment by EPA. Such a source is subject to section 38-0050 or 38-0055, whichever is applicable.

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

Within a designated attainment or unclassified area, and when referred to this section by other sections in this title, a source that is subject to Major NSR for any regulated pollutant, other than nonattainment pollutants and reattainment pollutants, must meet the requirements listed below for each such pollutant, except that GHGs are only subject to subsection (2):

(1) Air Quality Monitoring:

(a) Preconstruction Air Quality Monitoring:

(A) The owner or operator of a source must submit with the application an analysis of ambient air quality in the area impacted by the proposed project for each regulated pollutant subject to this rule except as allowed by subparagraph (B).

(i) The analysis must include continuous air quality monitoring data for any regulated pollutant subject to this rule that may be emitted

by the source or modification, except for volatile organic compounds.

(ii) The data must relate to the year preceding receipt of the complete application and must have been gathered over the same time period.

(iii) LRAPA may allow the owner or operator to demonstrate that data gathered over some other time period would be adequate to determine that the source or modification would not cause or contribute to a violation of an ambient air quality standard or any applicable PSD increment.

(iv) When $PM_{10}/PM_{2.5}$ preconstruction monitoring is required by this section, at least four (4) months of data must be collected, including the season LRAPA judges to have the highest $PM_{10}/PM_{2.5}$ levels. $PM_{10}/PM_{2.5}$ must be measured using 40 CFR part 50, Appendices J and L. In some cases, a full year of data will be required.

(v) The owner or operator must submit a written preconstruction air quality monitoring plan at least 60 days prior to the planned beginning of monitoring. The applicant may not commence monitoring under the plan until LRAPA approves the plan in writing.

(vi) Required air quality monitoring must comply with 40 CFR part 58 Appendix A, "Quality Assurance Requirements for SLAMS, SPMs and PSD Air Monitoring" and with other methods on file with LRAPA.

(vii) With LRAPA's approval, the owner or operator may use representative or conservative background concentration data in lieu of conducting preconstruction air quality monitoring if the source demonstrates that such data is adequate to determine that the source would not cause or contribute to a violation of an ambient air quality standard or any applicable PSD increment.

(B) LRAPA may exempt the owner or operator of a ~~proposed~~ source ~~or modification~~ from preconstruction monitoring for a specific regulated pollutant if the owner or operator demonstrates that the air quality impact from the emissions increase would be less than the amounts listed below, or that modeled competing source concentration plus the general background concentration of the regulated pollutant within the source impact area, as defined in title 40, are less than the following significant monitoring concentrations:

(i) Carbon monoxide; 575 ~~ug/~~µg/m^3, 8 hour average;

(ii) Nitrogen dioxide; 14 ~~ug/~~µg/m^3, annual average;

(iii) PM_{10}; 10 ~~ug/~~µg/m^3, 24 hour average;

(iv) $PM_{2.5}$; 0 ~~ug/~~µg/m^3, 24-hour average;

(v) Sulfur dioxide; 13 ~~ug/~~µg/m^3, 24 hour average;

(vi) Ozone; Any net increase of 100 tons/year or more of VOCs from a source requires an ambient impact analysis, including the gathering of ambient air quality data unless the existing representative monitoring data shows maximum ozone concentrations are less than 50 percent of the ozone ambient air quality standards based on a full season of monitoring;

(vii) Lead; 0.1 ~~ug/~~µg/m^3, 24 hour average;

(viii) Fluorides; 0.25 ~~ug/~~µg/m^3, 24 hour average;

(ix) Total reduced sulfur; 10 ~~ug/~~µg/m^3, 1 hour average;

(x) Hydrogen sulfide; 0.04 ~~ug/~~µg/m^3, 1 hour average;

(xi) Reduced sulfur compounds; 10 ~~ug/~~µg/m^3, 1 hour average.

(b) Post-construction Air Quality Monitoring: LRAPA may require post-construction ambient air quality monitoring as a permit condition to establish the effect of actual emissions, other than volatile organic compounds, on the air quality of any area that such emissions could affect.

~~(126)~~(2) Best Available Control Technology (BACT). For a source under the applicability criteria in subparagraph 38-0010(1)(a)(A), the owner or operator must apply BACT for each regulated pollutant emitted at or above a significant emission rate (SER). For a source under the applicability criteria in subparagraph 38-0010(1)(a)(B) or (C), BACT applies to each regulated pollutant that is emitted at or above a SER over the netting basis and meets the criteria of major modification in section 38-0025.

(a) For a major modification, the requirement for BACT applies to the following:

(A) Each emissions unit that emits the regulated pollutant or precursor(s) and is not included in the most recent netting basis established for that regulated pollutant; and

(B) Each emissions unit that emits the regulated pollutant or precursor(s) and is included in the most recent netting basis and contributed to the emissions increase calculated in subparagraph 38-0025(2)(a)(B) for the regulated pollutant.

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

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

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

(B) No limit is being relaxed that was previously relied on to avoid Major NSR.

(d) Modifications to individual emissions units that have an emission increase, calculated per subparagraph 38-0025(2)(a)(B), that is less than ten (10) percent of the SER are exempt from this section unless:

(A) They are not constructed yet;

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

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

~~(12)~~(3) Air Quality Protection:

(a) Air Quality Analysis:

(A) The owner or operator of the source must comply with sections 40-0050 and 40-0060 for each pollutant for which emissions will exceed the netting basis by the SER or more due to the proposed source or modification.

(B) The owner or operator of a federal major source must comply with subsections 40-0050(4) and section 40-0070.

(b) For increases of direct $PM_{2.5}$ or $PM_{2.5}$ precursors equal to or greater than the SERs, the owner or operator must provide an analysis of $PM_{2.5}$ air quality impacts based on all increases of direct $PM_{2.5}$ and $PM_{2.5}$ precursors.

(c) The owner or operator of the source must demonstrate that it will not cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact level under subsection 40-0050(1).

~~(12)~~(4) Sources Impacting Other Designated Areas: The owner or operator of any source that will have a significant impact on air quality in a designated area other than the one

the source is locating in must also meet the following requirements, as applicable:

(a) The owner or operator of any source that emits an ozone precursor (VOC or NO_X) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under sections 38-0510 and 38-0520 for ozone designated areas.

(b) The owner or operator of any source that emits any criteria pollutant, other than NO_X as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under sections 38-0510 and 38-0540 for designated areas other than ozone designated areas.

~~NOTE: Subsection (1) of this section was moved verbatim from subsection 40-0050(4) and amended.~~

State New Source Review

Section 38-0245 -Requirements for Sources in Sustainment Areas

Within a designated sustainment area, a source subject to State NSR must meet the following requirements for each sustainment pollutant:

(1) Air Quality Protection: The owner or operator must comply with paragraph (a) or (b):

~~(c)~~(a) Air Quality Analysis: The owner or operator must comply with subsections 40-0050(1) and (2) and section 40-0060 for each regulated pollutant for which emissions will exceed the netting basis by the SER or more due to the proposed source or modification. For increases of direct $PM_{2.5}$ or $PM_{2.5}$ precursors equal to or greater than the SER, the owner or operator must provide an analysis of $PM_{2.5}$ air quality impacts based on all increases of direct $PM_{2.5}$ and $PM_{2.5}$ precursors; or

~~(d)~~(b) Net Air Quality Benefit: The owner or operator of the source must satisfy the requirements of subparagraph (A), (B), or (C), as applicable:

(A) For ozone sustainment areas, sections 38-0510 and 38-0520;

(B) For sources located in non-ozone sustainment areas, that will emit 100 tons per year or more of the sustainment pollutant, section 38-0510 and subsections 38-0530(2) and (4);

(C) For sources located in non-ozone sustainment areas, that will emit less than 100 tons per year of the sustainment pollutant, section 38-0510 and subsections 38-0530(3) and (4).

~~(129)~~(2) If the owner or operator complied with paragraph (1)(b) and the increase in emissions is the result of the construction of a major source, or a major modification, then the owner or operator must apply BACT under subsection 38-0070(2).

~~(130)~~(3) The owner or operator of a federal major source must comply with subsection 40-0050(4) and section 40-0070.

~~(131)~~(4) The owner or operator must demonstrate that it will not cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact level under subsection 40-0050(1).

~~(132)~~(5) Sources Impacting Other Designated Areas: The owner or operator of any source that will have a significant impact on air quality in a designated area other than the one the source is locating in must also meet the following requirements, as applicable:

(a) The owner or operator of any source that emits an ozone precursor (VOC or NO_X) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under sections 38-0510 and 38-0520 for ozone designated areas.

(b) The owner or operator of any source that emits any criteria pollutant, other than NO_X as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under sections 38-0510 and 38-0540 for designated areas other than ozone designated areas.

Section 38-0250 Requirements for Sources in Nonattainment Areas

Within a designated nonattainment area, a source subject to State NSR must meet the following requirements for each nonattainment pollutant:

(1) If the increase in emissions is the result of the construction of a major source, or a major modification, the owner or operator must apply BACT under subsection 38-0070(2).

~~(133)~~(2) Air Quality Protection:

(a) Air Quality Analysis: An air quality analysis is not required except that the owner or operator of a federal major source must comply with subsection 40-0050(4) and section 40-0070.

(b) Net Air Quality Benefit: The owner or operator of the source must satisfy the requirements of subparagraph (A), (B), or (C), as applicable:

(A) For ozone nonattainment areas, sections 38-0510 and 38-0520;

(B) For sources located in non-ozone nonattainment areas, that will emit 100 tons per year or more of the nonattainment pollutant, section 38-0510 and

subsections 38-0530(2) and (4);

(C) For sources located in non-ozone nonattainment areas, that will emit less than 100 tons per year of the nonattainment pollutant, section 38-0510 and subsections 38-0530(3) and (4).

~~(134)~~(3) Sources Impacting Other Designated Areas: The owner or operator of any source that will have a significant impact on air quality in a designated area other than the one the source is locating in must also meet the following requirements, as applicable:

(a) The owner or operator of any source that emits an ozone precursor (VOC or NO_X) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under sections 38-0510 and 38-0520 for ozone designated areas.

(b) The owner or operator of any source that emits any criteria pollutant, other than NO_X as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under sections 38-0510 and 38-0540 for designated areas other than ozone designated areas.

Section 38-0255 - Requirements for Sources in Reattainment Areas

Within a designated reattainment area, a source subject to State NSR must comply with the requirements in section 38-0260 for each reattainment pollutant treating the reattainment pollutant as a maintenance pollutant for that rule, except that subparagraph 38-0260(2)(b)(C) and subsection (4) are not applicable unless LRAPA has approved a contingency plan for the reattainment area.

Section 38-0260 - Requirements for Sources in Maintenance Areas

Within a designated maintenance area, a source subject to State NSR must meet the following requirements for each maintenance pollutant:

(1) If the increase in emissions is the result of the construction of a major source, or a major modification, the owner or operator of the source must apply BACT under subsection 38-0070(2).

~~(135)~~(2) Air Quality Protection: The owner or operator of the source must satisfy the requirements of either paragraphs (a), (c), and (d) or of paragraphs (b), (c) and (d):

(a) Air Quality Analysis: The owner or operator of the source must comply with subsections 40-0050(1) and (2), and section 40-0060 for each regulated pollutant for which emissions will exceed the netting basis by the SER or more due to the proposed source or modification. For emissions increases of direct $PM_{2.5}$ or $PM_{2.5}$ precursors equal to or greater than the SER, the owner or operator must provide

an analysis of $PM_{2.5}$ air quality impacts based on all increases of direct $PM_{2.5}$ and $PM_{2.5}$ precursors.

(b) Net Air Quality Benefit: The owner or operator of the source must satisfy the requirements of subparagraph (A), (B) or (C), as applicable:

(A) Sections 38-0510 and 38-0520 for ozone maintenance areas or section 38-0510 and subsections 38-0530(3) and (4) for non-ozone maintenance areas, whichever is applicable;

(B) Demonstrate that the source or modification will not cause or contribute to an air quality impact equal to or greater than the impact levels in section 50-055 or OAR 340-202-0225 by performing the analysis specified in section 40-0045; or

(C) Obtain an allocation from a growth allowance. The requirements of this section may be met in whole or in part in an ozone or carbon monoxide maintenance area with an allocation by LRAPA from a growth allowance, if available, under the applicable maintenance plan in the SIP adopted by the Board and EQC and approved by EPA.

(c) The owner or operator of a federal major source must comply with subsection 40-0050(4) and section 40-0070.

(d) The owner or operator of the source must demonstrate that it will not cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact level under subsection 40-0050(1).

~~(136)~~(3) Sources Impacting Other Designated Areas: The owner or operator of any source that will have a significant impact on air quality in a designated area other than the one the source is locating in must also meet the following requirements, as applicable:

(a) The owner or operator of any source that emits an ozone precursor (VOC or NO_X) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under sections 38-0510 and 38-0520 for ozone designated areas.

(b) The owner or operator of any source that emits any criteria pollutant, other than NO_X as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under sections 38-0510 and ~~OAR~~ 38-0540 for designated areas other than ozone designated areas.

~~(137)~~(4) Contingency Plan Requirements. If the contingency plan in an applicable maintenance plan is implemented due to a violation of an ambient air quality standard,

this section applies in addition to other requirements of this rule until the EQC and the Board adopts a revised maintenance plan and EPA approves it as a SIP revision.

(a) The source must comply with the LAER requirement in subsection 38-0050(1) in lieu of the BACT requirement in subsection (1); and

(b) The owner or operator must comply with subparagraph (2)(b)(A).

Section 38-0270 Requirements for Sources in Attainment and Unclassified Areas

Within a designated attainment or unclassified area, a source subject to State NSR must meet the following requirements for each attainment pollutant:

(1) Air Quality Protection:

~~(c)~~(a) Air Quality Analysis: The owner or operator of the source must comply with subsections 40-0050(1) and (2) and section 40-0060 for each regulated pollutant other than GHGs for which emissions will exceed the netting basis by the SER or more due to the proposed source or modification.

~~(d)~~(b) For increases of direct $PM_{2.5}$ or $PM_{2.5}$ precursors equal to or greater than the SER, the owner or operator of the source must provide an analysis of $PM_{2.5}$ air quality impacts based on all increases of direct $PM_{2.5}$ and $PM_{2.5}$ precursors.

~~(e)~~(c) The owner or operator of a federal major source must comply with subsection 40-0050(4) and section 40-0070.

~~(f)~~(d) The owner or operator of the source must demonstrate that it will not cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact level under subsection 40-0050(1).

~~(13)~~(2) Sources Impacting Other Designated Areas: The owner or operator of any source that will have a significant impact on air quality in a designated area other than the one the source is locating in must also meet the following requirements, as applicable:

(a) The owner or operator of any source that emits an ozone precursor (VOC or NO_X) at or above the SER over the netting basis is considered to have a significant impact if located within 100 kilometers of a designated ozone area, and must also meet the requirements for demonstrating net air quality benefit under sections 38-0510 and 38-0520 for ozone designated areas.

(b) The owner or operator of any source that emits any criteria pollutant, other than NO_X as an ozone precursor, at or above the SER over the netting basis and has an impact equal to or greater than the Class II SIL on another designated area must also meet the requirements for demonstrating net air quality benefit under sections 38-0510 and 38-0540 for designated areas other than ozone designated areas.

Net Air Quality Benefit Emission Offsets

Section 38-0500 - Net Air Quality Benefit for Sources Locating Within or Impacting Designated Areas

Sections 38-0510 through 38-0540 are the requirements for demonstrating net air quality benefit using offsets.

Section 38-0510 - Common Offset Requirements

The purpose of these rules is to demonstrate reasonable further progress toward achieving or maintaining the ambient air quality standards for sources locating within or impacting designated areas. A source may make such demonstration by providing emission offsets to balance the level of projected emissions by the source at the applicable ratios described in this division.

(1) Unless otherwise specified in the rules, offsets required under this rule must meet the requirements of title 41, Emission Reduction Credits.

~~(139)~~(2) Except as provided in subsection (3), the emission reductions used as offsets must be of the same type of regulated pollutant as the emissions from the new source or modification. Sources of PM_{10} must be offset with particulate in the same size range.

~~(140)~~(3) Offsets for direct $PM_{2.5}$ may be obtained from NO_2 and SO_2 emissions as precursors to secondary $PM_{2.5}$. The interpollutant trading ratios for these emissions will be approved by LRAPA on a case by case basis. Offsets for SO_2 and NO_2 emissions from direct $PM_{2.5}$ emissions will be determined in the same manner.

~~(141)~~(4) Offset ratios specified in these rules are the minimum requirement. All offsets obtained by a source, including any that exceed the minimum requirement, may be used for the purpose of subsection 38-0530(4).

~~(142)~~(5) Emission reductions used as offsets must meet at least one of the following criteria:

(a) They must be equivalent to the emissions being offset in terms of short term, seasonal, and yearly time periods to mitigate the effects of the proposed emissions; or

(b) They must address the air quality problem in the area, such as but not limited to woodstove replacements to address winter-time exceedances of short term $PM_{2.5}$ standards.

~~(143)~~(6) If the complete permit application or permit that is issued based on that application is amended due to changes to the proposed project, the owner or operator may continue to use the original offsets and any additional offsets that may become necessary for the project provided that the changes to the project do not result in a change to the two

digit Standard Industrial Classification (SIC) code associated with the source and that the offsets will continue to satisfy the offset criteria.

Section 38-0520 Requirements for Demonstrating a Net Air Quality Benefit for Ozone Areas

When directed by the Major NSR or State NSR sections, sections ~~or~~ 42-0042, or 32-100, the owner or operator must comply with this section.

(1) Offsets for VOC and ~~NO_x~~ NO_X are required if the source will be located within an ozone designated area or closer to the nearest boundary of an ozone designated area than the ozone impact distance as defined in subsection (2).

~~(14)~~(2) Ozone impact distance is the distance in kilometers from the nearest boundary of an ozone designated area within which a VOC or NO_X is considered to significantly affect that designated area. The determination of significance is made by either the formula method or the demonstration method.

(a) The Formula Method.

(A) For sources with complete permit applications submitted before January 1, 2003: D = 30 km.

(B) For sources with complete permit applications submitted on or after January 1, 2003: D = (Q/40) x 30 km.

(C) D is the Ozone ~~Precursor~~ Impact Distance in kilometers. The value for D is 100 kilometers when D is calculated to exceed 100 kilometers. Q is the larger of the NO_X or VOC emissions increase above the netting basis from the source being evaluated in tons per year.

(D) If a source is located closer than D from the nearest ozone designated area boundary, the source must obtain offsets under subsections (3) and (4). If the source is located at a distance equal to or greater than D from the nearest ozone designated area boundary, then the source is not required to obtain offsets.

(b) The Demonstration Method. An applicant may demonstrate to LRAPA that the source or proposed source would not have a material effect on an ozone designated area other than attainment or unclassified areas. This demonstration may be based on an analysis of major topographic features, dispersion modeling, meteorological conditions, or other factors. If LRAPA determines that the source or proposed source would not have a material effect on the designated area under high ozone conditions, the ozone impact distance is zero (0) kilometers.

~~(15)~~(3) The required ratio of offsetting emissions reductions from other sources (offsets) to the emissions increase from the proposed source or modification (emissions) and the location of sources that may provide offsets is as follows:

(a) For new or modified sources locating within an ozone nonattainment area, the offset ratio is 1.1:1 (offsets:-emissions). These offsets must come from sources within either the same designated nonattainment area as the new or modified source or from sources in another ozone nonattainment area ~~(~~with equal or higher nonattainment classification~~)~~ that contributes to a violation of the ozone ambient air quality standards in the same ozone designated area as the new or modified source.

(b) For new or modified sources locating within an ozone maintenance area, the offset ratio is 1.1:1 (offsets:-emissions). These offsets may come from sources within either the maintenance area or from a source that is closer to the nearest maintenance area boundary than that source's ozone impact distance.

(c) For new or modified sources locating outside the designated area not including attainment or unclassified areas, but closer than the ozone impact distance of the nearest boundary of the designated area, the offset ratio is 1:1 (offsets:-emissions). These offsets may come from within either the designated area or from a source that is closer to the nearest maintenance area boundary than that source's ozone impact distance.

~~(146)~~(4) The amount of required offsets and the amount of provided offsets from contributing sources varies based on whether the proposed source or modification and the sources contributing offsets are located outside the ozone designated area other than attainment or unclassified areas. The required offsets and the provided offsets are calculated using either the formula method or the demonstration method, as follows, except that sources located inside an ozone nonattainment area must use the formula method.

(a) The Formula Method.

(A) Required offsets (RO) for new or modified sources are determined as follows:

(i) For sources with complete permit applications submitted before January 1, 2003: RO = SQ; and

(ii) For sources with complete permit applications submitted on or after January 1, 2003: RO = (SQ minus (SD multiplied by 40/30)).

(B) Contributing sources may provide offsets (PO) calculated as follows: PO = CQ minus (CD multiplied by 40/30).

(C) Multiple sources may contribute to the required offsets of a new source. For the formula method to be satisfied, total provided offsets (PO) must equal or exceed the required offsets (RO) by the ratio described in subsection (3).

(D) Definitions of factors used in subparagraphs (A), (B) and (C) of this

subsection:

(i) RO is the required offset of ~~NO_x~~ NO_X or VOC in tons per year as a result of the source emissions increase. If RO is calculated to be negative, RO is set to zero (0).

(ii) SQ (source quantity) is the source's emissions increase of ~~NO_x~~ NO_X or VOC in tons per year above the netting basis.

(iii) SD is the source distance in kilometers to the nearest boundary of the designated area except attainment or unclassified areas. SD is zero (0) for sources located within the designated area except attainment or unclassified areas.

(iv) PO is the provided offset from a contributing source and must be equal to or greater than zero (0).~~;~~

(v) CQ (contributing quantity) is the contributing source's emissions reduction in tons per year calculated as the contemporaneous pre-reduction actual emissions less the post-reduction allowable emissions from the contributing source (as provided in subsection 41-0030(1)(b)).

(vi) CD is the contributing source's distance in kilometers from the nearest boundary of the designated area except attainment of unclassified areas. For a contributing source located within the designated area except attainment or unclassified areas, CD equals zero (0).

(b) The Demonstration Method. An applicant may demonstrate to LRAPA using dispersion modeling or other analyses the level and location of offsets that would be sufficient to provide actual reductions in concentrations of VOC or ~~NO_x~~ NO_X in t~~T~~he designated area during high ozone conditions~~.~~ as the ratio described in subsection (3). The modeled reductions of ambient VOC or ~~NO_x~~ 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~~ NO_X concentrations resulting from the emissions increase from the source subject to this rule. If LRAPA determines that the demonstration is acceptable, then LRAPA will approve the offsets proposed by the applicant.

(c) Offsets obtained for a previous PSEL increase that did not involve resetting the netting basis can be credited toward offsets currently required for a PSEL increase.

~~(14)~~(5) In lieu of obtaining offsets, the owner or operator may obtain an allocation at the rate of 1:1 from a growth allowance, if available, in an applicable maintenance plan.

~~**NOTE:** This rule was moved verbatim from 40-0010-10 and 11 and 40-0090-1 and amended.~~

Section 38-0530 Requirements for Demonstrating Net Air Quality Benefit for Non-Ozone Areas

(1) When directed by the Major NSR or State NSR rules, ~~or~~ sections 42-0042, or 32-100, the owner or operator of the source must comply with subsections (2) through (6), as applicable. For purposes of this section, priority sources are sources identified under section 29-0320 for the designated area.

~~(148)~~(2) The ratio of offsets compared to the source's potential emissions increase is 1.2:1 (offsets:emissions). If the offsets include offsets from priority sources, the ratio will be decreased by the offsets obtained from priority sources as a percentage of the source's potential emissions increase. For example, if the owner or operator obtains offsets from priority sources equal to ten (10~~%~~) percent of its potential emissions increase, then the offset ratio is reduced by 0.10, to 1.1:1. In no event, however, will the offset ratio be less than 1.0:1, even if more than 20% of offsets are from priority sources.

~~(149)~~(3) The ratio of offsets compared to the source's potential emissions increase is 1.0:1 (offsets:emissions), except as allowed by paragraph (a). ~~or required by paragraph (b).~~

(a) For State NSR only, if the offsets include offsets from priority sources, the ratio will be decreased by the offsets obtained from priority sources as a percentage of the source's potential emissions increase. For example, if the owner or operator obtains offsets from priority sources equal to 20% of its potential emissions increase, then the offset ratio is reduced by 0.2, to 0.8:1. In no event, however, will the offset ratio be less than 0.5:1, even if more than 50% of offsets are from priority sources.

~~(150)~~(4) Except as provided in subsections (5) and (6), the owner or operator must conduct an air quality analysis of the impacts from the proposed new emissions and comply with paragraphs (a) and (b) using the procedures specified in paragraphs (c) through (e):

(a) Demonstrate that the offsets obtained result in a reduction in concentrations at a majority of modeled receptors within the entire designated area; and

(b) Comply with subparagraph (A) or subparagraph (B):

(A) Demonstrate that the impacts from the emission increases above the source's netting basis are less than the Class II SIL at all receptors within the entire designated area; or

(B) Demonstrate that the impacts from the emission increases above the source's netting basis:

(i) Are less than the Class II SIL at an average of receptors within an area designated by LRAPA as representing a neighborhood scale, as specified in 40 CFR part 58, Appendix D, a reasonably

homogeneous urban area with dimensions of a few kilometers that represent air quality where people commonly live and work in a representative neighborhood, centered on the LRAPA approved ambient monitoring sites; and

(ii) ~~Plus t~~The impacts of emission increases or decreases since the date of the current area designation of all other sources within the designated area or having a significant impact on the designated area, are less than ten (10) ~~10~~ percent of the AAQS at all receptors within the designated area;

(c) The air quality analysis must comply with sections 40-0030 and 40-0040;

(d) The air quality analysis must use a uniform receptor grid over the entire modeled area for the analyses required in paragraphs (a) and (b). The spacing of the receptor grids will be determined by LRAPA for each analysis;

(e) For the purpose of paragraph (a) and subparagraph (b)(B):

(A) Subtract the priority source offsets from the new or modified source's emission increase if the priority sources identified are area sources. Area source emissions are spatially distributed emissions that can be generated from activities such as, but not limited to, residential wood heating, unpaved road dust, and non-road mobile sources;

(B) If the source's emissions are not offset 100 percent by priority sources that are area sources, conduct dispersion modeling of the source's remaining emission increases after subtracting any priority source offsets allowed in subparagraph (A); and in addition, model all other sources with emission increases or decreases in or impacting the designated area since the date the area was designated, including offsets used for the proposed project, but excluding offsets from priority sources that are area sources; and

(C) If the source's emissions are offset 100 percent by priority sources that are area sources, no further analysis is required.

~~(15)~~(5) Small scale local energy projects and any infrastructure related to that project located in the same area are not subject to the requirements in subsection (4) provided that the proposed source or modification would not cause or contribute to a violation of an ambient air quality standard or otherwise pose a material threat to compliance with air quality standards in a nonattainment area.

Section 38-0540 Sources in a Designated Area Impacting Other Designated Areas

(1) When directed by the Major and State NSR rules, the owner or operator of a source locating outside, but impacting any designated area other than an attainment or unclassified area must meet one of the following requirements:

(a) Obtain offsets sufficient to reduce impacts to less than the Class II SIL at all receptors within the designated area as demonstrated using an air quality analysis under title 40; or

(b) Meet the following Net Air Quality Benefit requirements for the designated area that is impacted by the source, as applicable:

(A) For sources subject to Major NSR for the pollutant for which the area is designated:

(i) A source impacting a sustainment area must meet the requirements of subsection 38-0045(2);

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

(iii) A source impacting a reattainment area must meet the requirements of paragraph 38-0050(2)(b), treating the reattainment pollutant as a nonattainment pollutant for that rule; or

(iv) A source impacting a maintenance area must meet the requirements of subsection 38-0060(2).

(B) For sources subject to State NSR for the pollutant for which the area is designated:

(i) A source impacting a sustainment area must meet the requirements of paragraph 38-0245(1)(b);

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

(iii) A source impacting a reattainment area must meet the requirements of paragraph 38-0260(2)(b) treating the reattainment pollutant as a maintenance pollutant for that rule; or

(iv) A source impacting a maintenance area must meet the requirements of paragraph 38-0260(2)(b).

~~(152)~~(2) When directed by the Major NSR and State NSR rules, sources impacting any attainment and unclassified areas, but not directly subject to section 38-0070 or 38-0270, must comply with subsections 40-0050(1) and (2) for each regulated pollutant, other than GHGs, for which emissions will exceed the netting basis by the SER or more due to the proposed source or modification.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 40

AIR QUALITY ANALYSIS REQUIREMENTS

Section 40-0010 Purpose

~~(1)~~ This title contains the definitions and requirements for air quality analysis. ~~-~~This title does not apply unless a rule in another title refers to this title or a section in this title. ~~–~~For example, title 38~~,~~ New Source Review, refers to provisions in this title for specific air quality analysis requirements.

Section 40-0020 Definitions

The definitions in ~~LRAPA title~~title 12, title 29, OAR 340-204-0010 and this section apply to this title. ~~-~~If the same term is defined in this section and ~~LRAPA title~~title 12, title ~~20~~29, or OAR 340-204-0010, the definition in this section applies to this title.

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

(a) The applicable standards as set forth in 40 CFR parts 60, 61, 62 and 63;

(b) The applicable SIP emissions limitation, including those with a future compliance date; or

(c) The emissions rate specified as a federally enforceable permit condition.

(2) "Baseline concentration" means:

(a) The ambient concentration level for sulfur dioxide and PM_{10} that existed in an area during the calendar year 1978. Actual emission increases or decreases occurring before January 1, 1978 must be included in the baseline calculation, except that actual emission increases from any major source or major modification on which construction commenced after January 6, 1975 must not be included in the baseline calculation;

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

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

(d) If no ambient air quality data is available in an area, the baseline concentration may be estimated using modeling based on actual emissions for the years specified in paragraphs (a) through (c).

(3) "Baseline concentration year" means the calendar year used to determine the baseline concentration for a particular regulated pollutant in a particular designated area.

(4) "Competing PSD increment consuming source impacts" means the total modeled concentration above the modeled Baseline Concentration resulting from increased and decreased emissions of all other sources since the baseline concentration year that are expected to cause a significant concentration gradient in the vicinity of the source. Determination of significant concentration gradient may take into account factors including but not limited to ROI formula, spatial distribution of existing emission sources, topography, and meteorology. Allowable Emissions may be used as a conservative estimate of increased emissions, in lieu of actual emissions, in this analysis.

(5) "Competing AAQS source impacts" means total modeled concentrations of the subject pollutant resulting from allowable emissions of all other sources expected to cause a significant concentration gradient in the vicinity of the source or sources under consideration. Determination of significant concentration gradient may take into account factors including but not limited to ROI formula, spatial distribution of existing emission sources, topography, and meteorology.

(6) "FLAG" refers to the Federal Land Managers' Air Quality Related Values Work Group Phase I Report -REVISED, published at 75 Federal Register 66125, October 27, 2010.

(7) "General background concentration" means impacts from natural sources and unidentified sources that were not explicitly modeled, and may be determined based on either this as site-specific ambient monitoring or, with LRAPA approval, on representative ambient monitoring from another location.

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

(9) "Predicted maintenance area concentration" means the future year ambient concentration predicted by LRAPA in the applicable maintenance plan as follows:

~~(10)~~(a) [Reserved]

~~(11)~~(10) "Range of influence formula" or "ROI formula" means the calculation of the distance in kilometers from the source impact area of the new or modified source to other emission sources that could impact that area. If there is no source impact area, the distance is calculated from the new or modified source. Any location that is closer to the source than the ROI may be considered to be "within the range of influence" of the source. The ROI formula is as follows:

(a) For PSD Class II and Class III areas, the Range of Influence formula of a competing source (in kilometers) is defined by:

(A) ROI (km) = Q (tons/year) / K (tons/year km).

(B) Definition of factors used in paragraph (a):

(i) Maximum ROI is 50 km.

(ii) Q is the emission rate of the potential competing source in tons per year.

(iii) K (tons/year km) is a regulated pollutant specific constant as follows:

(I) For $PM_{2.5}$, PM_{10}, ~~SOx~~ SO_X and ~~NOx~~NO_X, K = 5;

(II) For CO, K = 40; and

(III) For lead, K = 0.15.

(b) For PSD Class I areas, the Range of Influence of a competing source includes emissions from all sources that occur within the modeling domain of the source being evaluated. LRAPA determines the modeling domain on a case-by-case basis.

~~(12)~~(11) "Single source impact" means the modeled impacts from an increase in emissions of regulated pollutants from a source without including the impacts from other sources.

~~(13)~~(12) "Source impact area" means an area, or locations, where predicted impacts from the source or modification equal or exceed the Class II significant impact levels set out in Table ~~1~~ 23 of ~~LRAPA title~~title 12. This definition only applies to PSD Class II areas and is not intended to limit the distance for PSD Class I modeling.

~~(14)~~(13) "Sulfur deposition" means the sum of anion and cation sulfur deposition expressed in terms of the total mass of elemental sulfur being deposited. As an example, sulfur deposition for $(NH_4)_2SO_4$ is 0.2427 times the weight of $(NH_4)_2SO_4$ being deposited.

Section 40-0030 Procedural Requirements

When required to conduct an air quality analysis under this title:

(1) The owner or operator of a source must submit a modeling protocol to LRAPA and have it approved before submitting a permit application.~~; and~~

(2) In addition to the requirements defined in section 37-0040 for permit applications, the owner or operator of a source must submit all information necessary to perform any

analysis or make any determination required under this title. Such information may include, but is not limited to:

(a) Emissions data for all existing and proposed emission points from the source or modification. This data must represent maximum emissions for the averaging times by regulated pollutant consistent with the ambient air quality standards in Title 50 –Ambient Air Standards.

(b) Stack parameter data, height above ground, exit diameter, exit velocity, and exit temperature, for all existing and proposed emission points from the source or modification,

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

(d) An analysis of the air quality and visibility impacts, and the nature and extent of all commercial, residential, industrial, and other source emission growth, that has occurred since the baseline concentration year, in the area the source or modification would significantly affect; and

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

Section 40-0040 Air Quality Models

All modeled estimates of ambient concentrations required under this title must be based on the applicable air quality models, data bases, and other requirements specified in 40 CFR part 51, Appendix W, "Guidelines on Air Quality Models (Revised)". Where an air quality impact model specified in 40 CFR part 51, Appendix W is inappropriate, the methods published in the FLAG are generally preferred for analyses in PSD Class I areas. Where an air quality impact model other than that specified in 40 CFR part 51, Appendix W is appropriate in PSD Class II and III areas, the model may be modified or another model substituted. Any change or substitution from models specified in 40 CFR part 51, Appendix W is subject to notice and opportunity for public comment and must receive prior written approval from LRAPA and EPA.

Section 40-0045 Requirements for Analysis in Maintenance Areas

Modeling: For determining compliance with the maintenance area impact levels established in section 50-065 or OAR 340-202-0225, whichever is most recently adopted, the following methods must be used:

(1) For each maintenance pollutant, a single source impact analysis is sufficient to show compliance with the maintenance area maximum impact levels if:

~~(e)~~(a) The modeled impacts from emission increases equal to or greater than an SER above the netting basis due to the proposed source or modification being evaluated are less than the Class II Significant Air Quality Impact Levels specified in title 12, Table ~~1~~32.

~~(f)~~(b) The owner or operator provides an assessment of factors that may impact the air quality conditions in the area showing that the SIL by itself is protective of the maintenance area impact levels. The assessment must take into consideration but is not limited to the emission increases and decreases since the baseline concentration year from other sources that are expected to cause a significant concentration gradient in the vicinity of the source. Determination of significant concentration gradient may take into account factors including but not limited to ROI formula, spatial distribution of existing emission sources, topography, and meteorology.

~~(3)~~(2) If the requirement in subsection (1) is not satisfied, the owner or operator of a proposed source or modification must complete a competing source analysis to demonstrate that modeled impacts from the proposed increased emissions plus competing source impacts, plus the predicted maintenance area concentration are less than the maintenance area impact levels in section 50-065 or OAR 340-202-0225, whichever is most recently adopted, for all averaging times.

~~(4)~~(3) Any analyses performed under this section must be done in compliance with sections 40-0030 and 40-0040, as applicable.

Section 40-0050 Requirements for Analysis in PSD Class II and Class III Areas

Modeling: For determining compliance with the AAQS, PSD increments, and other requirements in PSD Class II and Class III areas, the following methods must be used:

(1) For each regulated pollutant, a single source impact analysis is sufficient to show compliance with the AAQS and PSD increments if:

(a) The modeled impacts from emission increases equal to or greater than an SER above the netting basis due to the proposed source or modification being evaluated are less than the Class II significant impact levels specified in title 12, Table ~~1~~32; and

(b) The owner or operator provides an assessment of factors that may impact the air quality conditions in the area to show that the SIL by itself ensures that the proposed source or modification will not cause or contribute to a new violation of an AAQS and PSD increment. The assessment must take into consideration but is not limited to the following factors:

(A) The background ambient concentration relative to the AAQS;

(B) The emission increases and decreases since the baseline concentration

year from other sources that are expected to cause a significant concentration gradient in the vicinity of the source. Determination of significant concentration gradient may take into account factors including but not limited to ROI formula, spatial distribution of existing emission sources, topography, and meteorology.

~~(5)~~(2) If the requirement in subsection (1) is not satisfied, the owner or operator of a proposed source or modification being evaluated must complete a competing source analysis as follows:

(a) For demonstrating compliance with the PSD Class II and III increments (as defined in section 50-055, Table 1 or OAR 340-202-0210, whichever is more current), the owner or operator of the proposed source or modification must show that modeled impacts from the proposed increased emissions, above the modeled baseline concentration, plus competing PSD increment consuming source impacts above the modeled baseline concentration are less than the PSD increments for all averaging times; and

(b) For demonstrating compliance with the AAQS, the owner or operator of the source must show that the total modeled impacts plus total competing source impacts plus general background concentrations are less than the AAQS for all averaging times.

~~(6)~~(3) The owner or operator of a source must also provide an analysis of:

(a) The impairment to visibility, soils and vegetation that would occur as a result of the proposed source or modification, and general commercial, residential, industrial and other growth associated with the source or modification. As a part of this analysis, deposition modeling analysis is required for sources emitting heavy metals above the SERs as defined in title 12, Table 2. Concentration and deposition modeling may also be required for sources emitting other compounds on a case-by-case basis; and

(b) The air quality concentration projected for the area as a result of general commercial, residential, industrial and other growth associated with the source or modification.

~~(7)~~(4) Any analyses performed under this section must be done in compliance with sections 40-0030 and 40-0040, as applicable.

Section 40-0060 Requirements for Demonstrating Compliance with Standards and Increments in PSD Class I Areas

For determining compliance with AAQS and PSD increments in PSD Class I areas, the following methods must be used:

(1) Before ~~Jan.~~ January 1, 2003, the owner or operator of a source must model impacts and

demonstrate compliance with standards and increments on all PSD Class I areas that may be affected by the source or modification.

~~(8)~~(2) On or after Januar~~y.~~ 1, 2003, the owner or operator of a source must meet the following requirements:

(a) For each regulated pollutant, a single source impact analysis is sufficient to show compliance with PSD increments if modeled impacts from emission increases equal to or greater than an SER above the netting basis due to the proposed source or modification being evaluated are demonstrated to be less than the Class I significant impact levels specified in title 12, Table ~~1~~23. ~~-~~If this requirement is not satisfied, the owner or operator must complete a competing source analysis to demonstrate that the increased source impacts above baseline concentration plus competing PSD increment consuming source impacts are less than the PSD Class I increments for all averaging times.

(b) For each regulated pollutant, a single source impact analysis is sufficient to show compliance with AAQS if modeled impacts from emission increases equal to or greater than an SER above the netting basis due to the proposed source or modification being evaluated are demonstrated to be less than the Class I significant impact levels specified in title 12, Table ~~1~~23. If this requirement is not satisfied, the owner or operator must complete a competing source analysis to demonstrate compliance with the AAQS by showing that its total modeled impacts plus total modeled competing source impacts plus general background concentrations are less than the AAQS for all averaging times.

(c) The owner or operator also must demonstrate that the proposed source or modification will not cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact levels under paragraphs (a) and (~~c~~b), in accordance with section 50-055, Table 1 or OAR 340-202-0210, whichever is more current.

~~(9)~~(3) Any analyses performed under this section must be done in compliance with sections 40-0030 and 40-0040, as applicable.

Section 40-0070 Requirements for Demonstrating Compliance with Air Quality Related Values Protection

(1) Sources that are not federal major sources are exempt from the requirements of this section.

~~(10)~~(2) When directed by title 38, the requirements of this section apply to each emissions unit that increases the actual emissions of a regulated pollutant above the portion of the netting basis attributable to that emissions unit.

~~(11)~~(3) LRAPA must provide notice of permit applications involving AQRV analysis to EPA and Federal Land Managers as follows:

(a) If a proposed ~~major~~ source or ~~major~~ modification could impact air quality related values, including visibility, deposition, and ozone impacts within a Class I area, LRAPA will provide written notice to EPA and to the appropriate Federal Land Manager within 30 days of receiving such permit application. The notice will include a copy of all information relevant to the permit application, including analysis of anticipated impacts on Class I area air quality related values. LRAPA will also provide at least 30 days' notice to EPA and the appropriate Federal Land Manager of any scheduled public hearings and preliminary and final actions taken on the application;

(b) If LRAPA receives advance notice of a permit application for a source that may affect Class I area visibility, LRAPA will notify all affected Federal Land Managers within 30 days of receiving the advance notice;

(c) During its review of source impacts on Class I area air quality related values, pursuant to this rule, LRAPA will consider any analysis performed by the Federal Land Manager that is received by LRAPA within 30 days of the date that LRAPA sent the notice required by paragraph (a). If LRAPA disagrees with the Federal Land Manager's demonstration, LRAPA will include a discussion of the disagreement in the Notice of Public Hearing;

(d) As a part of the notification required in section 31-0060, LRAPA will provide the Federal Land Manager an opportunity to demonstrate that the emissions from the proposed source or modification would have an adverse impact on air quality related values, of any federal mandatory Class I area. This adverse impact determination may be made even if there is no demonstration that a Class I PSD increment has been exceeded. If LRAPA agrees with the demonstration, it will not issue the permit.

~~(12)~~(4) Visibility impact analysis requirements:

(a) If title 38 requires a visibility impact analysis, the owner or operator must demonstrate that the potential to emit any regulated pollutant at an SER in conjunction with all other applicable emission increases or decreases, including secondary emissions, permitted since January 1, 1984 and other increases or decreases in emissions, will not cause or contribute to significant impairment of visibility on any Class I area.

(b) The owner or operator must conduct a visibility analysis on the Columbia River Gorge National Scenic Area if it is affected by the source;

(c) The owner or operator must submit all information necessary to perform any analysis or demonstration required by these rules.

(d) Determination of significant impairment: The results of the modeling must be sent to the affected Federal Land Managers and LRAPA. The land managers may, within 30 days following receipt of the source's visibility impact analysis,

determine whether or not significant impairment of visibility in a Class I area would result. LRAPA will consider the comments of the Federal Land Manager in its consideration of whether significant impairment of visibility in a Class I area will result. If LRAPA determines that significant impairment of visibility in a Class I area would result, it will not issue a permit for the proposed source or modification.

~~(13)~~(5) In consultation with the Federal Land Managers under FLAG, LRAPA may require a plume blight analysis or regional haze analysis, or both.

~~(14)~~(6) Criteria for visibility impacts:

(a) The owner or operator of a source, where required by title 38, is encouraged to demonstrate that its impacts on visibility satisfy the guidance criteria as referenced in the FLAG.

(b) If visibility impacts are a concern, LRAPA will consider comments from the Federal Land Manager when deciding whether significant impairment will result. Emission offsets may also be considered. If LRAPA determines that significant impairment of visibility in a Class I area would result, it will not issue a permit for the proposed source or modification.

~~(15)~~(7) Deposition modeling may be required for receptors in PSD Class I areas and the Columbia River Gorge National Scenic Area where visibility modeling is required. This may include, but is not limited to an analysis of nitrogen deposition and sulfur deposition.

~~(16)~~(8) Visibility monitoring:

(a) If title 38 requires visibility monitoring data, the owner or operator must use existing data to establish existing visibility conditions within Class I areas as summarized in the FLAG Report.

(b) After construction has been completed the owner or operator must conduct such visibility monitoring if LRAPA requires visibility monitoring as a permit condition to establish the effect of the regulated pollutant on visibility conditions within the impacted Class I area.

~~(17)~~(9) Additional impact analysis: The owner or operator subject to subsection 38-0060(2) or 38-0070(3) must provide an analysis of the impact to visibility that would occur as a result of the proposed source or modification and general commercial, residential, industrial, and other growth associated with the source.

~~(18)~~(10) If the Federal Land Manager recommends and LRAPA agrees, LRAPA may require the owner or operator to analyze the potential impacts on other Air Quality Related Values and how to protect them. Procedures from the FLAG report must be used in this recommendation. Emission offsets may also be used. If the Federal Land Manager finds that significant impairment of visibility in a Class I area would result from

the proposed activities and LRAPA agrees, LRAPA will not issue a permit for the proposed source or modification.

~~(19)~~(11) Any analyses performed under this section must be done in compliance with sections 40-0030 and 40-0040, as applicable.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 41

EMISSION REDUCTION CREDITS

Section 41-0010 Applicability

This title applies to any person who wishes to create or bank an emission reduction credit in Lane County.

Section 41-0020 Definitions

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

Section 41-0030 Emission Reduction Credits

Any person who reduces emissions by implementing more stringent controls than required by a permit or an applicable regulation may create an emission reduction credit. Emission reduction credits must be created and banked within two (2) years from the time of actual emission reduction.

(1) Creating Emission Reduction Credits. Emission reductions can be considered credits if all of the following requirements are met:

(a) The reduction is permanent due to continuous overcontrol, curtailment or shutdown of an existing activity or device.

(b) The reduction is in terms of actual emissions reduced at the source. The amount of the creditable reduction is the difference between the contemporaneous (any consecutive 12 calendar month period during the prior 24 calendar months) pre-reduction actual (or allowable, whichever is less) emissions and the post-reduction allowable emissions from the subject activity or device.

(c) The reduction is either:

(A) Enforceable by LRAPA through permit conditions or rules adopted specifically to implement the reduction that make increases from the activity or device creating the reduction a violation of a permit condition; or

(B) The result of a physical design that makes such increases physically impossible.

(d) The reduction is surplus. Emission reductions must be in addition to any

emissions used to attain or maintain NAAQS in the SIP.

(e) Sources in violation of air quality emission limitations may not create emission reduction credits from those emissions that are or were in violation of air quality emission limitations.

(f) Hazardous emissions reductions required to meet the MACT standards at 40 CFR part 61 and part 63, including emissions reductions to meet the early reduction requirements of section 112(i)(5) of the Clean Air Act, are not creditable as emission reduction credits for purposes of Major NSR in nonattainment or reattainment areas. However, any emissions reductions that are in excess of or incidental to the MACT standards are not precluded from being credited as emission reduction credits as long as all conditions of a creditable emission reduction credit are met.

(2) Banking of Emission Reduction Credits.

(a) The life of emission reduction credits may be extended through the banking process as follows:

(A) Emission reduction credits may be banked for ten (10) years from the time of actual emission reduction.

(B) Requests for emission reduction credit banking must be submitted within the two (2) ~~-~~year (24 calendar month) contemporaneous time period immediately following the actual emission reduction. (The actual emission reduction occurs when the airshed experiences the reduction in emissions, not when a permit is issued or otherwise changed).

(b) Banked emission reduction credits are protected during the banked period from rule required reduction, if LRAPA receives the emission reduction credit banking request before LRAPA submits a notice of a proposed rule or plan development action for publication in the Secretary of State's bulletin~~of the new rule~~. ~~LRAPA~~ The Board or EQC may reduce the amount of any banked emission reduction credit that is protected under this subsection, if ~~LRAPA~~ the Board or EQC determines the reduction is necessary to attain or maintain an ambient air quality standard.

(c) Emission reductions must be in the amount of ten (10) tons per year or more to be creditable for banking, except as follows:~~.~~

~~(A)~~ In the Oakridge ~~nonattainment~~ maintenance area, $PM_{2.5}$ emission reductions must be at least 1 ton per year~~.~~

(d) Emission reduction credits will not expire pending LRAPA taking action on a timely banking request unless the ten (10) year period available for banking expires.

(3) Using Emission Reduction Credits~~:~~. ~~-~~Emission reduction credits may be used for:

(a) Netting actions within the source that generated the credit, through a permit modification; or

(b) Offsets pursuant to the NSR program, title 38.

(4) Emission reduction credits are considered used when a complete NSR permit application is received by LRAPA to apply the emission reduction credits to netting actions within the source that generated the credit, or to meet the offset and net air quality benefit requirements of the NSR program under sections 38-0500 through 38-0540.

(5) Unused Emission Reduction Credits

(a) Emission reduction credits that are not used, and for which LRAPA does not receive a request for banking within the contemporaneous time period, will become unassigned emissions for purposes of the PSEL and are no longer available for use as external offsets.

(b) Emission reduction credits that are not used prior to the expiration date of the credit will revert to the source that generated the credit and will be treated as unassigned emissions for purposes of the PSEL pursuant to section 42-0055 and are no longer available for use as external offsets.

(6) Emission Reduction Credit (ERC) Permit

(a) LRAPA tracks ERC creation and banking through the permitting process. ~~-~~The holder of ERCs must maintain either an ACDP, Title V permit, or an ERC Permit.

(b) LRAPA issues ERC Permits for anyone who is not subject to the ACDP or Title V programs that requests an ERC or an ERC to be banked.

(c) An ERC permit will only contain conditions necessary to make the emission reduction enforceable and track the credit.

(d) Requests for emission reduction credit banking must be submitted in writing to LRAPA and contain the following documentation:

(A) A detailed description of the activity or device controlled or shut down;

(B) Emission calculations showing the types and amounts of actual emissions reduced, including pre-reduction actual emission and post-reduction allowable emission calculations;

(C) The date or dates of actual reductions;

(D) The procedure that will render such emission reductions permanent and enforceable;

(E) Emission unit flow parameters including but not limited to temperature, flow rate and stack height;

(F) Description of short and long term emission reduction variability, if any.

(e) Requests for emission reduction credit banking must be submitted to LRAPA within two (2) years (24 months) of the actual emissions reduction. LRAPA must approve or deny requests for emission reduction credit banking before they are effective. In the case of approvals, LRAPA issues a permit to the owner or operator defining the terms of such banking. LRAPA insures the permanence and enforceability of the banked emission reductions by including appropriate conditions in permits and, if necessary, by recommending appropriate revisions to the SIP.

(f) LRAPA provides for the allocation of emission reduction credits in accordance with the uses specified by the holder of the emission reduction credits. The holder of ERCs must notify LRAPA in writing when they are transferred to a new owner or site. Any use of emission reduction credits must be compatible with local comprehensive plans, statewide planning goals, and state laws and rules.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 42

STATIONARY SOURCE PLANT SITE EMISSION LIMITS

Section 42-0010 Policy

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

Section 42-0020 Applicability

(1) Plant Site Emission Limits (PSELs) will be included in all Air Contaminant Discharge Permits (ACDP) and LRAPA Title V Operating Permits, except as provided in section 42-0020(-3)~~.~~, as a means of managing airshed capacity by regulating increases and decreases in air emissions. Except as provided in subsection 42-0035(5) and section 42-0060, all ACDP and LRAPA Title V Operating Permit sources are subject to PSELs for all regulated pollutants listed in the definition of SER in title 12. LRAPA will incorporate PSELs into permits when issuing a new permit or renewing or modifying an existing permit.

~~(20)~~(2) The emissions limits established by PSELs provide the basis for:

(a) Assuring reasonable further progress toward attaining compliance with ambient air quality standards;

(b) Assuring compliance with ambient air quality standards and PSD increments;

(c) Administering offset and banking programs; and

(d) Establishing the baseline for tracking the consumption of PSD Increments.

~~(21)~~(3) PSELs are not required for:

(a) Regulated pollutants that will be emitted at less than the de minimis emission level listed in LRAPA ~~Title~~ title 12 from the entire source;

(b) Short Term Activity and Basic ACDPs;

(c) Hazardous air pollutants as listed in ~~LRAPA title~~title 44 Table 1; high-risk

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

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

~~(22) PSELs may be generic PSELs, source specific PSELs set at the generic PSEL levels, or source specific PSELs set at source specific levels.~~

~~(a) A source with a generic PSEL cannot maintain a netting basis for that regulated pollutant.~~

~~(b) A source with a source specific PSEL that is set at the generic PSEL level may maintain a netting basis for that regulated pollutant provided the source is operating under a Standard ACDP or LRAPA Title V Operating permit.~~

Section 42-0030 Definitions

The definitions in ~~LRAPA title~~title 12, section 29-0010 and this section apply to this title. If the same term is defined in this section and ~~LRAPA title~~title 12 or section 29-0010, the definition in this section applies to this title.

Criteria for Establishing Plant Site Emission Limits

Section 42-0035 General Requirements for Establishing All PSELs

(1) PSELs may not exceed limits established by any applicable federal or state regulation or by any specific permit conditions unless the source meets the specific provisions of section 32-100 (Alternative Emission Controls).

~~(23)~~(2) LRAPA may change ~~source specific~~ PSELs at the time of a permit renewal, or if LRAPA modifies a permit pursuant to section 37-0084, Agency Initiated Modifications, or OAR 340-218-0200, Reopenings, if:

(a) LRAPA determines errors were made in calculating the PSELs or more accurate and reliable data is available for calculating PSELs; or

(b) More stringent control is required by a rule adopted by the Board or EQC.

~~(24)~~(3) PSEL reductions required by rule, order or permit condition will be effective on the compliance date of the rule, order, or permit condition.

~~(25)~~(4) Annual PSELs apply on a rolling 12-~~-~~consecutive month basis and limit the source's potential to emit.

~~(26)~~(5) PSELs do not include emissions from categorically insignificant activities. Emissions from categorically insignificant activities must be considered when determining Major NSR or Type A State NSR applicability under title 38.

~~(27)~~(6) PSELs must include aggregate insignificant emissions, if applicable. Emissions from aggregate insignificant activities must be considered when determining Major NSR or State NSR applicability under title 38.

~~**NOTE:** This rule was moved verbatim from 42-0043 and 42-0070 and amended.~~

~~**Section 42-0040 Generic Annual PSEL**~~

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

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

~~(3) The netting basis for a source with a generic PSEL is zero for that regulated pollutant.~~

Section 42-0041 ~~Source Specific~~ Annual PSEL

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

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

~~(4)~~(3) For sources subject to a Standard ACDP or an LRAPA Title V Operating Permit, a PSEL ~~For sources with potential to emit greater than or equal to the SER, the source specific PSEL~~ will be set equal to the source's potential to emit, netting basis or a level requested by the applicant, whichever is less, except as provided in subsection (~~3~~4) or (~~4~~5).

~~(5)~~(4) The initial ~~source specific~~ PSEL for $PM_{2.5}$ for a source that was permitted on or before May 1, 2011 with potential to emit greater than or equal to the SER will be set equal to the $PM_{2.5}$ fraction of the PM_{10} PSEL in effect on May 1, 2011.

(a) Any source with a permit in effect on May 1, 2011 is eligible for an initial $PM_{2.5}$ PSEL without being otherwise subject to subsection 42-0041(~~4~~5).

(b) For a source that had a permit in effect on May 1, 2011 but later needs to correct

its PM_{10} PSEL that was in effect on May 1, 2011 due to more accurate or reliable information, the corrected PM_{10} PSEL will be used to correct the initial $PM_{2.5}$ PSEL.

(A) Correction of a PM_{10} PSEL will not by itself trigger subsection 42-0041(~~4~~5) for $PM_{2.5}$.

(B) Correction of a PM_{10} PSEL could result in further requirements for PM_{10} in accordance with all applicable regulations.

(c) If after establishing the initial PSEL for $PM_{2.5}$ in accordance with this rule and establishing the initial $PM_{2.5}$ netting basis in accordance with section 42-0046, the PSEL is more than nine (9) tons above the netting basis, any future increase in the PSEL for any reason would be subject to subsection 42-0041(~~4~~5).

~~(6)~~(5) If an applicant wants an annual PSEL at a rate greater than the netting basis, the applicant must, consistent with section 42-0035:

(a) Demonstrate that the requested increase over the netting basis is less than the SER; or

(b) For increases equal to or greater than the SER over the netting basis, demonstrate that the applicable Major NSR or State NSR requirements in title 38 have been satisfied, except that ~~an increase in the PSEL for GHGs is subject to the requirements of NSR specified in 38-0010(1)(c) only if the criteria in 38-0010(1)(c) are met.~~:

(A) An increase in the PSEL for GHGs is subject to the requirements of NSR specified in paragraph 38-0010(1)(c) only if the criteria in paragraph 38-0010(1)(c) are met; and

(B) An increase in the PSEL for particulate matter (PM) is not subject to the air quality analysis but an air quality analysis is required for PM_{10} or $PM_{2.5}$ increases, if applicable.

~~(7)~~(6) If the netting basis is adjusted in accordance with subsection 42-0051(3), then the ~~source specific~~ PSEL is not required to be adjusted.

~~(8)~~(7) For sources that meet the criteria in paragraphs (a), (b) and (c), the requirements of subsection 42-0041(~~4~~5) do not immediately apply, but any future increase in the PSEL greater than or equal to the de minimis level for any reason is subject to subsection 42-0041(~~4~~5).

(a) A PSEL is established or revised to include emissions from activities that both existed at a source and were defined as categorically insignificant activities prior to January 11, 2018;

(b) The PSEL exceeds the netting basis by more than or equal to the SER solely as a

result of a revision described in paragraph (a); and

(c) The source would not have been subject to Major NSR or Type A State NSR under the applicable requirements of title 38 prior to January 11, 2018 if categorically insignificant activities had been considered.

Section 42-0042 Short Term PSEL

(1) For sources located in areas with an established short term SER that is measured over an averaging period less than a full year, PSELs are required on a short term basis for those regulated pollutants that have a short term SER. The short term averaging period is daily, unless emissions cannot be monitored on a daily basis. The averaging period for short term PSELs can never be greater than monthly.

~~(d)~~(a) For new and existing sources with potential to emit less than the short term SER, the short term PSEL will be set equal to the ~~level of the~~ short term potential to emit. ~~generic PSEL.~~

~~(e)~~(b) For existing sources with potential to emit greater than or equal to the short te~~r~~r'm SER, a short term PSEL will be set equal to the source's short term potential to emit or to the current permit's short term PSEL, whichever is less.

~~(f)~~(c) For new sources with potential to emit greater than or equal to the short term SER, the initial short term PSEL will be set at the level requested by the applicant provided the applicant meets the requirements of paragraph (2)(b).

~~(9)~~(2) If a permittee requests an increase in a short term PSEL that will exceed the short term netting basis by an amount equal to or at a rate greater than the initial short term SER, the permittee must satisfy the requirements of paragraphs (a) or (b). In order to satisfy the requirements of paragraph (a) or (b), the short term PSEL increase must first be converted to an annual increase by multiplying the short term increase by 8,760 hours, 365 days, or 12 months, depending on the term of the short term PSEL.

(a) Obtain offsets in accordance with the offset provisions for the designated area as specified in sections 38-0510 through 38-0530, as applicable; or~~;~~

(b) Obtain an allocation from an available growth allowance in accordance with the applicable maintenance plan.

~~(10)~~(3) Once the short term PSEL is increased pursuant to subsection (2), the increased level becomes the basis initial for evaluating future increases in the short term PSEL.

Section 42-0046 Netting Basis

(1) A netting basis will only be established for those regulated pollutants that could subject a source to NSR under title 38.

(a) The initial $PM_{2.5}$ netting basis for a source that was permitted prior to May 1,

2011 will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.

(b) The initial greenhouse gas netting basis for a source will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.

~~(11)~~(2) A source's netting basis is established as specified in paragraph (a), (b), or (c) and will be adjusted in accordance with~~according to~~ subsection (3):

(a) For all regulated pollutants except for $PM_{2.5}$, a source's initial netting basis is equal to the baseline emission rate.

(b) For $PM_{2.5}$, a source's initial netting basis is equal to the overall $PM_{2.5}$ fraction of the PM_{10} PSEL in effect on May 1, 2011 multiplied by the PM_{10} netting basis in effect on May 1, 2011. LRAPA may increase the initial $PM_{2.5}$ netting basis by not more than five (5) tons to ensure that the $PM_{2.5}$ PSEL does not exceed the $PM_{2.5}$ netting basis by more than the $PM_{2.5}$ SER.

(A) Any source with a permit in effect on May 1, 2011 is eligible for a $PM_{2.5}$ netting basis without being otherwise subject to subsection 42-0041(~~4~~5).

(B) For a source that had a permit in effect on May 1, 2011 but later needs to correct its PM_{10} netting basis that was in effect on May 1, 2011, due to more accurate or reliable information, the corrected PM_{10} netting basis will be used to correct the initial $PM_{2.5}$ netting basis.

(i) Correction of a PM_{10} netting basis will not by itself trigger subsection 42-0041(~~4~~5) for $PM_{2.5}$.

(ii) Correction of a PM_{10} netting basis could result in further requirements for PM_{10} in accordance with all applicable regulations.

(c) A source's netting basis is zero (0) for:

(A) Any regulated pollutant emitted from a source that first obtained a permit to construct and operate after the applicable baseline period for that regulated pollutant, and has not undergone NSR for that regulated pollutant except as provided in paragraph (2)(b) for $PM_{2.5}$;

(B) Any regulated pollutant for which the PSEL was set based on ~~that has~~ a generic PSEL ~~in a permit~~ under previously applicable rules; or

(C) Any source permitted as portable.

~~(12)~~(3) A source's netting basis will be adjusted as follows:

(a) The netting basis will be reduced by any emission reductions required under a rule, order, or permit condition issued by the Board or LRAPA and required by the SIP or used to avoid any state (e.g., NSR) or federal requirements (e.g., NSPS, NESHAP), as of the effective date of the rule, order or permit condition;

(A) Netting basis reductions are effective on the effective date of the rule, order or permit condition that requires the reductions;

(B) Netting basis reductions may only apply to sources that are permitted, on the effective date of the applicable rule, order or permit condition, to operate the affected devices or emissions units that are subject to the rule, order, or permit condition requiring emission reductions;

(C) Netting basis reductions will include reductions for unassigned emissions for devices or emissions units that are affected by the rule, order or permit condition, if the shutdown or over control that created the unassigned emissions occurred within five (5) years prior to the adoption of the rule, order or permit condition that required an emission reduction unless the unassigned emissions have been used for internal netting actions. This provision applies to emission reductions that have been placed in unassigned emissions or that are eligible to be placed in unassigned emissions but the permit that would place them in unassigned emissions has not been issued.

(D) Netting basis reductions will not affect emission reduction credits established under title 41.

(E) Netting basis reductions for the affected devices or emissions units will be determined consistent with the approach used to determine the netting basis prior to the regulatory action reducing the emissions. The netting basis reduction is the difference between the emissions calculated using the previous emission rate and the emission rate established by rule, order, or permit using appropriate conversion factors when necessary.

(F) The netting basis reductions will not include emissions reductions achieved under sections 32-006, 32-007, or title 44;

(b) The netting basis will be reduced by any unassigned emissions that are reduced under paragraph 42-0055(3)(a);

(c) The netting basis will be reduced by the amount of emission reduction credits transferred off site in accordance with title 41;

(d) The netting basis will be reduced when actual emissions are reduced in accordance with~~according to~~ subsection 42-0051(3);

(e) The netting basis will be increased by any of the following:

(A) For sources that obtained a permit on or after January 11, 2018, any emission increases approved through Major NSR or Type A State NSR action under title 38;

(B) For sources that obtained a permit prior to January 11, 2018, any emission increases approved through the NSR regulations in title 38 in effect at the time; or

(C) For sources where the netting basis was increased in accordance with the LRAPA PSD rules that were in effect prior to July 1, ~~2010~~2011, the netting basis may include emissions from emissions units that were not subject to both an air quality analysis and control technology requirements if the netting basis had been increased following the rules in effect at the time.

(f) The netting basis will be increased by any emissions from activities previously classified as categorically insignificant prior to January 11, 2018, provided the activities existed during the baseline period or at the time of the last NSR permitting action that changed the netting basis under paragraph (e).

~~(13)~~(4) In order to maintain the netting basis, permittees must maintain either a Standard ACDP or an LRAPA Title V Operating Permit. A request to be assigned any other type of ACDP sets the netting basis at zero (0) upon issuance of the other type of permit and remains ~~at~~ zero (0) unless an increase is approved under paragraph (3)(e).

~~(14)~~(5) If a source relocates to a different site that LRAPA determines is within or affects the same airshed, and the time between operation at the old and new sites is less than six (6) months, the source may retain the netting basis from the old site.

~~(15)~~(6) A source's netting basis for a regulated pollutant with a revised definition will be corrected if the source is emitting the regulated pollutant at the time the definition is revised and the regulated pollutant is included in the source's netting basis.

~~(16)~~(7) Where EPA requires an attainment demonstration based on dispersion modeling, the netting basis must not be more than the level used in the dispersion modeling to demonstrate attainment with the ambient air quality standard (i.e., the attainment demonstration is an emission reduction required by rule).

~~**NOTE:** This section was moved verbatim from title 12 and amended.~~

Section 42-0048 Baseline Period and Baseline Emission Rate

(1) The baseline period used to calculate the baseline emission rate is either:

(a) For any regulated pollutant other than GHG and $PM_{2.5}$, calendar years 1977 or 1978. LRAPA may allow the use of a prior time period upon a determination that it is more representative of normal source operation.

(b) For GHGs, any consecutive 12 calendar month period during calendar years 2000 through 2010.

(c) For a pollutant that becomes a regulated pollutant subject to title 38 after May 1, 2011, any consecutive 12 calendar month period within the 24 months immediately preceding the pollutant's designation as a regulated pollutant if a baseline period has not been defined for the regulated pollutant.

~~(17)~~(2) A baseline emission rate will only be established for those regulated pollutants subject to title 38.

~~(18)~~(3) A baseline emission rate will not be established for $PM_{2.5}$.

~~(19)~~(4) The baseline emission rate for GHGs, on a CO_2e basis, will be established with the first permitting action issued after July 1, 2011, provided the permitting action involved a public notice period that began after July 1, 2011.

~~(20)~~(5) For a pollutant that becomes a regulated pollutant subject to title 38 after May 1, 2011, the initial baseline emission rate is the actual emissions of that regulated pollutant during the baseline period.

~~(21)~~(6) The baseline emission rate will be recalculated only under the following circumstances:

(a) For GHGs, if actual emissions are reset in accordance with subsection 42-0051(3)~~.~~;

(b) If a material mistake or an inaccurate statement was made in establishing the production basis for the baseline emission rate;

(c) If a more accurate or reliable emission factor is available; or

(d) If emissions units that were previously not included in baseline emission rate must be included as a result of rule changes.

~~(22)~~(7) The baseline emission rate is not affected if emission reductions are required by rule, order, or permit condition.

~~**NOTE:** This section was moved verbatim from title 12 and amended.~~

Section 42-0051 Actual Emissions

(1) A source's actual emissions as of the baseline period are the sum total of the actual emissions from each part of the source for each regulated pollutant. The actual emissions as of the baseline period will be determined to be:

(a) Except as provided in paragraphs (b) and (c) and subsection (2), the average rate at which the source actually emitted the regulated pollutant during normal source operations over an applicable baseline period;

(b) The source-specific mass emissions limit included in a source's permit that was effective on September 8, 1981 if such emissions are within ten (10) percent ~~10%~~ of the actual emissions calculated under paragraph (a); or

(c) The potential to emit of the source or part of a source as specified in subparagraphs (A) and (B). The actual emissions will be reset if required in accordance with subsection (3).

(A) Any source or part of a source that had not begun normal operations during the applicable baseline period but was approved to construct and operate before or during the baseline period in accordance with ~~LRAPA title~~title 34, or 37, or was not required to obtain approval to construct and operate before or during the applicable baseline period; or

(B) Any source or part of a source that will emit greenhouse gases that had not begun normal operations prior to January 1, 2010, but was approved to construct and operate prior to January 1, 2011 in accordance with ~~LRAPA title~~title 34 or 37.

~~(23)~~(2) For any source or part of a source or any modification of a source or part of a source that had not begun normal operations during the applicable baseline period, but was approved to construct and operate in accordance with ~~LRAPA title~~title 34, 37 or 38, actual emissions of the source or part of the source equal the potential to emit of the source or part of the source on the date source or part of the source was approved to construct and operate.

~~(24)~~(3) For any source or part of a source whose actual emissions of greenhouse gases were determined pursuant to subparagraph (1)(c)(B), and for all other sources of all other regulated pollutants that are permitted in accordance with the Major NSR rules in title 38 on or after May 1, 2011, the potential to emit of the source or part of the source will be reset to actual emissions as follows:

(a) Except as provided in paragraph (b), ten (10) years from the end of the applicable baseline period under subparagraph (1)(c)(B) or ten (10) years from the date the permit is issued under subsection (2), or an earlier time if requested by the source in a permit application involving public notice, LRAPA will reset actual emissions of the source or part of the source to equal the highest actual emission rate during any consecutive 12-month period during the ten (10) year period or any shorter period if requested by the source. Actual emissions are determined as follows:

(A) The owner or operator must select a consecutive 12-month period and the same 12-month period must be used for all affected regulated pollutants and all affected devices or emissions units; and

(B) The owner or operator must determine the actual emissions during that 12-month period for each device or emissions unit that was subject to Major

NSR or Type A State NSR action under title 38, or for which the baseline emission rate is equal to the potential to emit.

(b) LRAPA may extend the date of resetting by five (5) additional years upon satisfactory demonstration by the source that construction is ongoing or normal operation has not yet been achieved.

(c) Any emission reductions achieved due to enforceable permit conditions based on sections 32-006 and 32-007 are not included in the reset calculation required in paragraph (a).

~~(25)~~(4) Regardless of the PSEL compliance requirements specified in a permit, actual emissions from a source or part of a source may be calculated for any given 12 consecutive month period using data that is considered valid and representative of the source~~'s~~ or part of ~~a~~ ~~'~~source~~'s~~' emissions. Actual emissions must be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

~~**NOTE:** This rule was moved verbatim from title 12 and amended.~~

Section 42-0055 Unassigned Emissions

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

~~(26)~~(2) Establishing unassigned emissions.

(a) Unassigned emissions equal the netting basis minus the source's current PTE, minus any banked emission reduction credits. ~~-~~Unassigned emissions are zero (0) if this result is negative.

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

~~(27)~~(3) Maximum unassigned emissions.

(a) Except as provided in paragraph (c), unassigned emissions will be reduced to not more than the SER (LRAPA ~~Title~~ title 12, Table 2~~ – General Provisions and Definitions~~) on July 1, 2010 and at each permit renewal following that date.

(b) The netting basis is reduced by the amount that unassigned emissions are reduced.

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

~~(28)~~(4) Using unassigned emissions.

(a) An existing source may use unassigned emissions for internal netting to allow an emission increase in accordance with the permit.

(b) A source may not bank unassigned emissions or transfer them to another source.

(c) A source may not use emissions that are removed from the netting basis, including emission reductions required by rule, order or permit condition under subparagraph 42-0046(3)(a)(C), for netting in any future permit actions.

~~(29)~~(5) Upon renewal, modification or other reopening of a permit after October 14, 2008 the unassigned emissions will be established with an expiration date of July 1, 2010 for all unassigned emissions in excess of the SER. Each time the permit is renewed after July 1, 2010 the unassigned emissions will be established again and reduced upon the following permit renewal to no more than the SER for each regulated pollutant.

~~**NOTE:** This rule was moved verbatim from 42-0045 and amended.~~

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

(1) LRAPA may establish PSELs for hazardous air pollutants (HAPs) if an owner or operator requests that LRAPA create an enforceable PTE limit.~~:~~

~~(a) Establish a PSEL for combined HAPs emitted for purposes of determining emission fees as prescribed in OAR 340 division 220; or~~

~~(b) Create an enforceable PTE limit.~~

~~(30)~~(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~~ 12-month basis and will be set based on the potential to emit if more than the de minimis emission level and to also comply with OAR chapter 340, division 245.~~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.~~

~~(31)~~(3) The alternative emissions controls (bubble) provisions of section 32-100 do not apply to emissions of HAPs.

Section 42-0080 Plant Site Emission Limit Compliance

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

~~(32)~~(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.

~~(33)~~(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.

~~(34)~~(4) The applicant must specify in the permit application the method that will be used to determine compliance with the PSEL. -LRAPA will review the method(s) and approve or modify, as necessary, to assure compliance with the PSEL. -LRAPA will include PSEL compliance monitoring methods in all permits that contain PSELs. -Depending on source operations, one or more of the following methods may be acceptable:

(a) Continuous emissions monitors,

(b) Material balance calculations,

(c) Emissions calculations using approved emission factors and process information,

(d) Alternative production or process limits, and

(e) Other methods approved by LRAPA.

~~(35)~~(5) When annual reports are required, the permittee must include the emissions total for each consecutive ~~12~~ 12-month period during the calendar year, unless otherwise specified by a permit condition.

~~(36)~~(6) Regardless of the PSEL compliance requirements specified in a permit, actual emissions may be calculated in accordance with subsection 42-0051(4).

Section 42-0090 Combining and Splitting Sources and Changing Primary SIC Code

(1) Two or more sources may combine into one source if the criteria in paragraph (a) are met. When two (2) or more sources combine into one (1) source under this rule, the combined source is subject to the criteria in paragraph (b).

(a) Two (2) or more sources may combine into one (1) source only if all of the following criteria are met:

(A) All individual sources that are being combined must be located within or impact the same airshed; and

(B) The combined source must have the same primary 4-digit SIC code as at least one of the individual sources that are being combined.

(b) The combined source is regulated as one source, subject to the following:

(A) The combined source netting basis is the sum of the individual sources' netting basis, provided that the netting basis of any individual source being combined may only be included in the combined source's netting basis if that individual source has a primary or secondary 2-digit SIC code that is the same as the primary or a secondary 2-digit SIC code of the combined source.

(B) The simple act of combining sources, without an increase over the combined PSEL, does not subject the combined source to Major NSR or State NSR.

(C) If the combined source PSEL, without a requested increase over the existing combined PSEL, exceeds the combined netting basis plus the SER, the source may continue operating at the existing combined source PSEL without becoming subject to NSR until such time that the source requests an increase in the PSEL ~~is requested~~ or the source is modified. ~~-~~If a source requests an increase in the PSEL or the source is modified, LRAPA will evaluate whether NSR will be required.

~~(37)~~(2) When one source is split into two (2) or more separate sources, or when a source changes its primary activity (primary 2-digit SIC code):

(a) The netting basis and SER may be transferred to one or more resulting source or sources only if:

(A) The primary 2-digit SIC code of the resulting source is the same as one of the primary or secondary 2-digit SIC codes that applied at the original source; or

(B) The resulting source and the original source have different primary 2-digit SIC codes but LRAPA determines the activities described by the two different primary 2-digit SIC codes are essentially the same.

(b) The netting basis and the SER for the original source is split amongst the resulting sources as requested by the original permittee.

(c) The amount of the netting basis that is transferred to the resulting source or sources may not exceed the potential to emit of the existing devices or emissions units involved in the split.

(d) The split of netting basis and SER must either:

(A) Be sufficient to avoid NSR for each of the newly created sources; or

(B) The newly created source(s) that become subject to NSR must comply with the requirements of title 38 before beginning operation under the new arrangement.

~~(38)~~(3) The owner or operator of the source, device or emissions unit must maintain records of physical changes and changes in the method of operation occurring since the baseline period or most recent Major NSR or Type A State NSR action under title 38. These records must be included in any future evaluation under section 38-0025 (major modification).

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 44

HAZARDOUS AIR POLLUTANT PROGRAM

General Provisions for Stationary Sources

Section 44-010 Policy and Purpose

The Lane Regional Air Protection Agency (LRAPA) finds that certain air contaminants for which there are no ambient air quality standards may cause or contribute to an identifiable and significant increase in mortality or to an increase in serious irreversible or incapacitating reversible illness or to irreversible ecological damage, and are therefore considered to be hazardous air pollutants. It ~~shall be~~is the policy of LRAPA that no person may cause, allow, or permit emissions into the ambient air of any hazardous substance in such quantity, concentration, or duration determined by LRAPA to be injurious to public health or the environment. The purpose of this title is to establish emissions limitations on sources of these air contaminants. In order to reduce the release of these hazardous air pollutants and protect public health and the environment, it is the intent of LRAPA to adopt by rule within this title the source category-specific requirements that are promulgated by the EPA. Furthermore, it is hereby declared the policy of LRAPA that the standards contained in this title are considered minimum standards, and as technology advances, protection of public health and the environment warrants, more stringent standards may be adopted and applied.

Section 44-015 Definitions

The definitions in title 12, OAR 340-218-0030, and this section apply to this title. If the same term is defined in this section and title 12 or 340-218-0030, the definition in this section applies to this title.

(1) "Affected source" is as defined in 40 C~~.~~F~~.~~R~~.~~ 63.2.

~~(39)~~(2) "Annual throughput" means the amount of gasoline transferred into a gasoline dispensing facility during 12 consecutive months.

~~(40)~~(3) "Area Source" means any stationary source which has the potential to emit hazardous air pollutants but is not a major source of hazardous air pollutants.

~~(41)~~(4) "C~~.~~F~~.~~R~~.~~" means the July 1, ~~2017~~ 2020 Code of Federal Regulations unless otherwise identified.

~~(42)~~(5) "Construct a major s~~S~~ource" means to fabricate, erect, or install at any greenfield site a stationary source or group of stationary sources which is located within a contiguous area and under common control and which emits or has the potential to emit ten (10)~~10~~ tons per year of any HAPs or 25 tons per year of any combination of HAP; or to fabricate,

erect, or install at any developed site a new process or production unit which in and of itself emits or has the potential to emit ten (10) tons per year of any HAP or 25 tons per year of any combination of HAP, unless the process or production unit satisfies criteria in paragraphs (a) through (f) of this definition:

(a) All HAP emitted by the process or production unit that would otherwise be controlled under the requirements of 40 C.F.R. part 63, ~~Subpart~~ subpart B will be controlled by emission control equipment which was previously installed at the same site as the process or production unit;

(b) LRAPA has determined within a period of five (5) years prior to the fabrication, erection, or installation of the process or production unit that the existing emission control equipment represented the best available control technology (BACT), lowest achievable emission rate (LAER) under 40 C.F.R. part 51 or 52, toxics-best available control technology (T-BACT) or MACT based on State air toxic rules for the category of pollutants which includes those HAP to be emitted by the process or production unit; or LRAPA determines that the control of HAP emissions provided by the existing equipment will be equivalent to that level of control currently achieved by other well-controlled similar sources (i.e., equivalent to the level of control that would be provided by a current BACT, LAER, T-BACT, or State air toxic rule MACT determination).

(c) LRAPA determines that the percent control efficiency for emission of HAP from all sources to be controlled by the existing control equipment will be equivalent to the percent control efficiency provided by the control equipment prior to the inclusion of the new process or production unit;

(d) LRAPA has provided notice and an opportunity for public comment concerning its determination that criteria in paragraphs (a), (b), and (c) apply and concerning the continued adequacy of any prior LAER, BACT, T-BACT, or State air toxic rule MACT determination;

(e) If any commenter has asserted that a prior LAER, BACT, T-BACT, or State air toxic rule MACT determination is no longer adequate, LRAPA has determined that the level of control required by that prior determination remains adequate; and

(f) Any emission limitations, work practice requirements, or other terms and conditions upon which the above determinations by LRAPA are predicated will be construed by LRAPA as applicable requirements under section 504(a) of the FCAA and either have been incorporated into any existing Title V Operating ~~p~~Permit for the affected facility or will be incorporated into such permit upon issuance.

~~(43)~~(6) "Emissions Limitation" and "Emissions Standard" mean a requirement adopted by the DEQ or LRAPA, or proposed or promulgated by the Administrator of the EPA, which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous

basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

~~(44)~~(7) "Equipment leaks" means leaks from pumps, compressors, pressure relief devices, sampling connection systems, open ended valves or lines, valves, connectors, agitators, accumulator vessels, and instrumentation systems in hazardous air pollutant service.

~~(45)~~(8) "Existing Source" means any source, the construction of which commenced prior to proposal of an applicable standard under sections 112 or 129 of the FCAA.

~~(46)~~(9) "Facility" means all or part of any public or private building, structure, installation, equipment, or vehicle or vessel, including, but not limited to, ships.

~~(47)~~(10) "Hazardous Air Pollutant" (HAP) means an air pollutant listed by the EPA under section 112(b) of the FCAA or determined by the Board to cause, or reasonably be anticipated to cause, adverse effects to human health or the environment.

~~(48)~~(11) "Major Source" means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, ten (10) tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants. The EPA may establish a lesser quantity, or in the case of radionuclides different criteria, for a major source on the basis of the potency of the air pollutant, persistence, potential for bioaccumulation, other characteristics of the air pollutant, or other relevant factors.

~~(49)~~(12) "Maximum Achievable Control Technology (MACT)" means an emission standard applicable to major sources of hazardous air pollutants that requires the maximum degree of reduction in emissions deemed achievable for either new or existing sources.

~~(50)~~(13) "New Source" means a stationary source, the construction of which is commenced after proposal of a federal MACT or January 3, 1993 of this title, whichever is earlier.

~~(51)~~(14) "Potential to Emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, ~~shall~~ must be treated as part of its design if the limitation is enforceable by the EPA. This section does not alter or affect the use of this section for any other purposes under the FCAA, or the term "capacity factor" as used in Title IV of the FCAA or the regulations promulgated under it. Secondary emissions ~~shall~~ will not be considered in determining the potential to emit of a source.

~~(52)~~(15) "Reconstruct a Major Source" means the replacement of components at an existing process or production unit that in and of itself emits or has the potential to emit ten (10) tons per year of any HAP or 25 tons per year of any combination of HAP,

whenever: the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable process or production unit; and it is technically and economically feasible for the reconstructed major source to meet the applicable maximum achievable control technology emission limitation for new sources established under 40 C.F.R. part 63, subpart B.

~~(53)~~(16) "Regulated Air Pollutant" as used in this title means:

(a) Any pollutant listed under OAR 340-~~200~~244-~~0400~~ 0040 or section 44-~~160~~020, Table 1; or

(b) Any pollutant that is subject to a standard promulgated under ~~Section~~ section 129 of the FCAA.

~~(54)~~(17) "Section 112(n)" means that subsection of the FCAA that includes requirements for the EPA to conduct studies on the hazards to public health prior to developing emissions standards for specified categories of hazardous air pollutant emission sources.

~~(55)~~(18) "Section 112(r)" means that subsection of the FCAA that includes requirements for the EPA promulgate regulations for the prevention, detection and correction of accidental releases.

~~(56)~~(19) "Solid Waste Incineration Unit" as used in this title ~~shall have~~has the same meaning as given in ~~Section~~ section 129(g) of the FCAA.

~~(57)~~(20) "Stationary Source":

(a) As used in title 44 means any building, structure, facility, or installation which emits or may emit any regulated air pollutant;

Section 44-020 List of Hazardous Air Pollutants

For purposes of this title LRAPA adopts by reference the pollutants, including groups of substances and mixtures, listed in ~~Section~~ section 112(b) of FCAA, as Hazardous Air Pollutants (Table 1 of section 44-020).

Section 44-030 Amending the List of Hazardous Air Pollutants

(1) Any person may file a petition with LRAPA to amend the HAP List. The petition must include at least the following information:

~~(b)~~(a) Name and chemical abstract service number of the substance;

~~(c)~~(b) Quantity of the substance used and released in Lane County;

~~(d)~~(c) Sources or source categories emitting the substance;

~~(e)~~(d) Potential adverse effects of the substance on public health and the environment;

~~(f)~~(e) Potential exposure pathways; and

~~(g)~~(f) Uncertainties in the data provided.

~~(58)~~(2) LRAPA ~~shall~~ will present this information, or other information that LRAPA may develop, to the Board, consistent with subsection (1), for presentation to the Board which will consider it along with the best available scientific information developed by the EPA, the Oregon Health ~~Division~~Authority, other states, other scientific organizations, or by any person.

~~(59)~~(3) The Board ~~shall~~ may amend the HAP list if:

(a) It finds there is a scientifically defensible need to add a substance not on the EPA list to protect the public health or environment;

(b) A chemical is added to the list by the EPA;

(c) A substance is deleted from the list by the EPA and the Board finds that the substance can be deleted without causing harm to public health or the environment; or

(d) A substance has previously been added to the list by the Board but not by the EPA, and the Board finds that the substance can be deleted without causing harm to public health or the environment.

COMPLIANCE EXTENSIONS FOR EARLY REDUCTIONS

Section 44-040 Applicability

The requirements of 40 C.F.R. part 63, subpart D apply to an owner or operator of an existing source who wishes to obtain a compliance extension and an alternative emission limit from a standard issued under ~~Section~~ section 112(d) of the FCAA. Any owner or operator of a facility who elects to comply with a compliance extension and alternative emission limit issued under this section must complete a permit application as prescribed in 40 C.F.R. 63.77.

Section 44-130 Emissions Limitation for New and Reconstructed Major Sources

(1) Federal MACT. Any person who proposes to construct a major source of HAP after an applicable emissions standard has been proposed by the EPA pursuant to ~~Section~~ section 112(d), ~~Section~~ section 112(n), or ~~Section~~ section 129 of the FCAA ~~shall~~ must comply with the requirements and emission standard for new sources when promulgated by EPA.

~~(60)~~(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~~ must comply with new and reconstructed source MACT requirements of 40 C.F.R. part 63, subpart B.

~~(61)~~(3) Compliance schedule. The owner or operator of a new or reconstructed source must on and after the date of start-up, be in compliance with all applicable requirements specified in the Federal or State MACT.

EMISSION STANDARDS

Section 44-140 Emissions Limitation for Existing Sources

(1) Federal MACT. ~~-~~Existing major and area sources ~~shall~~ must comply with the applicable emissions standards for existing sources promulgated by the EPA pursuant to ~~Section~~ section 112(d), section 112(n), or ~~Section~~ section 129 of the FCAA and adopted by section within this title.

~~(62)~~(2) State MACT. ~~-~~If the EPA fails to meet its schedule for promulgating a MACT standard for a source category, LRAPA must approve HAP emissions limitations for existing major sources within that category on a case-by-case basis, in accordance with the requirements of 40 C~~.~~F~~.~~R~~.~~ part 63, subpart B.

(a) The owner or operator of each existing major source within that category will file permit applications in accordance with OAR 340-218-0040 and 40 C~~.~~F~~.~~R~~.~~ part 63, subpart B.

(b) If, after a permit has been issued, the EPA promulgates a MACT standard applicable to a source, which is more stringent than the one established pursuant to this section, LRAPA ~~shall~~ must revise the permit upon the next renewal to reflect the standard promulgated by the EPA. ~~-~~The source ~~shall~~ will be given a reasonable time to comply, but no longer than ~~8 (~~eight (8) ~~)~~ years after the standard is promulgated.

(c) LRAPA ~~shall~~ will not establish a case-by-case MACT:

(A) For existing solid waste incineration units where an emissions standard will be established for these units by the EPA pursuant to ~~Section~~ section 111 of the FCAA. ~~-~~These sources are subject to applicable emissions standards under title 46.

(B) For existing major HAP sources where an emissions standard or alternative control strategy will be established by the EPA pursuant to ~~Section~~ section 112(n) of the FCAA.

~~(63)~~(3) Compliance schedule

(a) The owner or operator of the source ~~shall~~ must comply with the emission limitation:

(A) Within the time frame established in the applicable Federal MACT standard, but in no case later than ~~-~~ three (3) ~~(three)~~ years from the date of

federal promulgation of the applicable MACT requirements; or

(B) Within the time frame established by LRAPA where a State- determined MACT has been established or a case-by-case determination has been made.

(b) The owner or operator of the source may apply for, and LRAPA may grant, a compliance extension of up to 1 one (one1) 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 beis required to comply with such MACT standard until 5 (five (5)) years after the date on which such installation or reduction has been achieved, as determined by LRAPA.

Section 44-150, Emission Standards:Federal Regulations Adopted by Reference
~~**Federal Regulations Adopted by Reference**~~

(1) Except as provided in subsection (2) and (3), 40 C.F.R. Part part 61, Subparts subparts A, C through F, J, L, N through P, V, Y, BB, and FF and 40 C.F.R. Part part 63, Subparts subparts A, F through J, L, through O, Q through U, W through Y, AA through EE, GG through YY, CCC through EEE, GGG through JJJ, LLL through RRR, TTT through VVV, XXX, AAAA, CCCC through KKKK, MMMM through YYYY, AAAAA through NNNNN, PPPPP through UUUUU, WWWWW, YYYYY, ZZZZZ, BBBBBB, DDDDDD through FFFFFF, LLLLLL through TTTTTT, VVVVVV through EEEEEEE, and HHHHHHH are adopted by reference and incorporated herein, and 40 C.F.R. Part part 63, Subparts subparts ZZZZ and JJJJJJ are by this reference adopted and incorporated herein only for sources required to have a Title V or ACDP permit.

(64)(2) Where "Administrator" or "EPA" appears in 40 C.F.R. part 61 or 63, "LRAPA" shall is be substituted, except in any section of 40 C.F.R. part 61 or 63 for which a federal rule or delegation specifically indicates that authority will not be delegated to LRAPA.

(65)(3) 40 C.F.R. Part part 63, Subpart subpart M – —Perchloroethylene Air Emission Standards for Dry Cleaning Facilities~~Dry Cleaning Facilities using Perchloroethylene~~: The exemptions in 40 C.F.R. 63.320(d) and (e) do not apply.

(66)(4) 40 C.F.R. Part part 61 Subparts subparts adopted by this section are titled as follows:

(a) Subpart A – -General Provisions;

(b) Subpart C – -Beryllium;

(c) Subpart D – -Beryllium Rocket Motor Firing;

(d) Subpart E – -Mercury;

(e) Subpart F – -Vinyl Chloride;

(f) Subpart J – –Equipment Leaks (Fugitive Emission Sources) of Benzene;

(g) Subpart L – -Benzene Emissions from Coke By-Product Recovery Plants;

(h) Subpart N – -Inorganic Arsenic Emissions from Glass Manufacturing Plants;

(i) Subpart O – -Inorganic Arsenic Emissions from Primary Copper Smelters;

(j) Subpart P – -Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities;

(k) Subpart V – -Equipment Leaks (Fugitive Emission Sources);

(l) Subpart Y – -Benzene Emissions from Benzene Storage Vessels;

(m) Subpart BB – —Benzene Emissions from Benzene Transfer ~~Stations~~Operations; and

(n) Subpart FF – -Benzene Waste Operations.

~~(67)~~(5) 40 C~~.~~F~~.~~R~~.~~ p~~P~~art 63 Subparts adopted by this section are titled as follows:

(a) Subpart A~~-~~ – General Provisions;

(b) Subpart F~~-~~ – Synthetic Organic Chemical Manufacturing Industry (SOCMI);

(c) Subpart G~~-~~ – SOCMI - Process Vents, Storage Vessels, Transfer Operations, and Wastewater;

(d) Subpart H~~-~~ – SOCMI - Equipment Leaks;

(e) Subpart I~~-~~ – Certain Processes Subject to the Negotiated Regulation for Equipment Leaks;

(f) Subpart J – –Polyvinyl Chloride and Copolymers Production ~~(federally vacated);~~

(g) Subpart L~~-~~ – Coke Oven Batteries;

(h) Subpart M~~-~~ – Perchloroethylene Air Emission Standards for Dry Cleaning Facilities;

(i) Subpart N~~-~~ – -Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks;

(j) Subpart O~~-~~ – Ethylene Oxide Emissions Standards for Sterilization Facilities;

(k) Subpart Q- – Industrial Process Cooling Towers;

(l) Subpart R- – Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations);

(m) Subpart S- – Pulp and Paper Industry;

(n) Subpart T- – Halogenated Solvent Cleaning;

(o) Subpart U- – Group I Polymers and Resins;

(p) Subpart W- – Epoxy Resins Production and Non-Nylon Polyamides Production;

(q) Subpart X- – Secondary Lead Smelting;

(r) Subpart Y- – Marine Tank Vessel Loading Operations;

(s) Subpart AA- – Phosphoric Acid Manufacturing Plants;

(t) Subpart BB- – Phosphate Fertilizers Production Plants;

(u) Subpart CC- – Petroleum Refineries;

(v) Subpart DD- – Off-Site Waste and Recovery Operations;

(w) Subpart EE- – Magnetic Tape Manufacturing Operations;

(x) Subpart GG- – Aerospace Manufacturing and Rework Facilities;

(y) Subpart HH- – Oil and Natural Gas Production Facilities;

(z) Subpart II- – Shipbuilding and Ship Repair (Surface Coating);

(aa) Subpart JJ- – Wood Furniture Manufacturing Operations;

(bb) Subpart KK- – Printing and Publishing Industry;

(cc) Subpart LL- – Primary Aluminum Reduction Plants;

(dd) Subpart MM- – Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semi-Cchemical Pulp Mills;

(ee) Subpart NN – Area Sources: Wool Fiberglass Manufacturing

(ff) Subpart OO- – Tanks - Level 1;

(gg) Subpart PP- – Containers;

(hh) Subpart QQ – Surface Impoundments;

(ii) Subpart RR – Individual Drain Systems;

(jj) Subpart SS – Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process;

(kk) Subpart TT – Equipment Leaks - Control Level 1;

(ll) Subpart UU – Equipment Leaks - Control Level 2;

(mm) Subpart VV – Oil-Water Separators and Organic-Water Separators;

(nn) Subpart WW – Storage Vessels (Tanks) - Control Level 2;

(oo) Subpart XX – -Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations;

(pp) Subpart YY – Generic Maximum Achievable Control Technology Standards;

(qq) Subpart CCC – Steel Pickling-HC~~I~~l Process Facilities and Hydrochloric Acid Regeneration Plants;

(rr) Subpart DDD – Mineral Wool Production;

(ss) Subpart EEE – Hazardous Waste Combustors;

(tt) Subpart GGG – Pharmaceuticals Production;

(uu) Subpart HHH – Natural Gas Transmission and Storage Facilities;

(vv) Subpart III – Flexible Polyurethane Foam Production;

(ww) Subpart JJJ – Group IV Polymers and Resins;

(xx) Subpart LLL – Portland Cement Manufacturing ~~Facilities~~Industry;

(yy) Subpart MMM – Pesticide Active Ingredient Production;

(zz) Subpart NNN – Wool Fiberglass Manufacturing;

(aaa) Subpart OOO – Manufacture of Amino/Phenolic Resins;

(bbb) Subpart PPP – Polyether Polyols Production;

(ccc) Subpart QQQ – Primary Copper Smelting;

(ddd) Subpart RRR – Secondary Aluminum Production

(eee) Subpart TTT- – Primary Lead Smelting;

(fff) Subpart UUU- – Petroleum Refineries -- Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units;

(ggg) Subpart VVV- – Publicly Owned Treatment Works;

(hhh) Subpart XXX- – Ferro ~~A~~alloys Production~~,~~: Ferromanganese, and Silicomanganese ~~Production~~;

(iii) Subpart AAAA- – Municipal Solid Waste Landfills;

(jjj) Subpart CCCC- – Manufacturing of Nutritional Yeast;

(kkk) Subpart DDDD- – Plywood and Composite Wood Products;

(lll) Subpart EEEE- – Organic Liquids Distribution (non-gasoline);

(mmm) Subpart FFFF- – Miscellaneous Organic Chemical Manufacturing;

(nnn) Subpart GGGG- – Solvent Extraction for Vegetable Oil Production;

(ooo) Subpart HHHH- – Wet Formed Fiberglass Mat Production;

(ppp) Subpart IIII– – Surface Coating of Automobiles and Light-Duty Trucks;

(qqq) Subpart JJJJ- – Paper and Other Web Coating;

(rrr) Subpart KKKK– – Surface Coating of Metal Cans;

(sss) Subpart MMMM– – Surface Coating of Miscellaneous Metal Parts and Products;

(ttt) Subpart NNNN– – Surface Coating of Large Appliances;

(uuu) Subpart OOOO– – Printing, Coating, and Dyeing of Fabrics and Other Textiles;

(vvv) Subpart PPPP– – Surface Coating of Plastic Parts and Products;

(www) Subpart QQQQ– – Surface Coating of Wood Building Products;

(xxx) Subpart RRRR– – Surface Coating of Metal Furniture;

(yyy) Subpart SSSS– – Surface Coating of Metal Coil;

(zzz) Subpart TTTT– – Leather Finishing Operations;

(aaaa) Subpart UUUU– – Cellulose Production Manufacturing;

(bbbb) Subpart VVVV— – Boat Manufacturing;

(cccc) Subpart WWWW— – Reinforced Plastics Composites Production;

(dddd) Subpart XXXX— – Rubber Tire Manufacturing;

(eeee) Subpart YYYY— – Stationary Combustion Turbines;

(ffff) Subpart ZZZZ— – Stationary Reciprocating Internal Combustion Engines (adopted only for sources required to have a Title V or ACDP permit);

(gggg) Subpart AAAAA— – Lime Manufacturing;

(hhhh) Subpart BBBBB— – Semiconductor Manufacturing;

(iiii) Subpart CCCCC— – Coke Ovens: Pushing, Quenching & and Battery Stacks;

(jjjj) Subpart DDDDD— – Industrial, Commercial, and Institutional Boilers and Process Heaters

(kkkk) Subpart EEEEE— – Iron and Steel Foundries;

(llll) Subpart FFFFF— – Integrated Iron and Steel Manufacturing Facilities;

(mmmm) Subpart GGGGG— – Site Remediation;

(nnnn) Subpart HHHHH – Miscellaneous. Coating Manufacturing;

(oooo) Subpart IIIII— – Mercury Cell Chlor-Alkali Plants;

(pppp) Subpart JJJJJ— – Brick and Structural Clay Products Manufacturing;

(qqqq) Subpart KKKKK— – Clay Ceramics Manufacturing;

(rrrr) Subpart LLLLL— – Asphalt Processing & and Asphalt Roofing Manufacturing;

(ssss) Subpart MMMMM— – Flexible Polyurethane Foam Fabrication Operations;

(tttt) Subpart NNNNN— – Hydrochloric Acid Production;

(uuuu) Subpart PPPPP— – Engine Tests Cells/Stands;

(vvvv) Subpart QQQQQ— – Friction Materials Manufacturing Facilities;

(wwww) Subpart RRRRR— – Taconite Iron Ore Processing;

(xxxx) Subpart SSSSS— – Refractory Products Manufacturing;

(yyyy) Subpart TTTTT— – Primary Magnesium Refining;

(zzzz) Subpart UUUUU – Coal- and Oil-Fired Electric Utility Steam Generating Units

(aaaaa) Subpart WWWWW— – Area Sources: Hospital Ethylene Oxide Sterilization;

(bbbbb) Subpart YYYYY— – Area Sources: Electric Arc Furnace Steelmaking Facilities;

(ccccc) Subpart ZZZZZ— – Area Sources: Iron and Steel Foundries;

(ddddd) Subpart BBBBBB— – Area Sources: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities;

(eeeee) Subpart DDDDDD— – Area Sources: Polyvinyl Chloride and Copolymers Production;

(fffff) Subpart EEEEEE— – Area Sources: Primary Copper Smelting;

(ggggg) Subpart FFFFFF— – Area Sources: Secondary Copper Smelting;

(hhhhh) Subpart GGGGGG— – Area Sources: Primary Nonferrous Metals - Zinc, Cadmium, and Beryllium;

(iiiii) Subpart HHHHHH— – Area Sources: Paint Stripping and Miscellaneous Surface Coating Operations;

(jjjjj) -Subpart JJJJJJ – Area Sources: Industrial, Commercial, and Institutional Boilers (adopted only for sources required to have a Title V or ACDP permit);

(kkkkk) Subpart LLLLLL— – Area Sources: Acrylic and Modacrylic Fibers Production;

(lllll) Subpart MMMMMM— – Area Sources: Carbon Black Production;

(mmmmm) Subpart NNNNNN— – Area Sources: Chemical Manufacturing: Chromium Compounds;

(nnnnn) Subpart OOOOOO— – Area Sources: Flexible Polyurethane Foam Production;

(ooooo) Subpart PPPPPP— – Area Sources: Lead Acid Battery Manufacturing;

(ppppp) Subpart QQQQQQ— – Area Sources: Wood Preserving;

(qqqqq) Subpart RRRRRR— – Area Sources: Clay Ceramics Manufacturing;

(rrrrr) Subpart SSSSSS— – Area Sources: Glass Manufacturing;

(sssss) Subpart TTTTTT— – Area Sources: Secondary Nonferrous Metals Processing;

(ttttt) Subpart VVVVVV – Area Sources: Chemical Manufacturing;

(uuuuu) Subpart WWWWWW— – Area Sources: Plating and Polishing Operations;

(vvvvv) Subpart XXXXXX— – Area Sources: Nine Metal Fabrication and Finishing Source Categories;

(wwwww) Subpart YYYYYY— – Area Sources: Ferroalloys Production Facilities;

(xxxxx) Subpart ZZZZZZ— – Area Sources - Aluminum, Copper, and Other Nonferrous Foundries;

(yyyyy) Subpart AAAAAAA— – Area Sources: Asphalt Processing and Asphalt Roof Manufacturing;

(zzzzz) Subpart BBBBBBB— – Area Sources: Chemical Preparations Industry;

(aaaaaa) Subpart CCCCCCC— – Area Sources: Paints and Allied Products Manufacturing;

(bbbbbb) Subpart DDDDDDD— – Area Sources: Prepared Feeds Manufacturing;

(cccccc) Subpart EEEEEEE— – Area Sources: Gold Mine Ore Processing and Production;

(dddddd) Subpart HHHHHHH— – Polyvinyl Chloride and Copolymers Production.

(Section 37-150 Original Adoption 06/11/02, includes updated provisions of sections ~~43~~-43-020 through 43-035 which were deleted from title 43 by 06/11/02 rulemaking; Amended 1/12/2010, Amended 04/25/2011, Amended 11/12/2015, Amended 1/11/18)

EMISSION STANDARDS FOR GASOLINE DISPENSING FACILITIES

Section 44-170 Purpose

(1) The sections 44-180 through 44-290 establish emission limitations and management practices for hazardous air pollutants (HAP) and volatile organic compounds (VOCs) emitted from the loading of gasoline storage tanks and dispensing of fuel at gasoline dispensing facilities (GDFs). Sections 44-180 through 44-290 also establish requirements to demonstrate compliance with the emission limitations and management practices.

Section 44-180 Definitions

The definitions in title 12 and this section apply to sections 44-170 through 44-290. If the same term is defined in this section and title 12, the definition in this section applies.

(1) "Annual throughput" means the amount of gasoline transferred into a gasoline dispensing facility during 12 consecutive months.

~~(68)~~(2) "Aviation Gasoline" means a type of gasoline suitable for use as a fuel in an aviation gas spark-ignition internal combustion engine.

~~(69)~~(3) "Dual Point Vapor Balance System" means a type of vapor balance system in which the storage tank is equipped with an entry port for a gasoline fill pipe and a separate exit port for a vapor connection.

~~(70)~~(4) "Gasoline" means any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals (4.0 psi) or greater, which is used as a fuel for internal combustion engines.

~~(71)~~(5) "Gasoline Cargo Tank" means a delivery tank truck or railcar which is loading or unloading gasoline, or which has loaded or unloaded gasoline on the immediately previous load.

~~(72)~~(6) "Gasoline Dispensing Facility" (GDF) means any stationary facility which dispenses gasoline into the fuel tank of a motor vehicle, motor vehicle engine, nonroad vehicle, or nonroad engine, including a nonroad vehicle or nonroad engine used solely for competition. These facilities include, but are not limited to, facilities that dispense gasoline into on- and off-road, street, or highway motor vehicles, lawn equipment, boats, test engines, landscaping equipment, generators, pumps, and other gasoline fueled engines and equipment.

~~(73)~~(7) "Monthly Throughput" means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at each GDF during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the current day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during

the previous 364 days, and then dividing that sum by 12.

~~(74)~~(8) "Motor Vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway.

~~(75)~~(9) "Nonroad engine" means an internal combustion engine (including the fuel system) that is not used in a motor vehicle or a vehicle used solely for competition, or that is not subject to standards promulgated under section 7411 of this title or section 7521 of this title [Note: for the context of the terms "section" and "title" as used in this definition, please refer to the definition of "nonroad engine" in 40 C.F.R. Part 63 Subpart CCCCCC].

~~(76)~~(10) "Nonroad vehicle" means a vehicle that is powered by a nonroad engine, and that is not a motor vehicle or a vehicle used solely for competition.

~~(77)~~(11) "Submerged Filling" as used in this title, means the filling of a gasoline storage tank through a submerged fill pipe whose discharge is no more than the applicable distance specified in section 44-230 from the bottom of the tank. Bottom filling of gasoline storage tanks is included in this definition.

~~(78)~~(12) "Topping off" means, in the absence of equipment malfunction, continuing to fill a gasoline tank after the nozzle has clicked off.

~~(79)~~(13) "Vapor Balance System" means a combination of pipes and hoses that create a closed system between the vapor spaces of an unloading gasoline cargo tank and a receiving storage tank such that vapors displaced from the storage tank are transferred to the gasoline cargo tank being unloaded.

~~(80)~~(14) "Vapor Tight" means equipment that allows no loss of vapors. Compliance with vapor-tight requirements can be determined by monitoring to ensure that the concentration at a potential leak source is not equal to or greater than 100 percent of the Lower Explosive Limit when measured with a combustible gas detector, calibrated with propane, at a distance of 1 inch from the source.

~~(81)~~(15) "Vapor-tight gasoline cargo tank" means a gasoline cargo tank which has demonstrated within the 12 preceding months that it meets the annual certification test requirements in 40 C.F.R. 63.11092(f).

Section 44-190 Affected Sources

(1) The affected source to which the emission standards apply is each GDF. The affected source includes each gasoline cargo tank during the unloading of gasoline to a GDF and also includes each storage tank.

(2) Gasoline storage tanks with a capacity of less than 250 gallons must comply with the work practices in subparagraph 44-230(1)(a) through 44-230(1)(e) but are not required to comply with the submerged fill requirements in section 44-230 and vapor balance requirements in section 44-240.

(3) The owner or operator of a GDF that has any gasoline storage tanks with a capacity of 250 gallons or more must comply with the work practices requirements and the submerged fill requirements in section 44-230.

(4) The owner or operator of a GDF whose total volume of gasoline that is loaded into all gasoline storage tanks greater than or equal to 250-gallon capacity must comply with the vapor balance requirements in section 44-240 if either:

(a) The annual throughput is 480,000 gallons or more in any 12 consecutive months; or

(b) The monthly throughput is 100,000 gallons or more, as calculated on a rolling 30-day basis.

(5) Each GDF must, upon request by LRAPA, demonstrate that their annual and average monthly gasoline throughput is below any applicable thresholds.

(6) The owner or operator of a GDF must comply with the requirements of subsection 44-240(4) for any gasoline storage tank equipped vapor balance system.

(7) The owner or operator of a GDF that installs a new tank with a capacity of 10,000 gallons or more after the effective date of this section must be equipped with a vapor balance system that meets the requirements in section 44-240.

(8) Monthly throughput is the total volume of gasoline loaded into, or dispensed from, all the gasoline storage tanks located at a single affected GDF. If an area source has two (2) or more GDFs at separate locations within the area source, each GDF is treated as a separate affected source.

(9) If the affected source's throughput ever exceeds an applicable throughput threshold, the affected source will remain subject to the requirements for sources above the threshold, even if the affected source throughput later falls below the applicable throughput threshold.

(10) The dispensing of gasoline from a fixed gasoline storage tank at a GDF into a portable gasoline tank for the on-site delivery and subsequent dispensing of the gasoline into the fuel tank of a motor vehicle or other gasoline-fueled engine or equipment used within the area source is only subject to subsection 44-230(1).

~~(82)~~(11) For any affected source subject to the provisions of sections 44-170 through 44-290 and another federal rule, the owner or operator may elect to comply only with the more stringent provisions of the applicable rules. The owner or operator of an affected source must consider all provisions of the rules, including monitoring, recordkeeping, and reporting. The owner or operator of an affected source must identify the affected source and provisions with which the owner or operator of an affected source will comply in the Notification of Compliance Status required under section 44-260. The owner or operator of an affected source also must demonstrate in the Notification of Compliance Status that each provision with which the owner or operator of an affected source will comply is at

least as stringent as the otherwise applicable requirements in sections 44-170 through 44-290. The owner or operator of an affected source is responsible for making accurate determinations concerning the more stringent provisions, and noncompliance with this rule is not excused if it is later determined that your determination was in error, and, as a result, the owner or operator of an affected source is violating sections 44-170 through 44-290. Compliance with this rule is the owner's or operator's responsibility and the Notification of Compliance Status does not alter or affect that responsibility.

Section 44-200 Exceptions

(1) Agricultural Operations. The emission standards in sections 44-210 through 44-290 do not apply to GDF used exclusively for agricultural operations as defined in ORS 468A.020. Agricultural operations are however required to comply with the applicable requirements in 40 CFR part 63, subpart CCCCCC – National Hazardous Air Pollutant Emission Standards (NESHAP) for Gasoline Dispensing Facilities.

(2) Aviation Gasoline. The provisions of this section do not apply to the loading of aviation gasoline in storage tanks at airports, and aviation gasoline is not included in paragraphs 44-190(4)(a) and 44-190(4)(b).

~~(83)~~(3) The owner or operator of an affected source, as defined in section 44-190, is not required to obtain a Title V Operating Permit, as a result of being subject to sections 44-210 through 44-290. However, the owner or operator must still apply for and obtain an LRAPA Title V Operating Permit if meeting one or more of the applicability criteria found in OAR 340-218-0020.

Section 44-210 Affected Equipment or Processes

(1) The emission sources to which this section applies are gasoline storage tanks and associated equipment components in vapor or liquid gasoline service at new, reconstructed, or existing GDF that meet the criteria specified in section 44-190. Pressure/Vacuum vents on gasoline storage tanks and the equipment necessary to unload product from cargo tanks into the storage tanks at GDF are covered emission sources. The equipment used for the refueling of motor vehicles is not covered by this section with the exception of topping off.

(2) New GDF. For purposes of this section, a GDF is a new GDF if the owner or operator commenced construction of the GDF after November 9, 2006 and meets the applicability criteria in section 44-190 upon startup of the GDF.

(3) Reconstructed GDF. A GDF is a reconstructed GDF if meeting the criteria for reconstruction as defined in 40 CFR 63.2.

~~(84)~~(4) Existing GDF. A GDF is an existing GDF if it is not new or reconstructed.

Section 44-220 Compliance Dates

(1) For a new or reconstructed affected source, the owner or operator must comply with the

standards in sections 44-230 and 44-240, as applicable, no later than January 10, 2008 or upon startup, whichever is later, except as follows:

(a) The owner or operator of a new or reconstructed GDF must comply with paragraphs 44-230(1)(b) and (c) no later than the effective date of this section or upon startup, whichever is later.

(b) For tanks located at a GDF with average monthly throughput of less than 10,000 gallons of gasoline, the owner or operator must comply with the standards in subsection 44-230(3) no later than the effective date.

(2) The owner or operator of an existing GDF must comply with paragraphs 44-230(1)(a) through 44-230(1)(e) no later than the effective date of this section or upon startup, whichever is later.

(3) For an existing affected source, the owner or operator must comply with the standards in sections 44-230 and 44-240, as applicable, by no later than January 10, 2011.

(4) The owner or operator of an existing affected source that becomes subject to the control requirements in this section because of an increase in the monthly throughput, as specified in section 44-190, must comply with the applicable standards in this section no later than January 10, 2011 or within two (2) years after the affected source becomes subject to the additional control requirements in this section, whichever is later.

(5) The initial compliance demonstration test required under paragraphs 44-250(2)(a) and (b) must be conducted as specified in paragraphs (5)(a) and (b).

(a) For a new or reconstructed affected source, the owner or operator must conduct the initial compliance test upon installation of the complete vapor balance system.

(b) For an existing affected source, the owner or operator must conduct the initial compliance test as specified in subparagraph (5)(b)(A) or (B).

(A) For vapor balance systems installed on or before December 15, 2009 at a GDF whose average monthly throughput is 100,000 gallons of gasoline or more, the owner or operator must test no later than 180 days after the applicable compliance date specified in subsection (2) or (3).

(B) For vapor balance systems installed after December 15, 2009, the owner or operator must test upon installation of a complete vapor balance system or a new gasoline storage tank.

(C) For a GDF whose average monthly throughput is less than or equal to 100,000 gallons of gasoline, the owner or operator is only required to test upon installation of a complete vapor balance system or a new gasoline storage tank.

(6) If the GDF is subject to the control requirements in sections 44-178 through 44-290 only

because it loads gasoline into fuel tanks other than those in motor vehicles, as defined in section 44-180, the owner or operator of the GDF must comply with the standards in sections 44-178 through 44-290 as specified in paragraphs (6)(a) and (b).

(a) If the GDF is an existing facility, the owner or operator of the GDF must comply by January 24, 2014.

(b) If the GDF is a new or reconstructed facility, the owner or operator of the GDF must comply by the dates specified in subparagraphs (5)(b)(A) and (B).

(A) If startup of the GDF is after December 15, 2009, but before January 24, 2011, the owner or operator of the GDF must comply no later than January 24, 2011.

~~(A)~~(B) If startup of the GDF is after January 24, 2011, the owner or operator of the GDF must comply upon startup of the GDF.

Section 44-225 General Duties to Minimize Emissions

Each owner or operator of an affected source must comply with the requirements of subsections (1) and (2).

(1) The owner or operator of an affected source must, at all times, operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to LRAPA and the EPA Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

(2) The owner or operator of an affected source must keep applicable records and submit reports as specified in subsections 44-270(4) and 44-280(2).

Section 44-230 Work Practice and Submerged Fill Requirements

(1) The owner or operator of a GDF must take reasonable precautions to prevent gasoline vapor releases to the atmosphere. Reasonable precautions include, but are not limited to, the following:

(a) Minimize gasoline spills;

(b) Do not top off or overfill vehicle tanks. If a person can confirm that a vehicle tank is not full after the nozzle clicks off, such as by checking the vehicle's fuel tank gauge, the person may continue to dispense fuel using best judgment and caution to prevent a spill;

(c) Post a sign at the GDF instructing a person filling up a motor vehicle to not top

off vehicle tanks;

(d) Clean up spills as expeditiously as practicable;

(e) Cover all gasoline storage tank fill-pipes with a gasketed seal and all gasoline containers when not in use;

(f) Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.

(g) Ensure that cargo tanks unloading at the GDF comply with paragraphs (1)(a), (1)(d) and (1)(e).

(2) Any cargo tank unloading at a GDF equipped with a functional vapor balance system must connect to the vapor balance system whenever gasoline is being loaded.

(3) The owner or operator of cargo tank or GDF must only load gasoline into storage tanks at the facility by utilizing submerged filling as specified in paragraph (3)(a), (3)(b) or (3)(c). The applicable distances in paragraphs (3)(a) and (3)(b) must be measured from the point in the opening of the submerged fill pipe that is the greatest distance from the bottom of the storage tank.

(a) Submerged fill pipes installed on or before November 9, 2006, must extend to no less than 12 inches from the bottom of the storage tank.

(b) Submerged fill pipes installed after November 9, 2006, must extend to no less than six (6) inches from the bottom of the storage tank.

(c) Submerged fill pipes not meeting the specifications of subsection (3)(a) or (3)(b) are allowed if the owner or operator of a GDF can demonstrate that the liquid level in the tank is always above the entire opening of the fill pipe. Documentation providing such demonstration must be made available for inspection by LRAPA and the EPA Administrator during the course of a site visit.

(4) The GDF owner or operator must submit the applicable notifications as required in section 44-260.

(5) The GDF owner or operator must have records available within 24 hours of a request by the LRAPA or the EPA Administrator to document gasoline throughput.

(6) The GDF owner or operator must comply with the requirements of this section by the applicable dates specified in section 44-220.

~~(85)~~(7) Portable gasoline containers that meet the requirements of 40 CFR part 59, subpart F are considered acceptable for compliance with paragraph (1)(e).

Section 44-240 Vapor Balance Requirements

(1) Except as provided in subsection (2), the owner or operator of a GDF must meet the requirements in either paragraph (1)(a) or (1)(b) for all affected gasoline storage tanks.

(a) Each management practice in Table 4 of section 44-240 that applies to the GDF.

(b) If, prior to January 10, 2008, the owner or operator operates a vapor balance system on all affected tanks at the GDF that meets either requirement listed in subparagraph (1)(b)(A) or (1)(b)(B), the owner or operator of a GDF will be deemed in compliance with this subsection.

(A) Achieves emissions reduction of at least 90 percent.

(B) Operates using management practices at least as stringent as those in Table 4 of section 44-240.

(2) Gasoline storage tanks equipped with floating roofs or the equivalent are not required to comply with the control requirements in subsection (1).

(3) Cargo tanks unloading at a GDF must comply with the work practice requirements of subsection 44-230(1) and management practices in Table 5 of section 44-240.

(4) The owner or operator of a GDF subject to subsection (1) or having a gasoline storage tank equipped with a vapor balance system, must comply with the following requirements on and after the applicable compliance date in section 44-220:

(a) When loading a gasoline storage tank equipped with a vapor balance system, connect and ensure the proper operation of the vapor balance system whenever gasoline is being loaded.

(b) Maintain all equipment associated with the vapor balance system to be vapor tight and in good working order.

(c) Have the vapor balance equipment inspected on at least an annual basis to discover potential or actual equipment failures.

(d) Replace, repair or modify any worn or ineffective component or design element within 24 hours of discovery to ensure the vapor-tight integrity and efficiency of the vapor balance system. If repair parts must be ordered, either a written or verbal order for those parts must be initiated within two (2) working days of detecting such a leak. Such repair parts must be installed within five (5) working days after receipt.

(5) The owner or operator of a GDF subject to subsection (1) must also comply with the following requirements:

(a) The applicable testing requirements in section 44-250.

(b) The applicable notification requirements in section 44-260.

(c) The applicable recordkeeping and reporting requirements in sections 44-270 and 44-280.

~~(a)~~(d) The owner or operator must have records available within 24 hours of a request by the LRAPA or the EPA Administrator to document gasoline throughput.

Section 44-250 Testing and Monitoring Requirements

(1) For all testing required by this section, submit notification to LRAPA at least ten (10) days prior to testing.

(2) If required to install a vapor balance system subject to the requirements of section 44-240, the owner or operator must comply with the testing requirements in paragraphs 44-250(2)(a) and 44-250(2)(b) at the time of installation of a vapor balance system or a new gasoline storage tank. Further, each owner or operator of a GDF with monthly throughput of 100,000 gallons of gasoline or more must also test every three (3) years after installation.

(a) The owner or operator must demonstrate compliance with the leak rate and cracking pressure requirements, specified in item 1(g) of Table 4 of section 44-240, for pressure/vacuum vent valves installed on gasoline storage tanks using test method identified in subparagraphs (a)(A) or (a)(B):

(A) PV (pressure/vacuum test valve) Vent Cap Testing in accordance with CARB TP–201.1E,–Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, adopted October 8, 2003 (incorporated by reference, see 40 CFR 63.14).

(B) Use alternative test methods and procedures in accordance with the alternative test method requirements in 40 CFR 63.7(f).

(b) The owner or operator must demonstrate compliance with the static pressure performance requirement, specified in item 1(h) of Table 4 of section 44-240, for the vapor balance system by conducting a static pressure test on the gasoline storage tanks using test methods identified in subparagraph (b)(A) or (b)(B):

(A) Pressure Decay Testing in accordance with CARB TP–201.3,–Determination of 2 inches of WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities.

(B) Use alternative test methods and procedures in accordance with the alternative test method requirements in 40 CFR 63.7(f).

(C) Bay Area Air Quality Management District Source Test Procedure ST-30 — Static Pressure Integrity Test — Underground Storage Tanks, adopted November 30, 1983, and amended December 21, 1994 (incorporated by reference, see 40 CFR 63.14).

(3) Each owner or operator of a GDF, choosing, under the provisions of 40 CFR 63.6(g), to use a vapor balance system other than that described in Table 4 of section 44-240, must demonstrate to the EPA the equivalency of their vapor balance system to that described in Table 4 of section 44-240 using the procedures specified in paragraphs (3)(a) through (c).

(a) The owner or operator must demonstrate initial compliance by conducting an initial performance test on the vapor balance system to demonstrate that the vapor balance system achieves 95 percent reduction in accordance with CARB TP–201.1,—Vapor Recovery Test Procedure,—Volumetric Efficiency for Phase I Vapor Recovery Systems, incorporated by reference, see 40 CFR 63.14.

(b) The owner or operator must, during the initial performance test required in paragraph (3)(a), determine and document alternative acceptable values for the leak rate and cracking pressure requirements specified in item 1(g) of Table 4 of section 44-240 and for the static pressure performance requirement in item 1(h) of Table 4 of section 44-240.

(c) The owner or operator must also comply with the testing requirements specified in subsection (2).

(4) Conduct of performance tests. Performance tests must be conducted under such conditions as LRAPA or the EPA Administrator specifies to the owner or operator of a GDF based on representative performance, i.e., performance based on normal operating conditions, of the affected source. Upon request by LRAPA or the EPA Administrator, the owner or operator of a GDF must make available such records as may be necessary to determine the conditions of performance tests.

~~(86)~~(5) Owners and operators of gasoline cargo tanks subject to the provisions of Table 4 of section 44-240 must conduct annual certification testing according to the vapor tightness testing requirements found in 40 CFR 63.11092(f).

Section 44-260 Notifications

(1) Each owner or operator of a GDF subject to the submerged fill requirements in subsection 44-230(3) or the vapor balance requirements in section 44-240 must comply with subsections (2) through (6).

(a) The owner or operator of a GDF must submit an Initial Notification that the owner or operator is subject to the GDF NESHAP by May 9, 2008, or at the time the owner or operator becomes subject to the submerged fill requirements in subsection 44-230(2) or the vapor balance requirements in section 44-240, unless the owner or operator meets the requirements in subsection 44-260(4). The Initial Notification must contain the information specified in paragraphs (a) through (c) of this section. The notification must be submitted to the EPA's Region 10 Office and LRAPA as specified in 40 CFR 63.13.

(A) The name and address of the owner and the operator.

(B) The physical address of the GDF.

(C) The volume of gasoline loaded into all storage tanks or on the volume of gasoline dispensed from all storage tanks during the previous twelve months.

(D) A statement that the notification is being submitted in response to the GDF NESHAP and identifying the requirements in subsections 44-230(1) through (3) and section 44-240 that apply to the owner or operator of a GDF.

(b) The owner or operator of a GDF must submit a Notification of Compliance Status to the EPA's Region 10 Office and LRAPA as specified in 40 CFR 63.13, by the compliance date specified in section 44-220 unless the owner or operator meets the requirements in subsection (4). The Notification of Compliance Status must be signed by a responsible official who must certify its accuracy and must indicate whether the source has complied with the requirements of sections 44-170 through 44-290. If the facility is in compliance with the requirements of sections 44-170 through 44-290 at the time the Initial Notification required in paragraph (a) is due, the Notification of Compliance Status may be submitted in lieu of the Initial Notification provided it contains the information required in subsection (2).

(c) If, prior to January 10, 2008 the owner or operator satisfies the requirements in paragraph (a) or (b), the owner or operator is not required to submit an Initial Notification or a Notification of Compliance Status specified in subsections (2) and subsection 44-260(3).

~~(b)~~(d) The owner or operator is not subject to the vapor requirements in section 44-240, and is operating in compliance with an enforceable federal, state or local rule or permit that requires submerged fill as specified in subsection 44-230(2).

~~(c)~~(e) The owner or operator is subject to the vapor requirements in section 44-240 and meets the requirements in paragraphs (b)(A) and (b)(B).

(A) The owner or operator operates a vapor balance system at the GDF that meets the requirements of either sub-subparagraphs (4)(b)(A)(i) or (ii):

(i) Achieves emissions reduction of at least 90 percent.

(ii) Operates using management practices at least as stringent as those in Table 4.

(B) The owner or operator is operating in compliance with an enforceable federal, state, or local rule or permit that requires submerged fill as specified in subsection 44-230(2), and requires the operation of a vapor balance system as specified in subparagraph 44-260(4)(b)(A).

~~(87)~~(2) The owner or operator must submit a Notification of Performance Test as specified in 40 CFR 63.9(e), prior to initiating testing required by subsections 44-250(2) and 44-250(3)

as applicable.

~~(d)~~(a) The owner or operator must submit additional notifications specified in 40 CFR 63.9, as applicable.

Section 44-270 Recordkeeping Requirements

(1) Each owner or operator must keep the following records:

(a) Records of all tests performed in accordance with subsections 44-250(2) and 44-250(3).

(b) Records related to the operation and maintenance of vapor balance equipment required in section 44-240. Any vapor balance component defect must be logged and tracked by the GDF owner or operator using forms provided by LRAPA or a reasonable facsimile.

(c) Records of total monthly and annual throughput in gallons as defined.

(d) Records of permanent changes made at the GDF and to vapor balance equipment which may affect emissions.

(2) Records required under section (1) must be kept for a period of five (5) years and must be available within 24 hours of a request by LRAPA and the EPA Administrator.

(3) Each owner or operator of a gasoline cargo tank subject to the management practices in Table 5 of section 44-240 must keep records documenting vapor tightness testing for a period of five (5) years. Documentation must include each of the items specified in 40 CFR 63.11094(b)(2)(i) through (viii). Records of vapor tightness testing must be retained as specified in either subsection (3)(a) or (b).

(a) The owner or operator of a gasoline cargo tank must keep all vapor tightness testing records with the cargo tank.

(b) As an alternative to keeping all records with the cargo tank, the owner or operator of a gasoline cargo tank may comply with the requirements of subparagraphs (3)(a)(A) and (B).

(A) The owner or operator of a gasoline cargo tank may keep records of only the most recent vapor tightness test with the cargo tank and keep records for the previous four (4) years at their office or another central location.

(B) Vapor tightness testing records that are kept at a location other than with the cargo tank must be instantly available (e.g., via e-mail or facsimile) to LRAPA and the EPA Administrator during the course of a site visit or within a mutually agreeable time frame. Such records must be an exact duplicate image of the original paper copy record with certifying signatures.

(4) Each owner or operator of a GDF must keep records as specified in subsections (4)(a) and (b).

(a) Records of the occurrence and duration of each malfunction of operation, i.e., process equipment, or the air pollution control and monitoring equipment.

~~(a)~~(b) Records of actions taken during periods of malfunction to minimize emissions in accordance with subsection 44-225(2), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

Section 44-280 Reporting Requirements

(1) Each owner or operator subject to section 44-240 must report to the LRAPA and the EPA Administrator the results of all tests required in section 44-250. Test results must be submitted within 30 days of the completion of the performance testing.

(2) Annual report. Each owner or operator of a GDF that has monthly throughput of 10,000 gallons of gasoline or more must report, by February 15 of each year, the following information, as applicable.

(a) The total throughput volume of gasoline, in gallons, for each calendar month.

(b) A summary of changes made at the facility on vapor recovery equipment which may affect emissions.

(c) List of all major maintenance performed on pollution control devices.

(d) The number, duration, and a brief description of each type of malfunction which occurred during the previous calendar year and which caused or may have caused any applicable emission limitation to be exceeded.

~~(b)~~(e) A description of actions taken by the owner or operator of a GDF during a malfunction to minimize emissions in accordance with subsection 44-225(2), including actions taken to correct a malfunction.

Section 44-290 Federal NESHAP Subpart A Applicability

Table 3 to 40 C.F.R. part 63, subpart CCCCCC shows which parts of the General Provisions apply to the owner or operator.

TABLE 1 (LRAPA 44-020) LIST OF HAZARDOUS AIR POLLUTANTS	
CAS NUMBER	**CHEMICAL NAME**
75-07-0	Acetaldehyde

TABLE 1 (LRAPA 44-020) LIST OF HAZARDOUS AIR POLLUTANTS	
CAS NUMBER	**CHEMICAL NAME**
60-35-5	Acetamide
75-05-8	Acetonitrile
98-86-2	Acetophenone
53-96-3	2-Acetylaminofluorene
107-02-8	Acrolein
79-06-1	Acrylamide
79-10-7	Acrylic acid
107-13-1	Acrylonitrile
~~8~~107-05-1	Allyl chloride
92-67-1	4-Aminobiphenyl
62-53-3	Aniline
90-04-0	o-Anisidine
1332-21-4	Asbestos
71-43-2	Benzene (including benzene from gasoline)
92-87-5	Benzidine
98-07-7	Benzotrichloride
100-44-7	Benzyl chloride
92-52-4	Biphenyl
117-81-7	Bis(2-ethylhexyl) phthalate (DEHP)
542-88-1	Bis(chloromethyl) ether
75-25-2	Bromoform
106-94-5	1-bromopropane (1-BP)
~~106900~~106-99-0	1,3-Butadiene
156-62-7	Calcium cyanamide
133-06-2	Captan
63-25-2	Carbaryl
75-15-0	Carbon disulfide
56-23-5	Carbon tetrachloride
463-58-1	Carbon sulfide
120-80-9	Catechol
133-90-4	Chloramben

TABLE 1 (LRAPA 44-020) LIST OF HAZARDOUS AIR POLLUTANTS	
CAS NUMBER	**CHEMICAL NAME**
57-74-9	Chlordane
7782-50-5	Chlorine
~~9711879~~-11-8	Chloroacetic acid
532-27-4	2-Chloroacetophenone
108-90-7	Chlorobenzene
510-15-6	Chlorobenzilate
67-66-3	Chloroform
107-30-2	Chloromethyl methyl ether
126-99-8	Chloroprene
1319-77-3	Cresols/Cresylic acid (isomers and mixture)
95-48-7	o-Cresol
108-39-4	m-Cresol
106-44-5	p-Cresol
98-82-8	Cumene
94-75-7	2,4-D, salts and esters
3547-04-4	DDE
334-88-3	Diazomethane
132-64-9	Dibenzofurans
96-12-8	1,2-Dibromo-3-chloropropane
84-74-2	Dibutylphthalate
106-46-7	1,4-Dicholorobenzene(p)
91-94-1	3,3-Dichlorobenzidene
111-44-4	Dichloroethyl ether [Bis(2-chloroethyl)ether]
542-75-6	1,3-Dichloropropene
62-73-7	Dichlorvos
111-42-2	Diethanolamine
121-69-7	N,N-Diethyl aniline (N,N-Dimethylaniline)
64-67-5	Diethyl sulfate
119-90-4	3,3-Dimethyloxybenzidine
60-11-7	Dimethyl aminoazobenzene
119-93-7	3,3-Dimethyl benzidine

TABLE 1 (LRAPA 44-020) LIST OF HAZARDOUS AIR POLLUTANTS	
CAS NUMBER	**CHEMICAL NAME**
79-44-7	Dimethyl carbamoyl chloride
68-12-2	Dimethyl formamide
57-14-7	1,1-Dimethyl hydrazine
131-11-3	Dimethyl phthalate
77-78-1	Dimethyl sulfate
534-52-1	4,6-Dinitro-o-cresol, and salts
51-28-5	~~2,4-Dinitrotoluene~~2,4-Dinitrophenol
121-14-2	2,4-Dinitrotoluene
123-91-1	1,4-Dioxane (1,4-Diethyleneoxide)
122-66-7	1,2-Diphenylhydrazine
106-89-8	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106-88-7	1,2-Epoxybutane
140-88-5	Ethyl acrylate
100-41-4	Ethyl benzene
51-79-6	Ethyl carbamate (Urethane)
75-00-3	Ethyl chloride (Chloroethane)
106-93-4	Ethylene dibromide (Dibromoethane)
107-06-2	Ethylene dichloride (1,2-Dichloroethane)
107-21-1	Ethylene glycol
151-56-4	Ethylene imine (Aziridine)
75-21-8	Ethylene oxide
96-45-7	Ethylene thiourea
75-34-3	Ethylidene dichloride (1,1,-Dichloroethane)
50-00-0	Formaldehyde
76-44-8	Heptachlor
118-74-1	Hexachlorobenzene
87-68-3	Hexachlorobutadiene
77-47-4	Hexachlorocyclopentadiene
67-72-1	Hexachloroethane
822-06-0	Hexamethylene-1,6-diisocyanate
680-31-9	Hexamethylphosphoramide

TABLE 1 (LRAPA 44-020) LIST OF HAZARDOUS AIR POLLUTANTS	
CAS NUMBER	**CHEMICAL NAME**
110-54-3	Hexane
302-01-2	Hydrazine
7647-01-0	Hydrochloric acid
7664-39-3	Hydrogen fluoride (Hydrofluoric acid)
123-31-9	Hydroquinone
78-59-1	Isophorone
58-89-9	Lindane (all isomers)
108-31-6	Maleic anhydride
67-56-1	Methanol
72-43-5	Methoxychlor
74-83-9	Methyl bromide (Bromomethane)
74-87-3	Methyl chloride (Chloromethane)
71-55-6	Methyl chloroform (1,1,1-Trichloroethane)
60-34-4	Methyl hydrazine
74-88-4	Methyl iodide (Iodomethane)
108-10-1	Methyl isobutyl ketone (Hexone)
624-83-9	Methyl isocyanate
80-62-6	Methyl methacrylate
1634-04-4	Methyl tert butyl ether
101-14-4	4.4-Methylene bis(2-Chloroaniline)
75-09-2	Methylene chloride (Dichloromethane)
101-68-8	Methylene diphenyl diisocyanate (MDI)
101-77-9	4,4-Methylenedianiline
91-20-3	Naphthalene
98-95-3	Nitrobenzene
92-93-3	4-Nitrobiphenyl
100-02-7	4-Nitrophenol
79-46-9	2-Nitropropane
684-93-5	N-Nitroso-N-methylurea
62-75-9	N-Nitrosodimethylamine
59-89-2	N-Nitrosomorpholine

TABLE 1 (LRAPA 44-020) LIST OF HAZARDOUS AIR POLLUTANTS	
CAS NUMBER	**CHEMICAL NAME**
56-38-2	Parathion
82-68-8	Pentachloronitrobenzene (Quintobenzene)
87-86-5	Pentachlorophenol
108-95-2	Phenol
106-50-3	p-Phenylenediamine
75-44-5	Phosgene
7803-51-2	Phosphine
7723-14-0	Phosphorus
85-44-9	Phthalic anhydride
1336-36-3	Polychlorinated biphenyls (Aroclors)
1120-71-4	1,3-Propane sultone
57-57-8	beta-Propriolactone
123-38-6	Propionaldehyde
114-26-1	Propoxur (Baygon)
78-87-5	Propylene dichloride (1,2-Dichloropropane)
75-56-9	Propylene oxide
75-55-8	1,2-Propylenimine (2-Methyl aziridine)
91-22-5	Quinoline
106-51-4	Quinone
100-42-5	Styrene
96-09-3	Styrene oxide
1746-01-6	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79-34-5	1,1,2,2-Tetrachloroethane
127-18-4	Tetrachloroethylene (Perchloroethylene)
7550-45-0	Titanium tetrachloride
108-88-3	Toluene
95-80-7	2,4-Toluene diamine
584-84-9	2,4-Toluene diisocyanate
95-53-4	o-Toluidine
8001-35-2	Toxaphene (chlorinated camphene)
120-82-1	1,2,4-Trichlorobenzene

TABLE 1 (LRAPA 44-020) LIST OF HAZARDOUS AIR POLLUTANTS	
CAS NUMBER	**CHEMICAL NAME**
79-00-5	1,1,2-Trichloroethane
79-01-6	Trichloroethylene
95-95-4	2,4,5-Trichlorophenol
88-06-2	2,4,6-Trichlorophenol
121-44-8	Triethylamine
1582-09-8	Trifluralin
540-84-1	2,2,4-Trimethylpentane
108-05-4	Vinyl acetate
593-60-2	Vinyl bromide
75-01-4	Vinyl chloride
75-35-4	Vinylidene chloride (1,1-Dichloroethylene)
1330-20-7	Xylenes (isomers and mixture)
95-47-6	o-Xylenes
108-38-3	m-Xylenes
106-42-3	p-Xylenes
~~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]

TABLE 1 (LRAPA 44-020) LIST OF HAZARDOUS AIR POLLUTANTS	
CAS NUMBER	**CHEMICAL NAME**
~~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: RESERVED]

[Table 3: RESERVED]

TITLE 44 – TABLE 4 (LRAPA 44-240) MANAGEMENT PRACTICES FOR GASOLINE DISPENSING FACILITIES SUBJECT TO STAGE I VAPOR CONTROLS	
If owning or operating	**The owner or operator must**
1. An existing GDF	Install and operate a vapor balance system on gasoline storage tanks that meets the design criteria in paragraphs (a) through (h). (a) All vapor connections and lines on the storage tank must be equipped with closures that seal upon disconnect. (b) The vapor line from the gasoline storage tank to the gasoline cargo tank must be vapor-tight, as defined in section 44-180. (c) The vapor balance system must be designed such that the pressure in the tank truck does not exceed 18 inches water pressure or 5.9 inches water vacuum during product transfer. (d) The vapor recovery and product adaptors, and the method of connection with the delivery elbow, must be designed so as to prevent the over-tightening or loosening of fittings during normal delivery operations. (e) If a gauge well separate from the fill tube is used, it must be provided with a submerged drop tube that extends the same distance from the bottom of the storage tank as specified in section 44-240(2).

	(f) Liquid fill connections for all systems must be equipped with vapor-tight caps. (g) Pressure/vacuum (PV) vent valves must be installed on the storage tank vent pipes. The pressure specifications for PV vent valves must be: a positive pressure setting of 2.5 to 6.0 inches of water and a negative pressure setting of 6.0 to 10.0 inches of water. The total leak rate of all PV vent valves at an affected facility, including connections, must not exceed 0.17 cubic foot per hour at a pressure of 2.0 inches of water and 0.63 cubic foot per hour at a vacuum of 4 inches of water. (h) The vapor balance system must be capable of meeting the static pressure performance requirement of the following equation: $Pf = 2e^{-500.887/v}$ Where: Pf = Minimum allowable final pressure, inches of water. v = Total ullage affected by the test, gallons. e = Dimensionless constant equal to approximately 2.718. 2 = The initial pressure, inches water.
2. For a new or reconstructed GDF with monthly throughput of 100,000 gallons of gasoline or more, or a new storage tank(s) at an existing GDF with monthly throughput of 100,000 gallons of gasoline or more	Install and operate a dual-point vapor balance system, as defined in section 44-180, on each affected gasoline storage tank and comply with the design criteria in item 1 of this Table.

TITLE 44 – TABLE 5
(LRAPA 44-240)
MANAGEMENT PRACTICES FOR GASOLINE CARGO TANKS UNLOADING AT GASOLINE DISPENSING FACILITIES EQUIPPED WITH STAGE I VAPOR CONTROLS

If owning or operating	**The owner or operator must**
A gasoline cargo tank	Not unload gasoline into a storage tank at a GDF with stage I vapor controls unless the following conditions are met: i. All hoses in the vapor balance system are properly connected, ii. The adapters or couplers that attach to the vapor line on the storage tank have closures that seal upon disconnect, iii. All vapor return hoses, couplers, and adapters used in the gasoline delivery are vapor-tight, iv. All tank truck vapor return equipment is compatible in size and forms a vapor-tight connection with the vapor balance equipment on the GDF storage tank, and v. All hatches on the tank truck are closed and securely fastened. vi. The filling of storage tanks at GDF must be limited to unloading by vapor-tight gasoline cargo tanks. Documentation that the cargo tank has met the specifications of EPA Method 27 must be carried on the cargo tank.

(Table 4 Original Adoption 01/12/2010)

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 46

NEW SOURCE PERFORMANCE STANDARDS

The existing title 46 was rescinded in its entirety on November 10, 1994, and this new title 46 was adopted in its place. Subsequent updates and modifications were adopted on October 14, 2008 and November 12, 2015. These sections are the same as DEQ's Standards of Performance for New Stationary Sources contained in OAR chapter 340, division 238.

Section 46-505 Statement of Purpose

The U. S. Environmental Protection Agency has adopted in Title 40, Code of Federal Regulations, Part 60, Standards of Performance for certain new stationary sources. It is the intent of ~~LRAPA title~~title 46 to specify requirements and procedures necessary for LRAPA to implement and enforce the aforementioned Federal Regulations.

Section 46-510 Definitions

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

(1) "Administrator" means the Administrator of the EPA or authorized representative.

~~(88)~~(2) "Affected facility" means, with reference to a stationary source, any apparatus to which a standard is applicable.

~~(89)~~(3) "Capital ~~E~~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~~ December 1984 edition of Internal Revenue Service (IRS) Publication 534 and the existing facility's basis, as defined by section 1012 of the Internal Revenue Code. However, the total expenditure for a physical or operational change to an existing facility must not be reduced by any "excluded additions" as defined in IRS Publication 534, as would be done for tax purposes.

~~(90)~~(4) "C~~.~~F~~.~~R~~.~~" means the July 1, ~~2017~~ 2020 edition of the Code of Federal Regulations unless otherwise identified.

~~(91)~~(5) "Closed municipal solid waste landfill" (closed landfill) means a landfill in which solid waste is no longer being placed, and in which no additional solid wastes will be placed without first filing a notification of modification as prescribed under 40 C~~.~~F~~.~~R~~.~~ 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.

~~(92)~~(6) "Commenced", with respect to the definition of "new source" in section 111(a)(2) of the FCAA, means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

~~(93)~~(7) "Existing municipal solid waste landfill" (existing landfill) means a municipal solid waste landfill that began construction, reconstruction or modification before May 30, 19~~5/30/~~91 and has accepted waste at any time since November 8, 1987~~11/08/87~~ or has additional design capacity available for future waste deposition.

~~(94)~~(8) "Existing ~~F~~facility" means, with reference to a stationary source, any apparatus of the type for which a standard is promulgated in 40 C~~.~~F~~.~~R~~.~~ p~~P~~art 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.

~~(95)~~(9) "Fixed ~~C~~capital ~~C~~cost" means the capital needed to provide all the depreciable components.

~~(96)~~(10) "Large municipal solid waste landfill" (large landfill) means a municipal solid waste landfill with a design capacity greater than or equal to 2.5 million megagrams or 2.5 million cubic meters.

~~(97)~~(11) "Modification"

(a) Except as provided in paragraph (b), means any physical change in, or change in the method of operation of, an existing facility that increases the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by that facility or that results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted;

(b) As used in section 46-900 means an action that results in an increase in the design capacity of a landfill.

~~(98)~~(12) "Municipal solid waste landfill" (landfill) means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. A municipal solid waste landfill may also receive other types of RCRA Subtitle D wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of a municipal solid waste landfill may be separated by access roads and may be publicly or privately owned. A municipal solid waste landfill may be a new municipal solid waste landfill, an existing municipal solid waste landfill, or a lateral expansion (modification).

~~(99)~~(13) "New municipal solid waste landfill" (new landfill) means a municipal solid waste landfill that began construction, reconstruction or modification or began accepting waste on or after May 30, 19~~5/30/~~91.

~~(100)~~(14) "Reconstruction" means the replacement of components of an existing facility to

such an extent that:

(a) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility; and

(b) It is technologically and economically feasible to meet the applicable standards set forth in 40 C.F.R. ~~Part~~ part 60.

~~(101)~~(15) "Reference ~~M~~method" means any method of sampling and analyzing for an air pollutant as specified in 40 C.F.R. ~~Part~~ part 60.

~~(102)~~(16) "Small municipal solid waste landfill" (small landfill) means a municipal solid waste landfill with a design capacity less than 2.5 million megagrams or 2.5 million cubic meters.

~~(103)~~(17) "Standard" means a standard of performance proposed or promulgated under 40 C.F.R. ~~Part~~ part 60.

~~(104)~~(18) "State Plan" means a plan developed for the control of a designated pollutant provided under 40 C.F.R. p~~P~~art 60.

Section 46-515 Statement of Policy

It is the policy of the Board to consider the performance standards for new and existing stationary sources contained in this title to be minimum standards; and as technology advances, conditions warrant, and LRAPA rules require or permit, additional rules may be adopted.

Section 46-520 Delegation

(1) The EQC authorizes LRAPA to implement and enforce, within its boundaries, the provisions of OAR chapter 340, division 238.

~~(105)~~(2) The EQC may authorize LRAPA to implement and enforce its own provisions upon a finding that such provisions are at least as strict as a corresponding provision in OAR chapter 340, division 238. LRAPA may implement and enforce provisions authorized by the EQC in place of any or all of OAR chapter 340, division 238 upon receipt of delegation from EPA. Delegation may be withdrawn for cause by the EQC.

Section 46-525 Applicability

This title applies to stationary sources subject to 40 C.F.R. part 60 as adopted under section 46-535.

~~**Section 46-530 General Provisions**~~

~~(1) Except as provided in subsection (2), 40 C.F.R. p, Part 60, Subpart subpart A is by this reference adopted and incorporated herein.~~

~~(106)~~(3) ~~Where "Administrator" or "EPA" appears in 40 C.F.R. pPart 60, Subpart A, "LRAPA" is substituted, except in any section of 40 CF.F.R. pPart 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), 40 C~~.~~F~~.~~R~~.,~~ p~~P~~art 60, s~~S~~ubparts A, D through EE, GG, HH, KK through NN, PP through XX, BBB, DDD, FFF through LLL, NNN through ~~WWW~~XXX, AAAA, CCCC, EEEE, KKKK, LLLL, OOOO, and TTTT are by this reference adopted and incorporated herein, 40 C~~.~~F~~.~~R~~.~~ p~~P~~art 60 s~~S~~ubpart OOO is by this reference adopted and incorporated herein for major sources only, 40 C~~.~~F~~.~~R~~.~~ p~~P~~art 60, s~~S~~ubpart IIII and JJJJ are by this reference adopted and incorporated herein only for sources required to have a Title V or ACDP permit and excluding the requirements for engine manufacturers.

~~(107)~~(2) Where "Administrator" or "EPA" appears in 40 C~~.~~F~~.~~R~~.~~ p~~P~~art 60, "LRAPA" ~~shall be~~is substituted, except in any section of 40 C~~.~~F~~.~~R~~.~~ p~~P~~art 60 for which a federal rule or delegation specifically indicates that authority will not be delegated to the state or regional authority.

~~(108)~~(3) 40 C~~.~~F~~.~~R~~.~~ ~~Part~~ part 60 Subparts adopted by this section are titled as follows:

(a) Subpart A ~~–~~ ~~–~~General Provisions;

(b) Subpart D~~–~~ ~~–~~ Fossil-fuel-fired steam generators ~~for which construction is commenced after August 17, 1971~~;

(c) Subpart Da~~–~~ ~~–~~ Electric utility steam generating units ~~for which construction is commenced after September 18, 1978~~;

(d) Subpart Db~~–~~ ~~–~~ Industrial-commercial-institutional steam generating units;

(e) Subpart Dc~~–~~ ~~–~~ Small industrial-commercial-institutional steam generating units;

(f) Subpart E – Incinerators;

(g) Subpart Ea – Municipal waste combustors for which construction is commenced after December 20, 1989 and on or before September 20, 1994;

(h) Subpart Eb~~–~~ ~~–~~ Large ~~M~~municipal waste combustors for which construction is commenced after September 20, 1994 or for which modification or reconstruction is commenced after June 19, 1996;

(i) Subpart Ec—– Hospital/Medical/Infectious waste incinerators that commenced construction after June 20, 1996, or for which modification is commenced after March 16, 1998;

(j) Subpart F—– Portland cement plants;

(k) Subpart G—– Nitric acid plants;

(l) Subpart Ga – Nitric acid plants for which construction, reconstruction, or modification commenced after October 14, 2011;

(m) Subpart H—– Sulfuric acid plants;

(n) Subpart I—– Hot mix asphalt facilities;

(o) Subpart J—– Petroleum refineries;

(p) Subpart K—– Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after June 11, 1973, and ~~before~~ prior to May 19, 1978;

(q) Subpart Ka—– Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after May 18, 1978, and ~~before~~ prior to July 23, 1984;

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

(s) Subpart L—– Secondary lead smelters;

(t) Subpart M—– Secondary brass and bronze production plants;

(u) Subpart N—– Primary emissions from basic oxygen process furnaces for which construction is commenced after June 11, 1973;

(v) Subpart Na—– Secondary emissions from basic oxygen process steelmaking facilities for which construction is commenced after January 20, 1983;

(w) Subpart O—– Sewage treatment plants;

(x) Subpart P—– Primary copper smelters;

(y) Subpart Q—– Primary Zinc smelters;

(z) Subpart R—– Primary lead smelters;

(aa) Subpart S—– Primary aluminum reduction plants;

(bb) Subpart T—– Phosphate fertilizer industry: wet-process phosphoric acid plants;

(cc) Subpart U—– Phosphate fertilizer industry: superphosphoric acid plants;

(dd) Subpart V—– Phosphate fertilizer industry: diammonium phosphate plants;

(ee) Subpart W—– Phosphate fertilizer industry: triple superphosphate plants;

(ff) Subpart X—– Phosphate fertilizer industry: granular triple superphosphate storage facilities;

(gg) Subpart Y—– Coal preparation and processing plants;

(hh) Subpart Z—– Ferroalloy production facilities;

(ii) Subpart AA—– Steel plants: electric arc furnaces constructed after October 21, 1974 and on or before August 17, 1983;

(jj) Subpart AAa—– Steel plants: electric arc furnaces and argon-oxygen decarburization vessels constructed after August 17, 1983;

(kk) Subpart BB—– Kraft pulp mills;

(ll) Subpart BBa – Kraft pulp mills affected sources for which construction, reconstruction, or modification commences after May 23, 2013.

(mm) Subpart CC—– Glass manufacturing plants;

(nn) Subpart DD—– Grain elevators;

(oo) Subpart EE—– Surface coating of metal furniture;

(pp) Subpart GG—– Stationary gas turbines;

(qq) Subpart HH—– Lime manufacturing plants;

(rr) Subpart KK—– Lead-acid battery manufacturing plants for which construction, reconstruction, or modification commenced after January 14, 1980, and on or before February 23, 2022;

(ss) Subpart LL—– Metallic mineral processing plants;

(tt) Subpart MM—– Automobile and light-duty truck surface coating operations;

(uu) Subpart NN—– Phosphate rock plants;

(vv) Subpart PP—– Ammonium sulfate manufacture;

(ww) Subpart QQ—– Graphic arts industry: publication rotogravure printing;

(xx) Subpart RR—– Pressure sensitive tape and label surface coating operations;

(yy) Subpart SS—– Industrial surface coating: large appliances;

(zz) Subpart TT—– Metal coil surface coating;

(aaa) Subpart UU—– Asphalt processing and asphalt roofing manufacture;

(bbb) Subpart VV—– Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry for which construction, reconstruction, or modification commenced after January 5, 1981, and on or before November 7, 2006;

(ccc) Subpart VVa—– Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry for which construction, reconstruction, or modification commenced after November 7, 2006;

(ddd) Subpart WW—– Beverage can surface coating industry;

(eee) Subpart XX—– Bulk gasoline terminals;

(fff) Subpart BBB—– Rubber tire manufacturing industry;

(ggg) Subpart DDD—– Volatile organic compound (VOC) emissions from ~~for~~ the polymer manufacture industry;

(hhh) Subpart FFF—– Flexible vinyl and urethane coating and printing;

(iii) Subpart GGG—– Equipment leaks of VOC in petroleum refineries for which construction, reconstruction, or modification commenced after January 4, 1983, and on or before November 7, 2006;

(jjj) Subpart GGGa-- Equipment leaks of VOC in petroleum refineries for which construction, reconstruction, or modification commenced after November 7, 2006;

(kkk) Subpart HHH—– Synthetic fiber production facilities;

(lll) Subpart III—– Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) air oxidation unit processes;

(mmm) Subpart JJJ—– Petroleum dry cleaners;

(nnn) Subpart KKK—– Equipment leaks of VOC from onshore natural gas processing plants for which construction, reconstruction, or modification commenced after January 20, 1984, and on or before August 23, 2011;

(ooo) Subpart LLL—– SO_2 emissions from ~~O~~onshore natural gas processing for which construction, reconstruction, or modification commenced after January 20, 1984, and on or before August 23, 2011; ~~SO_2 emissions;~~

(ppp) Subpart NNN—– Volatile organic compound (VOC) emissions from synthetic organic chemical manufacturing industry (SOCMI) distillation operations;

(qqq) Subpart OOO—– Nonmetallic mineral processing plants (adopted by reference for major sources only);

(rrr) Subpart PPP—– Wool fiberglass insulation manufacturing plants;

(sss) Subpart QQQ—– VOC emissions from petroleum refinery wastewater systems;

(ttt) Subpart RRR—– Volatile organic compound emissions from synthetic organic chemical manufacturing industry (SOCMI) reactor processes;

(uuu) Subpart SSS—– Magnetic tape coating facilities;

(vvv) Subpart TTT—– Industrial surface coating: surface coating of plastic parts for business machines;

(www) Subpart UUU—– Calciners and dryers in mineral industries;

(xxx) Subpart VVV—– Polymeric coating of supporting substrates facilities;

(yyy) Subpart WWW—– Municipal solid waste landfills that commenced construction, reconstruction, or modification on or after May 30, 1991, but before July 18, 2014, as clarified by section 46-900;

(zzz) Subpart XXX – Municipal solid waste landfills that commenced construction, reconstruction, or modification after July 17, 2014;

~~(zzz)~~(aaaa) Subpart AAAA—– Small municipal waste combustion units for which construction is commenced after August 30, 1999 or for which modification or reconstruction is commenced after June 6, 2001;

~~(aaaa)~~(bbbb) Subpart CCCC—– Commercial and industrial solid waste incineration units;

~~(bbbb)~~(cccc) Subpart EEEE—– Other solid waste incineration units for which construction is commenced after December 9, 2004, or for which modification or reconstruction is commenced on or after June 16, 2006;

~~(cccc)~~(dddd) Subpart IIII—– Stationary compression ignition internal combustion engines (adopted only for sources required to have a Title V or ACDP permit), excluding the requirements for engine manufacturers (40 C~~.~~F~~.~~R~~.~~ 60.4201 through 60.4203, 60.4210, 60.4215, and 60.4216);

~~(dddd)~~(eeee) Subpart JJJJ—– Stationary spark ignition internal combustion engines (adopted only for sources required to have a Title V or ACDP permit), excluding the requirements for engine manufacturers (40 C~~.~~F~~.~~R~~.~~ 60.4231 through 60.4232,

60.4238 through 60.4242, and 60.4247);

~~(eeee)~~(ffff) Subpart KKKK~~—~~ – Stationary combustion turbines;

~~(ffff)~~(gggg) Subpart LLLL~~—~~ – New ~~S~~sewage sludge incineration units;

~~(gggg)~~(hhhh) Subpart OOOO~~—~~ – Crude oil and natural gas ~~production, transmission and distribution;~~facilities for which construction, modification, or reconstruction commenced after August 23, 2011, and on or before September 18, 2015;

~~(hhhh)~~(iiii) Subpart OOOOa~~—~~ – Crude oil and natural gas facilities for which construction, modification, or reconstruction commenced after September 18, 2015; and

~~(iiii)~~(jjjj) Subpart TTTT~~—~~ – Greenhouse gas emissions for electric generating units.

Section 46-800 Compliance

Compliance with standards set forth in LRAPA section 46-535 ~~shall~~ will be determined by performance tests and monitoring methods as set forth in the Federal Regulation adopted by reference in section 46-530.

Section 46-805 More Restrictive Regulations

If at any time there is a direct conflict between LRAPA or DEQ ~~Department~~ rules and the Federal Regulations (40 C~~.~~F~~.~~R~~.~~ part 60), ~~both shall apply.~~ the federal regulation applies. Direct conflict means that compliance with the LRAPA or D~~epartmen~~EQ~~t~~ rule creates noncompliance with a federal regulation.

Section 46-900 Municipal Solid Waste Landfills

(1) Applicability. The following small and large municipal solid waste landfills must comply with 40 C~~.~~F~~.~~R~~.~~ p~~P~~art 60, s~~S~~ubpart WWW:

~~(jjjj)~~(a) Landfills constructed after ~~5/30/91~~May 30, 1991;

~~(kkkk)~~(b) Existing landfills with modifications after May 30, 1991~~5/30/91~~;

~~(llll)~~(c) Landfills that closed after November 8, 1987~~11/08/87~~ with modifications after May 30, 1991~~5/30/91~~.

~~(109)~~(2) Permitting requirements. Landfills subject to 40 C~~.~~F~~.~~R~~.~~ p~~P~~art 60, s~~S~~ubpart WWW must comply with Oregon Title V Operating Permit Program Requirements as specified in OAR chapter 340, divisions 218 and 220:

(a) Existing large landfills with modifications after May 30, 1991 ~~5/30/91~~ must submit a complete Federal Operating Permit application by March 12, 19~~3/12/~~97;

(b) Existing large landfills with modifications after March 12, 1997 ~~3/12/97~~ must submit a complete Federal Operating Permit application the earliest of one (1) year from the date EPA approves the 111(d) State Plan for this section, or within one (1) year of the modification;

(c) New large landfills, which includes newly constructed large landfills after March 12, 19~~3/12/~~96 and existing small landfills that become large landfills after March 12, 1996 ~~3/12/96~~ must submit a complete Federal Operating Permit application within one (1) year of becoming subject to this requirement;

(d) New and modified existing small landfills that are major sources as defined in title 12 must submit a complete Federal Operating Permit application within one (1) year of becoming a major source.

~~(110)~~(3) Reporting requirements. Landfills subject to 40 C~~.~~F~~.~~R~~.~~ p~~P~~art 60, ~~Subpart~~ subpart WWW must comply with the following:

(a) Large landfills listed in paragraph~~s~~ (1)(a) through (c) of this section must:

(A) Submit an Initial Design Capacity Report and an Initial Nonmethane Organic Compound Report within 30 days of the effective date of this section; and

(B) Submit an annual Nonmethane Organic Compound Report until nonmethane emissions are 50 mg/yr.

(b) Small landfills listed in ~~subsections~~ paragraphs (1)(a) through (c) of this section must submit an Initial Design Capacity Report and an Initial Nonmethane Organic Compound Report within 30 days of the effective date of this section;

(c) Landfills subject to this section after the effective date of this section must submit an Initial Design Capacity Report and an Initial Nonmethane Organic Compound Report within 30 days of becoming subject to this section.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 48

RULES FOR FUGITIVE EMISSIONS

Section 48-001 General Policy

In order to restore and maintain Lane County air quality in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the county, it is the policy of LRAPA to require the application of reasonable measures to minimize fugitive emissions to the greatest extent practicable.

Section 48-005 Definitions

The definitions in title 12, section 29-0010 and this section apply to this title. If the same term is defined in this title and title 12 or section 29-0010, the definition in this section applies to this title.

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

Section 48-010 General Applicability

(1) Except for agricultural activities which are exempted by state statute, this title apply to all sources of fugitive emissions within Lane County.

(2) Examples of sources affected by these rules are:

(a) Construction activities including land clearing and topsoil disturbance;

(b) Demolition activities;

(c) Unpaved traffic areas and parking lots where there are nuisance conditions;

(d) Material handling and storage operations;

(e) Mining and yarding activities including access and haul roads;

(f) Storage piles of dusty materials;

(g) Manufacturing operations.

Section 48-015 General Requirements for Fugitive Emissions

(1) No person ~~shall~~ may cause, suffer, allow or permit any materials to be handled, transported, or stored; or a building, its appurtenances, or a road to be used, constructed, altered, repaired or demolished; or any equipment to be operated, without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions ~~shall~~ may include, but are not limited to the following:

(a) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;

(b) Application of water or other suitable chemicals on unpaved roads, material stockpiles, and other surfaces which can create airborne dusts;

(c) Full or partial enclosure of materials stockpiles in cases where application of water or other suitable chemicals is not sufficient to prevent particulate matter from becoming airborne;

(d) Installation and use of hoods, fans and fabric filters to enclose and vent the handling of dusty materials;

(e) Adequate containment during sandblasting or other similar operations;

(f) The covering of moving, open-bodied trucks transporting materials likely to become airborne;

(g) The prompt removal from paved streets of earth or other material which does or may become airborne.

(2) When fugitive particulate emissions escape from an air contaminant source, LRAPA may order the owner or operator to abate the emissions. In addition to other means, LRAPA may order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that air contaminants are controlled or removed before discharge to the open air.

(a) For purposes of this section, fugitive emissions are visible emissions that leave the property of a source for a period or periods totaling more than 18 seconds in a six (6) minute period. The minimum observation time must be at least six (6) minutes unless otherwise specified in a permit.

(b) Fugitive emissions are determined by EPA Method 22 at the downwind property boundary.

(3) If requested by LRAPA, the owner or operator must develop a fugitive emission control plan, including but not limited to the work practices in subsection (1), that will prevent any visible emissions from leaving the property of a source for more than 18 seconds in a six (6) minute period following the procedures of EPA Method 22.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 49

NUISANCE CONTROL REQUIREMENTS

Section 49-005 Definitions

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

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

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

Section 49-010 Nuisance Prohibited

(1) No person may cause or allow air contaminants from any source subject to regulation by LRAPA to cause a nuisance.

(2) Upon determining that a nuisance may exist, LRAPA will provide written notice to the person creating the suspected nuisance. LRAPA will endeavor to resolve observed nuisances in keeping with the policy outlined in section 15-001. If LRAPA subsequently determines that a nuisance exists under section 49-020 and proceeds with a formal enforcement action pursuant to title 15, the first day for determining penalties will be no earlier than the date of this written notice.

Section 49-020 Determining Whether a Nuisance Exists

(1) In determining whether a nuisance exists, LRAPA may consider factors including, but not limited to, the following:

(a) Frequency of the emissions;

(b) Duration of the emissions;

(c) Strength or intensity of the emissions, odors, or other offending properties of the emissions;

(d) Number of people impacted;

(e) The suitability of each party's use to the character of the locality in which it is

conducted;

(f) Extent and character of the harm to complainants; and

(g) The source's ability to prevent or avoid harm.

(2) Compliance with a best work practices agreement that identifies and abates a suspected nuisance constitutes compliance with section 49-010 for the identified nuisance. For sources subject to section 37-0020 or OAR 340-218-0020, compliance with specific permit conditions that results in the abatement of a nuisance associated with an operation, process or other pollutant-emitting activity constitutes compliance with section 49-010 for the identified nuisance. For purposes of this section, "permit condition" does not include the general condition prohibiting the creation of nuisances.

49-030 Best Work Practices Agreement

(1) A person may voluntarily enter into an agreement with LRAPA to implement specific practices to abate the suspected nuisance. This agreement may be modified by mutual consent of both parties. This agreement will be an Order for the purposes of enforcement under title 15.

(2) For any source subject to title 37, the conditions outlined in the best work practices agreement will be incorporated into the permit at the next permit renewal or modification.

(3) This agreement will remain in effect unless or until LRAPA provides written notification to the person subject to the agreement that:

(a) The agreement is superseded by conditions and requirements established later in a permit;

(b) LRAPA determines the activities that were the subject of the agreement no longer occur; or

(c) LRAPA determines that further reasonably available practices are necessary to abate the suspected nuisance.

(4) The agreement will include one or more specific practices to abate the suspected nuisance. The agreement may contain other requirements including, but not limited to:

(a) Monitoring and tracking the emissions of air contaminants;

(b) Logging complaints and the source's response to the complaints; and

(c) Conducting a study to propose further refinements to best work practices.

(5) LRAPA will consult, as appropriate, with complainants with standing in the matter throughout the development, preparation, implementation, modification and evaluation of a best work practices agreement. LRAPA will not require that complainants identify

themselves to the source as part of the investigation and development of the best work practices agreement.

~~Section 49-040 Masking of Emissions~~

~~[Note: This section was moved to 32-050]~~

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 50

AMBIENT AIR STANDARDS AND PSD INCREMENTS

Section 50-001 Definitions

The definitions in title 12, section 29-0010, and this section apply to this title. If the same term is defined in this section and title 12 or section 29-0010, the definition in this section applies to this title.

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

(2) "Oregon standard method" means any method of sampling and analyzing for an air contaminant approved by LRAPA. Oregon standard methods are kept on file by LRAPA and include all methods described in the DEQ Source Sampling Manual and the DEQ Continuous Monitoring Manual referenced in OAR 340-200-0035(2) and (3), respectively.

Ambient Air Quality Standards

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

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

(2) Ambient air quality standards are not generally used to determine the acceptability or unacceptability of emissions from a specific source of air contamination. More commonly, the measured ambient air quality is compared with the ambient air quality standards to determine the adequacy or effectiveness of emission standards for all sources in a general area. However, if a source or combination of sources are singularly responsible for a violation of ambient air quality standards in a particular area, it may be appropriate to impose emission standards that are more stringent than those otherwise applied to the class of sources involved. Similarly, proposed construction of new sources or expansions of existing sources, that may prevent or interfere with the attainment and maintenance of ambient air quality standards are grounds for issuing an order prohibiting such proposed construction as authorized by ORS 468A.055 and pursuant to sections 34-010 through 34-038 and OAR 340-218-0190. No source may cause or contribute to a new violation of an ambient air quality standard or PSD increment even if the single source impact is less than the significant impact level.

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

Section 50-010 Particle Fallout

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

(a) 10 grams per square meter per month in an industrial area.

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

(c) 5.0 grams per square meter per month in residential and commercial areas.

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

Section 50-015 Suspended Particulate Matter

(1) Concentrations of the fraction of suspended particulate that is equal to or less than 2.5 microns in aerodynamic diameter in ambient air as measured by an approved method must not exceed:

(a) 12 ~~ug/~~µg/m^3 of $PM_{2.5}$ as a 3-year average of the annual arithmetic mean. This standard is attained when the annual arithmetic mean concentrations is equal to or less than 12 ~~ug/~~µg/m^3 as determined in accordance with ~~a~~Appendix N of 40 CFR part 50.

(b) 35 ~~ug/~~µg/m^3 of $PM_{2.5}$ as a 3-year average of annual 98^{th} percentile 24-hour average values recorded at each monitoring site.~~-~~ This standard is attained when the 3-year average of annual 98^{th} percentile 24-hour average concentrations is equal to or less than 35 ~~ug/~~µg/m^3 as determined in accordance with ~~a~~Appendix N of 40 CFR part 50.

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

(a) 150 ~~ug/~~µg/m^3 of PM_{10} as a 24-hour average concentration for any calendar day. This standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 ~~ug/~~µg/m^3, as determined in ~~a~~Appendix K of 40 CFR part 50 is equal to or less than one (1) at any site.

Section 50-025 Sulfur Dioxide

(1) Concentrations of sulfur dioxide in ambient air as measured by an approved method for each averaging time must not exceed the following concentrations:

(a) Annual average: 0.02 ppm as an annual arithmetic mean for any calendar year at any site as measured by the reference method described in ~~a~~Appendix A of 40 CFR part 50 or by an equivalent method designated in accordance with 40 CFR part 53.

(b) 24-hour average: 0.10 ppm as a 24-hour average concentration more than once per year at any site as measured by the reference method described in ~~a~~Appendix A of 40 CFR part 50 or by an equivalent method designated in accordance with 40 CFR part 53.

(c) 3-hour average: 0.50 ppm as a 3-hour average concentration more than once per year at any site as measured by the reference method described in ~~a~~Appendix A of 40 CFR part 50 or by an equivalent method designated in accordance with 40 CFR part 53.

(d) 1-hour average: 0.075 ppm as a three-year average of the annual 99th percentile of the daily maximum 1-hour average concentration recorded at any monitoring site as determined by ~~a~~Appendix T of 40 CFR part 50 as measured by a reference method based on appendix A or A-1 of 40 CFR part 50, or by a Federal Equivalent Method (FEM) designated in accordance with 40 CFR part 53.

Section 50-030 Carbon Monoxide

(1) For comparison to the standard, averaged ambient concentrations of carbon monoxide ~~shall~~ will be rounded to the nearest integer in parts per million (ppm). ~~-~~Fractional parts of 0.5 or greater ~~shall~~ will be rounded up. Concentrations of carbon monoxide as measured by an approved method, ~~shall~~ must not exceed:

(a) 9 ppm as an 8-hour average concentration more than once per year at any site.

(b) 35 ppm as a 1-hour average concentration more than once per year at any site.

Section 50-035 Ozone

(1) Concentrations of ozone in ambient air as measured by an approved method must not exceed 0.070 ppm as a daily maximum eight-hour average concentration. This standard is attained when, at any site the average of the annual fourth-highest daily maximum eight-hour average ozone concentration is equal to or less than 0.070 as determined by the method of ~~a~~Appendix I, 40 CFR part 50.

Section 50-040 Nitrogen Dioxide

(1) Concentrations of nitrogen dioxide as measured by a reference method based on ~~a~~Appendix F of 40 CFR part 50 or by a Federal equivalent method (FEM) designated in accordance with 40 CFR part 53 must not exceed:

(a) 0.053 ppm as an annual average concentration for any calendar year at any site. The standard is met when the annual average concentration in a calendar year is less than or equal to 0.053 ppm, as determined in accordance with ~~a~~Appendix S of 40 CFR part 50 ~~-~~for the annual standard.

(b) 0.100 ppm as a 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations recorded at any monitoring site. The standard is met when the three-year average of the annual 98th percentile of the daily maximum 1-hour average concentration is less than or equal to 0.100 ppm, as determined in accordance with ~~a~~Appendix S of 40 CFR part 50 for the 1-hour standard.

(c) 0.053 ppm as an annual arithmetic mean concentration as determined in accordance with ~~a~~Appendix S of 40 CFR part 50. The secondary standard is attained when the annual arithmetic mean concentration in a calendar year is less than or equal to 0.053 ppm, rounded to three (3) decimal places (fractional parts equal to or greater than 0.0005 ppm must be rounded up). To demonstrate attainment, an annual mean must be based upon hourly data that are at least 75 percent complete or upon data derived from manual methods that are at least 75 percent complete for the scheduled sampling days in each calendar quarter.

Section 50-045 Lead

(1) The concentration of lead and its compounds in ambient air must not exceed:

(a) 0.15 micrograms per cubic meter as a maximum arithmetic mean averaged over a calendar quarter, as measured by a reference method based on ~~a~~Appendix G of 40 CFR part 50 or an equivalent method designated in accordance with 40 CFR part 53.

(b) The standard is met when the maximum arithmetic 3-month mean concentration for a 3-year period, as determined in accordance with ~~a~~Appendix R of 40 CFR part 50, is less than or equal to 0.15 micrograms per cubic meter.

Prevention of Significant Deterioration Increments

Section 50-050 General

(1) The purpose of sections 50-050 through 50-060 is to implement a program to prevent significant deterioration of air quality in Lane County as required by the FCAA Amendments of 1977.

(2) LRAPA will review the adequacy of the SIP on a periodic basis and within 60 days of such time as information becomes available that an applicable increment is being violated. Any SIP revision resulting from the reviews will be subject to the opportunity

for public hearing in accordance with procedures established in the SIP.

Section 50-055 Ambient Air PSD Increments

(1) This rule defines significant deterioration. In areas designated as Class I, II or III, emissions from new or modified sources must be limited such that aggregate increases in regulated pollutant concentration over the baseline concentration, as defined in section 40-0020, are less than the PSD increments or maximum allowable increases set out in Table 1.

(2) For any period other than an annual period, the applicable maximum allowable increase or PSD increment may be exceeded during one such period per year at any one (1) location.

Table 1 Section 50-055 Maximum Allowable Increase	
CLASS I	
POLLUTANT	*Micrograms per cubic meter*
Particulate Matter: PM_{10}, Annual arithmetic mean	4
PM_{10}, 24-hour maximum	8
$PM_{2.5}$, Annual arithmetic mean	1
$PM_{2.5}$, 24-hour maximum	2
Sulfur Dioxide: Annual arithmetic mean	2
24-hour maximum	5
3-hour maximum	25
Nitrogen Dioxide: Annual arithmetic mean	2.5
CLASS II	
Pollutant	*Micrograms per cubic meter*
Particulate Matter: PM_{10}, Annual arithmetic mean	17
PM_{10}, 24-hour maximum	30
$PM_{2.5}$, Annual arithmetic mean	4
$PM_{2.5}$, 24-hour maximum	9
Sulfur Dioxide:	

Table 1 Section 50-055 Maximum Allowable Increase	
Annual arithmetic mean 24-hour maximum 3-hour maximum	20 91 512
Nitrogen Dioxide: Annual arithmetic mean	25
CLASS III	
Pollutant	*Micrograms per cubic meter*
Particulate Matter: PM_{10}, annual arithmetic mean PM_{10}, 24-hour maximum $PM_{2.5}$, Annual arithmetic mean $PM_{2.5}$, 24-hour maximum	 34 60 8 18
Sulfur Dioxide: Annual arithmetic mean 24-hour maximum 3-hour maximum	 40 182 700
Nitrogen Dioxide: Annual arithmetic mean	 50

Section 50-060 Ambient Air Ceilings

(1) No concentration of a pollutant may exceed:

(a) The concentration permitted under the national secondary ambient air quality standard;

(b) The concentration permitted under the national primary ambient air quality standard; or

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

Section 50-065 Ambient Air Quality Impact Levels for Maintenance Areas

(1) The following ambient air quality impact levels apply to the areas specified for the purpose of the air quality analysis in sections 38-0060 and 38-0260, if required:

(a) In a carbon monoxide maintenance area, 0.5 mg/m^3 (8 hour average) and 2 mg/m^3 (1-hour average).

(b) In a PM_{10} maintenance area:

(A) 120 ~~ug/~~µg/m^3 (24-hour average) in the Eugene-Springfield PM_{10} maintenance area.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 51

AIR POLLUTION EMERGENCIES

Section 51-005 Introduction

Sections 51-~~005~~010, 51-015, 51-020 and ~~OAR 340-206-0060~~51-025 are effective within priority I and II air quality control regions (AQCR) as defined in 40 CFR part 51, subpart H (1995), when the AQCR contains an AQMA as defined in title 29, or a nonattainment area listed in 40 CFR part 81. All other rules in this title are equally applicable to all areas of the Lane County. Notwithstanding any other regulation or standard, this title is designed to prevent the excessive accumulation of air contaminants during periods of atmospheric stagnation or at any other time, which if allowed to continue to accumulate unchecked could result in concentrations of these contaminants reaching levels which could cause significant harm to the health of persons. This title establishes criteria for identifying and declaring air pollution episodes at levels below the level of significant harm and are adopted pursuant to the requirements of the FCAA as amended and 40 CFR part 51.151. -Levels of significant harm for various regulated pollutants listed in 40 CFR part 51.151 are:

(1) For sulfur dioxide (SO_2)~~--~~ – 1.0 ppm, 24-hour average.

~~(111)~~(2) For particulate matter:

(a) PM_{10}~~--~~ – 600 ~~ug/~~µg/m^3, 24-hour average.

(b) $PM_{2.5}$~~--~~ – 350.5 ~~ug/~~µg/m^3, 24-hour average.

~~(112)~~(3) For carbon monoxide (CO):

(a) 50 ppm, 8-hour average.

(b) 75 ppm, 4-hour average.

(c) 125 ppm, 1-hour average.

~~(113)~~(4) For ozone (O_3)~~--~~ – 0.6 ppm, 1-hour average.

~~(114)~~(5) For nitrogen dioxide (NO_2):

(a) 2.0 ppm, 1-hour average

(b) 0.5 ppm, 24-hour average

Section 51-007 Definitions

The definitions in title 12, section 29-0010, and this section apply to this title. If the same term is defined in this section and title 12 or section 29-0010, the definition in this section applies to this title.

Section 51-010 Episode Stage Criteria for Air Pollution Emergencies

Three stages of air pollution episode conditions and a pre-episode standby condition are established to inform the public of the general air pollution status and provide a management structure to require preplanned actions designed to prevent continued accumulation of regulated pollutants to the level of significant harm. The three episode stages are: Alert, Warning, and Emergency. LRAPA is responsible to enforce the provisions of this division which requires actions to reduce and control emissions during air pollution episode conditions. An air pollution alert or air pollution warning must be declared by the Director or appointed representative when the appropriate air pollution conditions are deemed to exist. When conditions exist which are appropriate to an air pollution emergency, LRAPA must notify the Governor and declare an air pollution emergency pursuant to ORS 468.115. The statement declaring an air pollution Alert, Warning or Emergency must define the area affected by the air pollution episode where corrective actions are required. Conditions justifying the proclamation of an air pollution alert, air pollution warning, or air pollution emergency must be deemed to exist whenever LRAPA determines that the accumulation of air contaminants in any place is increasing or has increased to levels which could, if such increases are sustained or exceeded, lead to a threat to the health of the public. In making this determination, LRAPA will be guided by the following criteria for each regulated pollutant and episode stage:

(1) "Pre-episode standby" condition indicates that ambient levels of regulated pollutants are within standards or only moderately exceed standards. In this condition, there is no imminent danger of any ambient regulated pollutant concentrations reaching levels of significant harm. LRAPA must maintain at least a normal monitoring schedule but may conduct additional monitoring. An air stagnation advisory issued by the National Weather Service, an equivalent local forecast of air stagnation or observed ambient air levels in excess of ambient air standards may be used to indicate the need for increased sampling frequency. The pre-episode standby condition is the lowest possible air pollution episode condition and may not be terminated.

~~(115)~~(2) "Air pollution alert" condition indicates that air pollution levels are significantly above standards, but there is no immediate danger of reaching the level of significant harm. Monitoring must be intensified and readiness to implement abatement actions must be reviewed. At the air pollution alert level the public is to be kept informed of the air pollution conditions and of potential activities to be curtailed should it be necessary to declare a warning or higher condition. An air pollution alert condition is a state of readiness. When the conditions in both paragraphs (a) and (b) are met, an air pollution alert will be declared and all appropriate actions described in Table I ~~shall~~ must be implemented.

(a) Meteorological dispersion conditions are not expected to improve during the next 24 hours;

(b) Monitored pollutant levels at any monitoring site exceed any of the following:

(A) Sulfur dioxide ~~--~~ – 0.3 ppm, 24-hour average;

(B) Particulate matter:

(i) PM_{10} ~~--~~ – 350 micrograms per cubic meter (~~ug/~~µg/m^3), 24-hour average;

(ii) $PM_{2.5}$ ~~--~~ – 140.5 micrograms per cubic meter (~~ug/~~µg/m^3) -- 24-hour average;

(C) Carbon monoxide – ~~--~~ 15 ppm, 8-hour average;

(D) Ozone ~~--~~ – 0.2 ppm, 1-hour average;

(E) Nitrogen dioxide:

(i) 0.6 ppm, 1-hour average; or

(ii) 0.15 ppm, 24-hour average.

~~(116)~~(3) "Air pollution warning" condition indicates that pollution levels are very high and that abatement actions are necessary to prevent these levels from approaching the level of significant harm. At the air pollution warning level substantial restrictions may be required limiting motor vehicle use and industrial and commercial activities. When the conditions in both paragraphs (a) and (b) are met, an air pollution warning will be declared by LRAPA and all appropriate actions described in Table II ~~shall~~ must be implemented:

(a) Meteorological dispersion conditions are not expected to improve during the next 24 hours.

(b) Monitored regulated pollutant levels at any monitoring site exceed any of the following:

(A) Sulfur dioxide – ~~--~~ 0.6 ppm, 24-hour average;

(B) Particulate matter:

(i) PM_{10} ~~--~~ – 420 ~~ug/~~µg/m^3, 24-hour average;

(ii) $PM_{2.5}$ ~~--~~ – 210.5 ~~ug/~~µg/m^3, 24-hour average;

(C) Carbon monoxide – ~~--~~ 30 ppm, 8-hour average;

(D) Ozone – ~~--~~ 0.4 ppm, 1-hour average;

(E) Nitrogen dioxide:

(i) 1.2 ppm, 1-hour average; or

(ii) 0.3 ppm, 24-hour average.

~~(117)~~(4) "Air pollution emergency" condition indicates that regulated pollutants have reached an alarming level requiring the most stringent actions to prevent these levels from reaching the level of significant harm to the health of persons. At the air pollution emergency level, extreme measures may be necessary involving the closure of all manufacturing, business operations and vehicle traffic not directly related to emergency services. Pursuant to ORS 468.115, when the conditions in both paragraphs (a) and (b) are met, an air pollution emergency will be declared by LRAPA, and all the appropriate actions described in Table III must be implemented:

(a) Meteorological conditions are not expected to improve during the next 24 hours.

(b) Monitored pollutant levels at any monitoring site exceed any of the following:

(A) Sulfur dioxide ~~--~~ 0.8 ppm, 24-hour average;

(B) Particulate matter:

(i) PM_{10} ~~--~~ 500 ~~ug/~~µg/m^3, 2-hour average;

(ii) $PM_{2.5}$ ~~--~~ 280.5 ~~ug/~~µg/m^3 -- 2-hour average;

(C) Carbon monoxide ~~--~~ 40 ppm, 8-hour average;

(D) Ozone ~~--~~ 0.5 ppm, 1-hour average;

(E) Nitrogen dioxide:

(i) 1.6 ppm, 1-hour average;

(ii) or 0.4 ppm, 24-hour average.

~~(118)~~(5) "Termination" ~~--~~: Any air pollution episode condition (alert, warning or emergency) established by these criteria may be reduced to a lower stage when the elements required for establishing the higher conditions are no longer observed.

Section 51-011 Special Conditions

(1) LRAPA must issue an "ozone advisory" to the public when monitored ozone values at any site exceed the ambient air quality standard of 0.12 ppm but are less than 0.2 ppm for a one hour average. The ozone advisory must clearly identify the area where the ozone values have exceeded the ambient air standard and must state that significant health effects are not expected at these levels, however, sensitive individuals may be affected by some symptoms.

~~(119)~~(2) Where particulate is primarily soil from windblown dust or fallout from volcanic activity, episodes dealing with such conditions must be treated differently than particulate episodes caused by other controllable sources. In making a declaration of air pollution alert, warning, or emergency for such particulate, LRAPA must be guided by the following criteria:

(a) "Air pollution alert for particulate from volcanic fallout or windblown dust" means particulate values are significantly above a standard but the source is a volcanic eruption or dust storm. In this condition there is no significant danger to public health but there may be a public nuisance created from the dusty conditions. It may be advisable under these circumstances to voluntarily restrict traffic volume and/or speed limits on major thoroughfares and institute cleanup procedures. LRAPA will declare an air pollution alert for particulate from volcanic fallout or wind-blown dust when particulate values at any monitoring site exceed or are projected to exceed 800 ~~ug/~~µg/m^3 ~~--~~ 24-hour average and the particulate is primarily from volcanic activity or dust storms, meteorological conditions not withstanding;

(b) "Air pollution warning for particulate from volcanic fallout or windblown dust" means particulate values are very high but the source is volcanic eruption or dust storm. Prolonged exposure over several days at or above these levels may produce respiratory distress in sensitive individuals. Under these conditions staggered work hours in metropolitan areas, mandated traffic reduction, speed limits and cleanup procedures may be required. LRAPA will declare an air pollution warning for particulate from volcanic fallout or wind-blown dust when particulate values at any monitoring site exceed or are expected to exceed 2,000 ~~ug/~~µg/m^3 ~~--~~ 24-hour average and the particulate is primarily from volcanic activity or dust storms, meteorological conditions not withstanding;

(c) "Air pollution emergency for particulate from volcanic fallout or windblown dust" means particulate values are extremely high but the source is volcanic eruption or dust storm. Prolonged exposure over several days at or above these levels may produce respiratory distress in a significant number of people. Under these conditions cleaning procedures must be accomplished before normal traffic can be permitted. An air pollution emergency for particulate from volcanic fallout or wind-blown dust will be declared by the Director, who must keep the Governor advised of the situation, when particulate values at any monitoring site exceed or are expected to exceed 5,000 ~~ug/~~µg/m^3 ~~--~~ 24-hour average and the particulate is primarily from volcanic activity or dust storms, meteorological conditions notwithstanding.

~~(120)~~(3) Termination: Any air pollution condition for particulate established by these criteria may be reduced to a lower condition when the criteria for establishing the higher condition are no longer observed.

~~(121)~~(4) Action: Municipal and county governments or other governmental agency having jurisdiction in areas affected by an air pollution alert, warning or emergency for

particulate from volcanic fallout or windblown dust must place into effect the actions pertaining to such episodes which are described in section 51-030.

Section 51-015 Source Emission Reduction Plans

Tables I, II and III set forth specific emission reduction measures which must be taken upon the declaration of an air pollution alert, air pollution warning, or air pollution emergency. Any person responsible for a source of air contamination within a Priority I AQCR must, upon declaration of an episode condition affecting the locality of the air contamination source, take all appropriate actions specified in the applicable table and must take all appropriate actions specified in an ~~Agency~~LRAPA-approved preplanned abatement strategy for such condition which has been submitted and is on file with LRAPA.

Section 51-020 Preplanned Abatement Strategies

(1) Any person responsible for the operation of any point source of air pollution located in a Priority I AQCR, located within an AQMA or located within a nonattainment area listed in 40 CFR, ~~Part~~ part 81, and emits 100 tons or more of any regulated pollutant specified by paragraph (a) or (b) must file a Source Emission Reduction Plan (SERP) with LRAPA in accordance with the schedule described in subsection (~~4~~3). Such plans must specify procedures to implement the actions required by Tables 1 through 3 and must be consistent with good engineering practice and safe operating procedures. Source emission reduction plans specified by this section are mandatory only for those sources which:

(a) Emit 100 tons per year or more of any regulated pollutant for which the nonattainment area, AQMA, or any portion of the AQMA is designated nonattainment; or

(b) Emit 100 tons per year or more of volatile organic compounds when the nonattainment area, AQMA or any portion of the AQMA is designated nonattainment for ozone.

~~(12)~~(2) Municipal and county governments, or other governmental body, having jurisdiction in nonattainment areas where ambient levels of carbon monoxide, ozone or nitrogen dioxide qualify for Priority I AQCR classification, must cooperate with LRAPA in developing a traffic control plan to be implemented during air pollution episodes of motor vehicle related emissions. Such plans must implement the actions required by Tables 1 through 3 and must be consistent with good traffic management practice and public safety.

~~(13)~~(3) LRAPA must periodically review the source emission reduction plans to assure that they meet the requirements of this ~~division~~title. If deficiencies are found, LRAPA must notify the persons responsible for the source. Within 60 days of such notice the person responsible for the source must prepare a corrected plan for approval by LRAPA. Source emission reduction plans must not be effective until approved by LRAPA.

~~(14)~~(4) During an air pollution alert, warning or emergency episode, source emission

reduction plans required by this rule must be available on the source premises for inspection by any person authorized to enforce the provisions of this title.

Section 51-025 Implementation

(1) LRAPA and DEQ must cooperate to the fullest extent possible to insure uniformity of enforcement and administrative action necessary to implement this title. With the exception of sources of air contamination retained by DEQ, all persons within the territorial jurisdiction of LRAPA must submit source emission reduction plans prescribed in section 51-020 to LRAPA. LRAPA must submit copies of approved source emission reduction plans to DEQ.

~~(125)~~(2) Declarations of air pollution alert, air pollution warning and air pollution emergency must be made by LRAPA. In the event conditions warrant and such declaration is not made by LRAPA, DEQ must issue the declaration and LRAPA must take appropriate remedial actions as set forth in this title.

~~(126)~~(3) Additional responsibilities of LRAPA include, but are not limited to:

(a) Securing acceptable preplanned abatement strategies;~~.~~

(b) Measurement and reporting of air quality data to DEQ;~~.~~

(c) Informing the public, news media and persons responsible for air contaminant sources of the various levels set forth in these rules and required actions to be taken to maintain air quality and the public health;~~.~~

(d) Surveillance and enforcement of source ~~emergency~~ emission reductions plans.

TABLE I

AIR POLLUTION EPISODE, ALERT CONDITION

EMISSION REDUCTION PLAN

Part A ~~–~~ Pollution Episode Conditions for Carbon Monoxide or Ozone

For Alert conditions due to excessive levels of carbon monoxide or ozone, persons operating motor vehicles ~~shall~~ will be requested to voluntarily curtail or eliminate all unnecessary operations within the designated Alert Episode area, and public transportation systems ~~shall~~ will be requested to provide additional services in accordance with a preplanned strategy.

Part B ~~–~~ Pollution Episode Conditions for Particulate Matter

For Alert conditions resulting from excessive levels of particulate matter, the following measures ~~shall~~ will be taken in the designated Alert Episode area:

1. There ~~shall~~ will be no open burning by any person of any material.

2. Persons operating fuel burning equipment which requires boiler lancing or soot blowing ~~shall~~ will perform such operations only between the hours of 12 noon and 4 p.m.

3. Persons responsible for the operation of any source of air contaminants listed below ~~shall~~ will take all required actions for the Alert level, in accordance with the preplanned strategy:

Sources of Air Contamination	Control Actions - Alert Level
(A) Coal, Oil or wood-fired electric generating facilities	(A) Utilization of fuels having low ash and sulfur content. (B) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. (C) Diverting electric power generation to facilities outside of Alert Area.
(B) Coal, oil or wood-fired process steam generating facilities.	(A) Utilization of fuel having low ash and sulfur content. (B) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

(C) Substantial reduction of steam load demands consistent with continuing plant operations.

(C) Manufacturing industries of the following classifications:

Primary Metals Industries
Petroleum Refining
Chemical Industries
Mineral Processing Ind.
Grain Industries
Paper and Allied Products
Wood Processing Industry

(A) Reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and all operations.

(B) Reduction by deferring trade waste disposal operations which emit solid particle gas vapors or malodorous substances.

(C) Reduction of heat load demands for processing.

(D) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

TABLE II

AIR POLLUTION EPISODE, WARNING CONDITIONS

EMISSION REDUCTION PLAN

Part A ~~–~~ Pollution Episode Conditions for Carbon Monoxide or Ozone

For Warning conditions, resulting from excessive levels or carbon monoxide or ozone, the following measures ~~shall~~ must be taken:

1. Operating of motor vehicles carrying fewer than three (3) persons ~~shall~~ will be prohibited within designated Warning Episode areas during specified hours. Exceptions from this provision are:

   A. Public transportation and emergency vehicles

   B. Commercial vehicles

   C. Through traffic remaining on Interstate or primary highways.

2. At the discretion of the Agency, operations of all private vehicles within designated areas or entry of vehicles into designated Warning Episode areas, may be prohibited for specified periods of time.

3. Public transportation operators ~~shall~~will, in accordance with a pre-planned strategy, provide the maximum possible additional service to minimize the public's inconvenience as a result of (1) or (2) above.

4. For ozone episodes the following additional measures ~~shall~~ will be taken:

   A. No bulk transfer of gasoline without vapor recovery from 2:00 a.m. to 2:00 p.m.

   B. No service station pumping of gasoline from 2:00 a.m. to 2:00 p.m.

   C. No operation of paper coating plants from 2:00 a.m. to 2:00 p.m.

   D. No architectural painting or auto finishing;

   E. No venting of dry cleaning solvents from 2:00 a.m. to 2:00 p.m. (except perchloroethylene).

5. Where appropriate for carbon monoxide episodes during the heating season, and where legal authority exists, governmental agencies ~~shall~~ will prohibit all use of woodstoves and fireplaces for domestic space heating, except where such devices provide the sole source of heat.

Part B ~~–~~ Pollution Episode Conditions for Particulate Matter

For Warning conditions resulting from excessive levels of particulate matter, the following measures ~~shall~~ will be taken:

1. There ~~shall~~ will be no open burning by any person of any material.

2. The use of incinerators for the disposal of solid or liquid wastes ~~shall~~ will be prohibited.

3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing ~~shall~~ will perform such operations only between the hours of 12 noon and 4 p.m.

4. Where legal authority exists, governmental agencies ~~shall~~ will prohibit all use of woodstoves and fireplaces for domestic space heating, except where such devices provide the sole source of heat.

5. Persons responsible for the operation of any source of air contaminants listed below ~~shall~~ will take all required actions for the Warning level, in accordance with a preplanned strategy:

Source of Air Contamination	Air Pollution Warning
(A) Coal, oil or wood-fired electric power generating facilities	(A) Maximum utilization of fuels having lowest ash and sulfur content. (B) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. (C) Diverting electric power generation to facilities outside of Warning Area. (D) Prepare to use a plan of action if an Emergency Condition develops. (E) Cease operation of facilities not related to safety or protection of equipment or delivery of priority power.
(B) Coal, oil or wood-fired process steam generating facilities	(A) Maximum utilization of fuels having the lowest ash and sulfur content. (B) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. (C) Prepare to use a plan of action if an Emergency Condition develops.

		(D) Cease operation of facilities not related to safety or protection of equipment or delivery of priority power.
(C)	Manufacturing industries which require considerable lead time for shut-down including the following classifications: Petroleum Refining Chemical Industries Primary Metals Industries Glass Industries Paper and Allied Products	(A) Reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardships by postponing production and allied operations. (B) Reduction by deferring trade waste disposal operations which emit solid particles, gases, vapors or malodorous substances. (C) Maximum reduction of heat load demands for processing. (D) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence of boiler lancing or soot blowing.
(D)	Manufacturing industries which require relatively short time for shut-down	(A) Elimination of air contaminants from manufacturing operations by ceasing, postponing, or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment. (B) Elimination of air contaminants from trade waste disposal processes which emit solid particles, gases, vapors, or malodorous substances. (C) Reduction of heat load demands for processing. (D) Utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

TABLE III

AIR POLLUTION EPISODE, EMERGENCY CONDITIONS

EMISSION REDUCTION PLAN

1. There ~~shall~~ will be no open burning by any person of any material.

2. The use of incinerators for the disposal of solid or liquid wastes ~~shall~~ will be prohibited.

3. All places of employment, commerce, trade, public gatherings, government, industry, business, or manufacture ~~shall~~ will immediately cease operation, except the following:

   A. Police, fire, medical and other emergency services;

   B. Utility and communication services;

   C. Governmental functions necessary for civil control and safety;

   D. Operations necessary to prevent injury to persons or serious damage to equipment or property;

   E. Food stores, drug stores and operations necessary for their supply;

   F. Operations necessary for evacuation of persons leaving the area;

   G. Operations conducted in accordance with an approved preplanned emission reduction plan on file with the Agency.

4. All commercial and manufacturing establishments not included in these rules ~~shall~~ will institute such actions as will result in maximum reduction of air contaminants from their operations which emit air contaminants, to the extent possible without causing injury or damage to equipment.

5. The use of motor vehicles is prohibited except for the exempted functions in 3, above.

6. Airports ~~shall~~ will be closed to all except emergency air traffic.

7. Where legal authority exists, governmental agencies ~~shall~~ will prohibit all use of woodstoves and fireplaces.

8. Any person responsible for the operation of a source of atmospheric contamination listed below ~~shall~~ will take all required control actions for this Emergency Level.

Source of Air Contamination	Air Pollution Emergency
(A) Coal, oil or wood-fired electric power generating facilities	(A) Maximum utilization of fuels having lowest ash and sulfur content.
	(B) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.
	(C) Diverting electric power generation to facilities outside of Emergency area.
	(D) Cease operation of facilities not related to safety or protection of equipment or delivery of priority power.
(B) Coal, oil or wood-fired process steam generating facilities	(A) Reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.
	(B) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
	(C) Taking the action called for in the emergency plan.
	(D) Cease operation of facilities not related to safety or protection of equipment or delivery of priority power.
(C) Manufacturing industries of following classifications: Primary Metals Industry Petroleum Refining Operations Chemical Industries Mineral Processing Industries Paper and Allied Products Grain Industry Wood Processing Industry	(A) The elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.
	(B) Elimination of air contaminants from trade waste disposal processes which emit solid particles, gases, vapors, or malodorous substances.
	(C) Maximum reduction of heat load demands for processing.
	(D) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

Crosswalk of Proposed Revisions to LRAPA 2023 Industrial Air Permitting Rules

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
ALL	ALL	NA	NA	Replace “shall” with “do” as applicable.	Simplification	NA
ALL	ALL	NA	NA	Replace “shall” with “will” as applicable.	Simplification	NA
ALL	ALL	NA	NA	Replace “shall” with “must” as applicable.	Shall imposes an obligation on a person, not a thing	NA
ALL	ALL	NA	NA	Replace “shall” with “may” as applicable.	Simplification	NA
ALL	ALL	NA	NA	Replace “shall” with “does” as applicable.	Simplification	NA
ALL	ALL	NA	NA	Add “section” prior to a section reference.	Formatting consistency.	NA
ALL	ALL	NA	NA	Replace “Section” with “section”, unless Section is a title or the beginning of a sentence.	Formatting consistency.	NA
ALL	ALL	NA	NA	Replace “Title” with “title” unless Title is a title or the beginning of a sentence. Remove “LRAPA” prior to “title” as applicable.	Formatting consistency.	NA
ALL	ALL	NA	NA	Replace “Parts” with “parts”.	Formatting consistency.	NA
ALL	ALL	NA	NA	For numbers equal to or less than ten (10) listed in the text of a regulation, the format will be to write the number in words followed by the number in parentheses.	Formatting consistency.	NA
ALL	ALL	NA	NA	For numbers greater than ten (10) listed in the text of a regulation, the format will be to list the number only.	Formatting consistency.	NA
ALL	ALL	NA	NA	DEQ rule references will be replaced as applicable based on the following format: OAR chapter 340, division 200	Formatting consistency.	NA
ALL	ALL	NA	NA	Replace rule references as applicable based on the following outline example: 37 – title 37-0064 – section 37-0064(1) - subsection 37-0064(1)(a) – paragraph 37-0064(1)(a)(A) – subparagraph 37-0064(1)(a)(A)(i) – sub-subparagraph 37-0064(1)(a)(A)(i)(I) – supersub-subparagraph	Formatting consistency.	NA
ALL	ALL	NA	NA	Add “U.S. EPA” prior to references to the Administrator.	Clarification	NA
ALL	ALL	NA	NA	Capitalize each word of “Oregon Title V Operating Permit Program”.	Formatting consistency.	NA
ALL	ALL	NA	NA	Do not capitalize “permit” after “Title V permit”.	Formatting consistency.	NA
ALL	ALL	NA	NA	Do not capitalize “pollutant” in “Regulated pollutant”.	Formatting consistency.	NA
ALL	ALL	NA	NA	Each word of Toxic Air Contaminant is capitalized.	Formatting consistency.	NA
ALL	ALL	NA	NA	Replace all references to “ug/m^3” with “µg/m^3”.	Formatting consistency.	NA

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
ALL	ALL	NA	NA	Replace “which” with “that” as applicable.	Formatting consistency.	NA
ALL	ALL	NA	NA	Replace “%” with “percent”.	Formatting consistency.	NA
ALL	ALL	NA	NA	Replace “Lane Regional Air Protection Agency” with “LRAPA”.	Formatting consistency.	NA
ALL	ALL	NA	NA	Replace “Agency”, “agency”, or “the agency” with “LRAPA”.	Formatting consistency.	NA
				Replace “LRAPA Title” or “LRAPA title” with “title”.	Formatting consistency.	NA
ALL	ALL	NA	NA	Do not capitalize “part” or “subpart” or “appendix” after 40 CFR.	Correction	NA
ALL	ALL	NA	NA	Delete “of this rule” or “of this section” or “of this subsection” or “of this paragraph”.	Plain language	NA
12				**General Provisions and Definitions**		
12	001(1)	NA	NA	Remove “shall” in first sentence. Replace “shall” with “do” in the second sentence.	Simplification and clarification.	Y
NA	NA	12	001(5)	Add paragraph describing LRAPA’s authority as designated by the EQC to implement state rules within LRAPA’s area of jurisdiction.	Establish LRAPA’s authority to implement state rules within LRAPA’s area of jurisdiction even if the state rules are not incorporated in LRAPA’s rules.	Y
12	005	NA	NA	Add leadin sentence describing the use of the definitions in title 12	Clarification	Y
12	005	NA	NA	Number all definitions sequentially.	Simplification	Y
12	005 “Adjacent”	NA	NA	Add “and” and “to” as shown in the definition.	Correction	Y
12	005 “Aggregate insignificant emissions” (c)	NA	NA	Add “direct” prior to $PM_{2.5}$	Clarification	Y
NA	NA	12	005 “Air pollution control device” or “control device”	Rename and move forward from 12-005 “control device”. Reformat.	Clarification	Y
12	005 “Applicable requirement” (k)	NA	NA	Move reference to “(PSD)” to after FCAA.	Clarification	Y
12	005 “ASTM”	NA	NA	Missing “and” in definition.	Clarification.	Y
12	005 “Construction”	NA	NA	Add “replacement” as an activity that may be considered to meet the definition of construction.	Clarification.	Y
12	005 “Control device”	NA	NA	Renamed to “Air pollution control device” and moved. “Control device” proposed for deletion.	Clarification.	Y
12	005 “De minimis emission level”	NA	NA	Remove “except as noted” and “short tons” from table.	Simplification. All de minimis thresholds listed are in tons per year.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
12	005 “Emission limitation” “emission standard” “Emission limitation or standard”	NA	NA	Rename definition to “Emission(s) limitation”, “emission(s) standard”, and “emission(s) limitation or standard” and add “emission(s) limit”.	Clarification.	Y
12	005 “Emission limitation” “emission standard” “Emission limitation or standard” (a)	NA	NA	Replace “subsection” with revised reference.	Clarification.	Y
12	005 “Emission limitation” “emission standard” “Emission limitation or standard” (a)	NA	NA	Add that the definition applies to an EPA “rule: a permit condition or order”.	Clarify additional requirements that qualify as emission(s) limitation, emission(s) limit, emission(s) standard or emission(s) limitation or standard.	Y
12	005 “Emission limitation” “emission standard” “Emission limitation or standard” (b)	NA	NA	Adjust the list of applicable requirements to reflect the revised formatting of the titles of this definition.	Clarification	Y
12	005 “Emission unit” (d)	NA	NA	Replace “shall not be groups” with “cannot be grouped”.	Clarification.	Y
12	005 “Excess emissions”	NA	NA	Replace the reference to “in excess of a risk limit under OAR 340, division 245” to “an emission limit, or a risk limit under OAR chapter 340, division 245, contained in an applicable requirement,”. Add the word “emissions”.	Clarify that excess emissions include exceeding an emission limit established under OAR chapter 340, division 245, not just a risk limit.	Y
12	005 “Generic PSEL”	NA	NA	Remove definition.	LRAPA proposes to eliminate the use of Generic PSELs. ACDPs and Title V permits will include source specific PSELs only as applicable.	Y
12	005 “Greenhouse gases”	NA	NA	Add chemical formula for named greenhouse gases. Add reference to other fluorinated GHGs in 40 CFR part 98. Remove extraneous sentence indicating each listed gas is individually a greenhouse gas.	Clarification. The current definition does not include all regulated greenhouse gases.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
12	005 “Growth allowance”	NA	NA	Remove reference to “major”	Clarification. Growth allowance also applies to proposed sources and modifications that are not major.	Y
12	005 “Late payment”	NA	NA	Change from “postmarked” to “received”	Clarification. LRAPA proposes to use receipt in house rather than postmarks to determine lateness.	Y
12	005 “Major Source” (b)(A)	NA	NA	Replace “unless the Administrator establishes a lesser quantity” with “or such lesser quantity as the Administrator may establish by rule”.	Clarification.	Y
12	005 “Major Source” (b)(B)	NA	NA	Reword the “any other stationary source” category to more closely follow the language in 40 CFR 70.	Clarification.	Y
12	005 “Material balance”	NA	NA	Minor word changes to define material balance in a less proscriptive way.	Clarification.	Y
12	005 “Monitoring”	NA	NA	Add “with an emission limitation or standard” to clarify the purpose of monitoring. Add “method” to compliance tests.	Clarification.	Y
12	005 “Opacity”	NA	NA	Replace reference to EPA Method 203B with EPA Method 9.	LRAPA proposes to move to defining opacity based on a 6 minute average in any one hour under Method 9 rather than a period or periods aggregating more than 3 minutes in any one hour under Method 203B.	Y
12	005 “Particulate matter”	NA	NA	Clarification language added to section (a). Added a section (b) that reads “As used in title 48, title 49, and sections 32-010, 32-015, 32-050, and 32-055, means all finely divided solid material, including dust, and all finely divided liquid material, other than uncombined water, that is emitted to the ambient air”.	The original definition based the definition of particulate matter on solid and liquid material emitted to ambient air as measured by a test method. The revised definition decouples the requirement to measure the amount of material.	Y
12	005 “$PM_{2.5}$”	NA	NA	Remove “emissions weighted average of the” from the definition.	Clarification. The $PM_{2.5}$ fraction may not be based on a weighted average for a particular application.	Y
12	005 “Regulated air pollutant” or “Regulated pollutant” (c)	NA	NA	Add reference to OAR chapter 340, division 247	Clarification. TACs under OAR chapter 340, division 247 are regulated pollutants.	Y
12	005 “Regulated air pollutant” or “Regulated pollutant” (d)	NA	NA	Add names of titles to more clearly differentiate applicability.	Clarification.	Y
12	005 “Secondary emissions”	NA	NA	Replace “from new or existing sources which occur as” with “that are”. Add “that” to “but do”.	Clarification.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
12	005 “Secondary emissions” (b)	NA	NA	Change “which” to “that”. Move “or modification” to “construction or modification”.	Clarification.	Y
12	005 “Section 111”	NA	NA	Add “111” after section.	Correction.	Y
12	005 “Section 112(b)”	NA	NA	Remove “that”. Add “112(b)” after section.	Correction.	Y
12	005 “Section 112(d)”	NA	NA	Add “112(d)” after section.	Correction.	Y
12	005 “Section 112(e)”	NA	NA	Add “112(e)” after section.	Correction.	Y
12	005 “Section 129”	NA	NA	Replace “of the FCAA” with “129 of the FCAA”.	Correction.	Y
12	005 “Significant emission rate”	NA	NA	Remove “or greater than”	Clarification. The SER refers to the threshold value.	Y
12	005 “Significant emission rate”	NA	NA	Change all references from “Table 2” to “Table 1”	Correction.	Y
12	005 “Significant emission rate” Table (n)	NA	NA	Expand the name of the pollutant from “fluoride” to “Inorganic fluoride compounds (as measured by EPA method 13A or 13B), excluding hydrogen fluoride”.	Clarification. The emission of fluorides subject to the SER is defined by the applicable EPA test method and excludes hydrogen fluoride.	Y
12	005 “Significant emission rate” Table (a)	NA	NA	Remove “unless LRAPA or DEQ determines the rate constitutes a SER”.	Align the definition more closely with 40 CFR 52.21(b)(23)(ii).	Y
12	005 “Significant impact”	NA	NA	Change reference from title 40 to title 38.	Correction.	Y
12	005 “Significant impact level”	NA	NA	Change all references from “Table 1” to “Table 2”	Correction.	Y
12	005 “Significant impact level”	NA	NA	Remove the PM_{10} annual Significant Impact Level.	Correction. PM_{10} does not have an annual NAAQS. This SIL is residual from when there was a annual NAAQS for TSP.	Y
12	005 “Source category” (b)	NA	NA	Add “air” to “pollution control device”.	Clarification	Y
12	005 “Source test”	NA	NA	Add “found in OAR 340-200-0035”.	Clarification	Y
12	005 “Standard conditions”	NA	NA	Add equivalent metric units in parentheses.	Clarification	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
12	005 “State or State or Local Control Agency”	NA	NA	Remove extraneous “State” from name.	Correction	Y
12	005 “Toxic air contaminant”	NA	NA	Change reference from OAR 340-245-8021 Table 2 to OAR 340-247-8010 Table 1.	Correction	Y
12	005 “Volatile Organic Compound or VOC” (a)	NA	NA	Add “VOC” to the introductory sentence. Capitalize the first letter of each listed VOC.	Clarification	Y
12	005 “Volatile Organic Compound or VOC” (a)	NA	NA	Remove extra listing of “dimethyl carbonate; propylene carbonate”, “HCFC 225ca and cb”, and “HFC 43 10mee”. Add “1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (also known as HFE-347pcf2)” and “cis-1,1,1,4,4,4-hexafluorobut-2-ene (also known as HFO-1336mzz-Z)”.	Correction	Y
12	005 “Volatile Organic Compound or VOC” (b)	NA	NA	Remove “reference” and add “test” prior to “method”. Replace “under” with “in the” prior “DEQ Source Sampling Manual. Replace “DEQ’s” with “DEQ”. Replace “the latter” with “these negligibly-reactive compounds”.	Clarification.	Y
12	005 “Volatile Organic Compound or VOC” (c)	NA	NA	Add “When considering a requested exclusion of negligibly-reactive compounds under paragraph (b),” to the beginning of the paragraph. Replace “demonstrating” with “that demonstrate”.	Clarification.	Y
12	010 “CFR or C.F.R.”	NA	NA	Add “C.F.R.” to the title.	Clarification	Y
12	010 “PCDE”	NA	NA	Correct title to “PCDCE”.	Correction.	Y
12	010 “RVCOG”	NA	NA	Remove acronym “RVCOG”.	Correction. The Rogue Valley is outside of Lane County.	Y
NA	NA	12	010 “SER”	Add acronym for “SER”.	Correction. The Rogue Valley is outside of Lane County.	Y
12	020(2)(c)	NA	NA	Add “or EQC’s”	Clarification. LRAPA is subject to direction by both the Oregon EQC and the LRAPA Board of Directors.	Y
12	020(2)(c)	NA	NA	Add “or EQC’s”	Clarification. LRAPA is subject to direction by both the Oregon EQC and the LRAPA Board of Directors.	Y
12	025(1)	NA	NA	Add “C.F.R.” after “CFR”	Clarification.	Y
12	025(1)	NA	NA	Change from July 1, 2018 to July 1, 2023.	Reflect latest published edition of the CFR	Y
12	025(3)	NA	NA	Change from March 2015 to April 2015.	Correction.	Y
13				**General Duties and Powers of Board and Director**		
13	005(1)	NA	NA	Change reference from ORS 468.500 to 468A.100.	Correction.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
13	010(1)	NA	NA	Change reference from ORS 468.520 to ORS 468A.120. Change reference from ORS 468.500 to ORS 468A.100.	Correction.	Y
29				**Designation of Air Quality Areas**		
29	0040(1)	NA	NA	Replace the “Eugene Maintenance Area” with the “Eugene-Springfield Maintenance Area”.	Correction.	Y
29	0050(1)(k)	NA	NA	Replace the “Mountain Lake Wilderness” with the “Mountain Lakes Wilderness”.	Correction.	Y
31				**Public Participation**		
31	0040(1)(u)	NA	NA	Remove the requirement to provide the name and address of the LRAPA office processing the permit.	Clarification. There is only one LRAPA office. Vestigial requirement from incorporating DEQ rules.	Y
31	0050(2)	NA	NA	Remove reference to “and/or will be located” and “(termed e-notice”.	Correction and clarification. Extraneous or unnecessary language.	Y
31	0070(2)(a)	NA	NA	Remove reference to “or LRAPA representative”. Remove unnecessary “the”.	Clarification. A public hearing will have a Presiding Officer who may or may not be an LRAPA representative.	Y
31	0070(2)(c)	NA	NA	Replace references to “the Presiding Officer” with “LRAPA”.	Clarification. The Presiding Officer will not perform any of the actions discussed in this paragraph.	Y
31	0080(1)	NA	NA	Remove “separately”. Replace “substantial” with “relevant”. Modify “and during the hearing record” to “and raised during the hearing on the record”.	Clarification. Current rule does not clearly allow the grouping of similar comments for response. Current rule does not clearly allow the discarding of comments that are not relevant to the air permit or review report. Current rule does not clearly indicate that comments during the hearing must be on the record.	Y
31	0080(3)	NA	NA	Remove unnecessary “the”.	Clarification.	Y
31	0080(4)	NA	NA	Add “or in the permit”	Clarification. LRAPA may modify the permit based on public comments.	Y
31	0080(5)	NA	NA	Add “issued” to “permit”. Add the following language related to when a permit is effective: “The permit is effective on the date that it is signed unless the applicant requests a hearing to contest the permit within 20 days of the date of the notification of issuance of the permit.”	Clarification. LRAPA will provide a copy of the issued permit to the permittee after the Director signs the permit. Clearly state when an issued permit is effective.	Y
31	0080(6)	NA	NA	Add “application” to “Denial of a permit”. Add intro language: “If LRAPA proposes to deny a permit application”.	Clarification. LRAPA will provide a copy of the issued permit to the permittee after the Director signs the permit. Clearly state when an issued permit is effective.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
31	0080(7)	NA	NA	Remove the following language that was moved to -0080(5): "LRAPA's decision under subsections (45) 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." Replace "The request for a hearing" with "A request for a hearing to challenge a LRAPA decision under subsections (5) or (6)". Change reference from title 31 to title 14.	Clarification and correction.	Y
32				**Emission Standards**		
32	005(1)	NA	NA	Add "As specified in sections 32-006 through 32-009 and subsections (2) and (3), *LRAPA will include appropriate conditions in permits to ensure that* the highest and best practicable treatment and control of air contaminant emissions is in every case provided so as to maintain overall air quality at the highest possible levels, and to maintain contaminant concentrations, visibility reduction, odors, soiling and other deleterious factors at the lowest possible levels."	Clarification.	Y
32	005(1)	NA	NA	Delete "In the case of source sources installed, constructed, or modified after June 1, 1970, particularly those located in areas with existing high-level air quality degradation," and add "The permit conditions must ensure that"	Removal of unnecessary date threshold to clarify rule applicability.	Y
32	005(2)	NA	NA	Delete entire subsection. "~~A source is in compliance with subsection (1) if the source is in compliance with all other applicable emission standards and requirements contained in LRAPA titles 32 through 51 and OAR 340 division 218.~~"	Remove exemption language.	Y
32	005(3)	NA	NA	Delete entire subsection. (1) ~~LRAPA may adopt additional rules as necessary to ensure that the highest and best practicable treatment and control is provided as specified in subsection (1). Such rules may include, but are not limited to, the following requirements:~~ (a) ~~Applicable to a source category, regulated pollutant or geographic area of Lane County;~~ (b) ~~Necessary to protect public health and welfare for air contaminants that are not otherwise regulated by LRAPA; or~~ (c) ~~Necessary to address the cumulative impact of sources on air quality.~~	Unnecessary rule language. LRAPA does not derive authority to enact rules and regulations from this subsection.	Y
32	005(6)	NA	NA	Delete entire subsection:	Unnecessary language.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				~~Compliance with a specific emission standard in these rules does not preclude the required compliance with any other applicable emission standard.~~		
32	008	NA	NA	Delete "For existing sources, the emission limit established will be typical of the emission level achieved by emission units similar in type and size. For new and modified sources, the emission limit established will be typical of the emission level achieved by well controlled new or modified emission units similar in type and size that were recently installed."	This language is being moved to the sections related to existing sources under 32-008(1) and new/modified sources under 32-008(2), as applicable.	Y
32	008(1)	NA	NA	Add "For existing sources, the emission limit established will be typical of the emission level achieved by emissions units similar in type and size."	Existing language moved from 32-008 to 32-008(1).	Y
32	008(1)(a)	NA	NA	Delete references to title 32 and title 39. Delete phrase "at the time TACT is required".	Emission limits for existing sources under title 32 and title 39 do not necessarily represent TACT.	Y
32	008(1)	NA	NA	Add "For new and modified sources, the emission limit established will be typical of the emission level achieved by well controlled new or modified emissions units similar in type and size that were recently installed."	Existing language moved from 32-008 to 32-008(2).	Y
32	008(1)	NA	NA	Add the phrase "a control technology requirement based on".	Clarify that TACT must be a control technology requirement under Major NSR or Type A State NSR.	Y
32	009(1)	NA	NA	Add "Any air quality analysis must be conducted in accordance with the procedures in title 40." For existing sources, add "LRAPA may conduct monitoring or modeling or may require a source to conduct monitoring or modeling to determine whether the source's emissions will cause or contribute to a new exceedance of an ambient air quality standard." For existing sources, delete "the violation of an ambient air quality standard shall be confirmed by monitoring conducted by LRAPA."	Clarify that LRAPA may use monitoring or modeling to determine compliance with an AAQS. Clarify that LRAPA will not necessarily use monitoring to confirm a suspected exceedance of an AAQS.	Y
32	009(2)	NA	NA	For existing sources, replace "the visibility impairment shall be confirmed by monitoring conducted by LRAPA." With LRAPA will conduct monitoring to confirm visibility impairment."	Clarification.	Y
32	009(5)	NA	NA	Delete "Additional controls may be required to achieve air contaminant reduction as part of a State Implementation Plan."	Unnecessary language.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
32	010(1)	NA	NA	Added exemption from visible emissions standards for recovery furnaces subject to the kraft pulp mill rules in title 33.	Consistent with DEQ's change and clarification.	
32	010(2)	NA	NA	Delete language related to conducting Method 203B, including "For all visible emission standards in this section, the minimum observation period must be six (6) minutes, though longer periods may be required by a specific rule or permit condition. Aggregate times (e.g., three (3) minutes in any one (1) hour) consist of the total duration of all readings during the observation period that are equal to or greater than the opacity percentage in the standard, whether or not the readings are consecutive. Each EPA Method 203B reading represents 15 seconds of time. Three-minute aggregate periods are measured by ". Add language related to conducting Method 9 including "The visible emission standards in this rule are based on the average of 24 consecutive observations recorded at 15-second intervals, or more frequently as allowed under paragraph (b), which comprise a six-minute block. Six-minute blocks need not be consecutive in time and in no case may two blocks overlap. For each set of 24 observations, the six-minute block average is calculated by summing the opacity of the 24 observations and dividing the sum by 24. Six-minute block averages are measured by	Standardize on Method 9 to align with DEQ.	Y
32	010(2)(a)	NA	NA	Replace reference to EPA Method 203B with Method 9.	Standardize on Method 9 to align with DEQ.	Y
32	010(2)(c)	NA	NA	Replace reference to EPA Method 203B with Method 9.	Standardize on Method 9 to align with DEQ.	Y
32	010(5)	NA	NA	Add "***on or*** after June 1, 1970".	Correction. Original language did not apply to sources installed, constructed, or modified "on" June 1, 1970.	Y
32	010(5)	NA	NA	Add "***on or*** after April 16, 2015".	Correction. Original language did not apply to sources installed, constructed, or modified "on" April 16, 2015.	Y
32	015(2)(a)(A)	NA	NA	Replace "provided that" with "if". Add "demonstrate ***that*** emission ***are***".	Clarification	Y
32	015(2)(a)(B)	NA	NA	Delete 32-015(a)(B)(i) and (ii), including "0.24 grains per dry standard cubic foot prior to Dec. 31, 2019; and" and "0.15 grains per dry standard cubic foot on or after Jan. 1, 2020; and". Move "0.15 grains per dry standard cubic foot" to the front of the paragraph. Add "demonstrate ***that*** emissions ***are***".	Applicable deadlines have past. 0.15 grains per dry standard cubic foot is the only applicable limitation. Clarification.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
32	015(2)(a)(C)	NA	NA	Replace “or” with “and”. Delete “0.24 grains per dry standard cubic foot from April 16, 2015 through December 31, 2019, and”. Delete “on or after Jan. 1, 2020.”	Applicable deadlines have past. 0.20 grains per dry standard cubic foot is the only applicable limitation. Clarification.	Y
32	015(2)(b)(A)	NA	NA	Replace “provided that” with “if”. Add “demonstrate ***that*** emission ***are***”.	Clarification	Y
32	015(2)(b)(B)	NA	NA	Add “0.14 grains per dry standard cubic foot” to the beginning of the paragraph and delete “, then 0.14 grains per dry standard cubic foot; and” at the end of the paragraph.	Clarification. Consistency in regulation style.	Y
32	015(2)(d)	NA	NA	Delete entire paragraph. “~~The owner or operator of a source installed, constructed, or modified before June 1, 1970 who is unable to comply with the standard in sub-subparagraph (a)(B)(ii) may request that LRAPA grant an extension allowing the source up to one additional year to comply with the standard. The request for an extension must be submitted no later than Oct. 1, 2019.~~”	Applicable deadline has past for any granted one year extensions.	Y
32	020(1)(a)	NA	NA	Replace “provided that” with “if”.	Simplification.	Y
32	020(1)(b)	NA	NA	Move 32-020(1)(b)(B) to the beginning of 32-020(1)(b) – “0.15 grains per dry standard cubic foot if any representative compliance source test results collected prior to April 16, 2015…” Add “that” between “demonstrate emissions”. Add “and” and the end of 32-020(1)(b).	Simplification. Clarification. Clarification.	Y
32	020(1)(b)(A)	NA	NA	Delete entire subparagraph. “~~0.24 grains per dry standard cubic foot until Dec. 31, 2019; and~~”	Delete date limited regulations.	Y
32	020(1)(b)(B)	NA	NA	Delete entire subparagraph. “~~0.15 grains per dry standard cubic foot on and after Jan. 1, 2020; and~~”.	Simplification.	Y
32	020(1)(b)(C)	NA	NA	Replace “or” with “and”. Delete “~~0.24 grains per dry standard cubic foot from April 16, 2015 through December 31, 2019, and~~”. Delete “~~on and after Jan1, 2020.~~”	Clarification. Delete date limited regulations.	Y
32	020(2)	NA	NA	Replace “The owner or operator of a source installed, constructed or modified before June 1, 1970 who is unable to comply with the standard in subparagraph (1)(b)(B) may request that LRAPA set a source specific limit of 0.17 grains per dry standard cubic foot. The owner or operator must submit an application for a permit modification to request the alternative limit by no later than Oct. 1, 2019 that demonstrates, based on a signed report prepared by a registered professional engineer that specializes in	Clarification. Delete date limited regulations.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				boiler/multiclone operation, that the fuel burning equipment will be unable to comply with the standard in subparagraph (1)(b)(B) after either: (a) Maintenance or upgrades to an existing multiclone system; or (b) Conducting a boiler tune-up if the boiler does not have a particulate matter emission control system.“ with (c) “The owner or operator of a source installed, constructed or modified before June 1, 1970, 0.17 grains per dry standard cubic foot if the owner or operator requested this alternative limit by no later than October 1, 2019 and demonstrated, based on a signed report prepared by a registered professional engineer that specializes in boiler/multiclone operation, that the fuel burning equipment was unable to comply with the standard in paragraph (1)(b).”		
32	020(3)	NA	NA	Delete entire subsection. “~~If a source qualifies under subsection (2), LRAPA will add the 0.17 grains per dry standard cubic foot source specific limit as a significant permit modification (simple fee) for sources with an LRAPA Title V Operating Permit or a Simple Technical Modification for sources with an Air Contaminant Discharge Permit.~~”	Delete date limited regulations.	Y
32	020(4)	NA	NA	Delete entire subsection. “~~The owner or operator of a source installed, constructed or modified before June 1, 1970 may request that LRAPA grant an extension allowing the source up to one additional year to comply with the standard in subsection (2) provided that the owner or operator demonstrates, based on an engineering report signed by a registered professional engineer that specializes in boiler/multiclone operation, that the source cannot comply with the source specific limit established in 32-020(2) without making significant changes to the equipment or control equipment or adding control equipment. The request for an extension must be submitted no later than Oct. 1, 2019.~~”	Delete date limited regulations.	Y
32	030(1)	NA	NA	Add “***on or*** after June 1, 1970”.	Clarification	Y
32	030(1)(a)	NA	NA	Replace “provided that” with “if”. Add “demonstrate ***that*** emission ***are***”.	Clarification.	Y
32	030(1)(b)	NA	NA	Add “0.14 grains per dry standard cubic foot” to the beginning of the paragraph and delete “, then 0.14 grains per dry standard cubic foot; and” at the end of	Clarification. Consistency in regulation style.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	**Section**	**Title**	**Section**			
				the paragraph. Add "demonstrate ***that*** emissions ***are***".		
32	030(2)	NA	NA	Add "***on or*** after April 16, 2015".	Clarification.	Y
32	050(1)	NA	NA	Delete "willfully"	Intent is not relevant.	N
32	050(2)	NA	NA	Replace "tends to" with "is likely to". Add "or otherwise violate any other regulation or requirement."	Clarification. Expand applicability of prohibition related to concealment and masking of emissions.	N
32	075(1)	NA	NA	Delete "shall". Use plural of "mean".	Correction and clarification.	N
33				**Prohibited Practices And Control Of Special Classes Of Industry**		
33	060(5)(e)	NA	NA	Delete reference to paragraph (e).	Correction.	Y
33	065(5)	NA	NA	Replace "make" with "conduct". Replace "made" with "conducted". Replace "of" with "on".	Clarification and correction.	Y
33	070(1)	NA	NA	Add list format for all definitions.	Clarification.	N
33	070(1) "Daily arithmetic average"	NA	NA	Replace "twenty-four hour" with "24-hour". Delete "calendar" from "calendar day". Delete "Any equivalent period must be approved first by EPA." Add '"Day" in this definition is the same as the definition of "day" in title 12.'	Clarification. Remove requirement for EPA approval in a SIP condition.	N
33	070(1) "Other sources"	NA	NA	Add "categorically insignificant activities".	Correction.	N
33	070(3)(a)(A)(ii)	NA	NA	Add "of".	Clarification.	N
33	070(3)(a)(B)	NA	NA	Delete "as a daily arithmetic average". Add plural of "average"	Clarification.	N
33	070(3)(b)(C)(i)	NA	NA	Delete "A daily arithmetic average of" at the beginning of the paragraph. Add "as a daily arithmetic average;" at the end of the paragraph.	Consistency in regulation style.	N
33	070(3)(d)	NA	NA	Replace "for a period exceeding three (3) minutes in any one (1) hours" with "as a six (6) minute average of the operating time."	Standardize on Method 9 to align with DEQ.	N
33	070(3)(e)	NA	NA	Add "Emissions from each kraft mill source with specific particulate emission limits included in this rule are exempt the grain loading emission limits and the opacity limits in title 32."	Clarification.	N
33	070(3)(f)	NA	NA	Add "In addition, when these sections are more stringent than 40 CFR part 60 subpart BB, LRAPA may require some or all of the relevant monitoring in this subsection." Delete "whichever is more stringent."	Clarification.	N
NA	NA	33	080(1)	Add "Applicability. Section 33-080 applies in all areas of Lane County which are within city limits or within two (2) miles of the boundaries of incorporated cities."	Clarification. Moved from 33-080(4).	N
33	080(3)(b)	NA	NA	Revised the ORS referenced from 192.410 – 192.505 to 192.311 – 192.478 based on renumbering in 2017	Correction and update.	

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
33	080(4)	NA	NA	Delete “Applicability. Section 33-080 applies in all areas of Lane County which are within city limits or within two (2) miles of the boundaries of incorporated cities.”	Clarification. Moved to 33-080(1).	N
33	500	NA	NA	Replace “shall be” with “is”.	Clarification.	Y
34				**Stationary Source Notification Requirements**		
34	010 (title)	NA	NA	Rename “Applicability” to “Applicability and Requirements”	Clarification.	Y
34	010(1)	NA	NA	Delete existing subsection 34-010(1) and renumber section 34-010	Remove unnecessary language.	Y
34	010(2)(a)	34	010(1)(a)	Replace “All new sources not otherwise required to obtain a permit under title 37 or OAR 340 division 218. Sources that are required to submit a permit application under title 37 or OAR 340 division 218 are not required to submit a Notice of Construction application under this rule;” with “New Sources. Owners or operators of proposed new sources not otherwise required to obtain a permit under title 37 or OAR chapter 340, division 218, must submit a notice of construction application before undertaking construction or operation of a new source that emits any regulated air pollutant.”	Clarification. New sources that require an ACDP or TV permit are not subject to Title 34. New sources that do not require an ACDP or TV permit are subject to Title 34.	Y
34	010(2)(b)	34	010(1)(b)	Replace “Modifications at existing sources, including sources that have permits under title 37 or OAR 340 218; and” with “Existing Sources. Owners or operators of existing sources, including sources that have permits under title 37 or OAR chapter 340, division 218, must submit the appropriate applications before undertaking any of the following:”	Clarification.	Y
NA	NA	34	010(1)(b)(A)-(C)	Add the following: (A) Construction or modification that will cause an increase, on an hourly basis at full production, in any regulated air pollutant emissions; (B) Replacement of a device or activity that emits any regulated air pollutants; or (C) Construction, modification, or replacement of any air pollution control device.	Clarification. Moved section 34-034 to here.	Y
34	010(2)(c)	NA	NA	Delete existing paragraph 34-010(2)(c)	The requirements of this paragraph related to control devices have been integrated into paragraphs 34-010(1)(a)&(b).	Y
34	010(3)	34	010(2)	Renumber existing subsection 34-010(3)	Format change.	Y
NA	NA	34	010(2)(a)	Add “Sources for which the owners or operators are required to obtain a permit under title 37 or OAR	Clarification. Moved part of former paragraph 34-010(2)(a) to here.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				chapter 340, division 218 for the construction or modification;" and renumber		
34	010(3)(d)	34	010(2)(e)	Add "and are specified in subsection (1)" to "Portable sources, except modifications of portable sources that have permits under title 37 or OAR chapter 340, division 218"	Clarification.	Y
NA	NA	34	010(3)	Add "Sections 34-010 through 34-038 apply to Title V sources under OAR 340-218-0190 but are called Notices of Approval."	Clarification.	Y
34	015 (intro)	NA	NA	Replace "All stationary sources must provide in a reasonably timely manner any and all information that LRAPA reasonably requires for the purpose of regulating stationary sources. Such information may be required on a one-time, periodic, or continuous basis and may include, but is not limited to, information necessary to:" with "All owners or operators of stationary sources must provide any and all information and analysis, including an air quality analysis of the source, that LRAPA reasonably requires for the purpose of regulating stationary sources. LRAPA will provide the source with a written request to provide such information to LRAPA by a reasonable date. Such information may be required on a one-time, periodic, or continuous basis and may include, but is not limited to, information necessary to:"	Clarification.	Y
NA	NA	34	015(4)	Add "Determine whether a source's emissions may cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50; and"	Change. Add explicit authority to require NAAQS monitoring or modeling.	Y
34	015(4)	34	015(5)	Renumber existing subsection 34-015(4)	Format change.	Y
NA	NA	34	016(4)	Add "When a due date for submittal falls on a weekend or holiday, the submittal is not due until the next succeeding business day."	Clarification.	Y
34	016(4)	34	016(5)	Renumber existing subsection 34-016(4) and later subsections	Format change.	Y
34	016(4)	34	016(5)	Add "under title 1 through title 51"	Clarification.	Y
34	016(5)	34	016(6)	Delete "For the owner or operator of a source permitted under title 37, this requirement took effect on July 1, 2015."	Delete date limited regulations.	Y
34	020(1)	NA	NA	Replace reference to ORS 192.363 with ORS 192.478. Replace "shall be presumed to be" with "is".	Update reference. Simplification.	Y
34	020(3)	NA	NA	Replace "shall not" with "cannot"	Clarification.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
34	025(2)	NA	NA	Replace “The following sources that are certified through an LRAPA approved environmental certification program and subject to an Area Source NESHAP may register with LRAPA pursuant to 34-030 in lieu of obtaining a permit in accordance with 37-0020, unless LRAPA determines that the source has not complied with the requirements of the environmental certification program.” with “The following sources that are certified through an LRAPA approved environmental certification program, as provided in subsection (3), and that is subject to an area source NESHAP may register with LRAPA pursuant to section 34-030 in lieu of obtaining a permit otherwise required by section 37-0020, unless LRAPA determines that the source has not complied with the requirements of the environmental certification program. A source registered under this section must pay fees as provided in subsection (4), is subject to termination of its registration for failure to pay fees as provided in paragraph (4)(a) and must keep records as provided in subsection (5).”	Clarification.	Y
34	025(6)	NA	NA	Replace “is subject to a federal NSPS or NESHAP in 40 CFR part 60 or 40 CFR part 63” with “is subject to a federal NSPS in 40 CFR part 60 or NESHAP in 40 CFR part 63”	Clarification.	Y
34	034	NA	NA	Delete section 34-034 in entirety	Moved to subparagraph 34-010(1)(b)(A)-(C).	Y
34	035 (intro)	NA	NA	Replace “For the purpose of 34-010 and 34-034 through 34-038, changes that involve new construction or modifications of sources or air pollution control devices are divided into the following Types:“ with “For the purpose of sections 34-010 and 34-034 through 34-038, emission calculations for determining the type of change at a source must use the regulated air pollutant emission capacity, except for Type 1 changes under paragraph (1)(b) and Type 4 changes. The notices of construction changes are divided into the following types:”	Clarification. Source emissions must be calculated at capacity, except for enumerated Type 1 sources and Type 4 changes.	Y
34	035(1)	NA	NA	Replace “Type 1 changes include construction or modification of sources or air pollution control devices where such a change meets the criteria in paragraphs (a) through (f):” with “Type 1 changes include construction or modification for which the owner or operator is not required to obtain a permit or permit	Change. If a permit or permit modification is required under title 37, a Type 1 change is no longer available.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				modification under title 37, and where the changes meet the criteria in either paragraph (a) or (b):"		
34	035(1)(a)	34	035(1)(a)	Insert "The construction or modification would:"	Format change.	Y
34	035(1)(a)-(f)	34	035(1)(a)(A)-(E)	Move and renumber	Format change.	Y
34	035(1)(a)-(f)	34	035(1)(a)(A)-(E)	Replace: (a) Would not increase emissions from the source above the PSEL by more than the de minimis emission level defined in title 12 for sources required to have a permit; (b) Would not increase emissions from the source above the netting basis by more than or equal to the SER; (c) Would not increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or process at the source by more than the de minimis emission levels defined in LRAPA title 12; (d) Would not be used to establish a federally enforceable limit on the potential to emit; (e) Would not require a TACT determination under 32-008 or a MACT determination under 44-0200; and (f) Is not required to obtain a permit under title 37. With: (A) Have emissions from any new, modified, or replaced device or activity, or any combination of devices or activities, of less than or equal to the de minimis levels defined in title 12; (B) Not result in an increase of emissions from the source above any PSEL; (C) Not result in an increase of emissions from the source above the netting basis by more than or equal to the SER; (D) Not be used to establish a federally enforceable limit on the potential to emit; (E) Not require a TACT determination under section 32-005 or a MACT determination under section 44-040; or	Change. Clarification. Reorder. No increase above the PSEL is allowed. The former 34-035(1)(f) is deleted consistent with DEQ.	Y
NA	NA	34	035(1)(b)	Add "The construction or modification is one of the following:"	Format change.	Y
NA	NA	34	035(1)(b)(A)-(II)	Add: (A) Stationary internal combustion engines having a rated capacity <60 horsepower output; (B) Emergency stationary internal combustion Tier 4 certified engines having a rated capacity <670	Change. List of preapproved Type 1 construction or modifications. LRAPA added the word "certified" to 34-035(1)(b)(B) to distinguish that Type 1 changes allow Tier 4 certified engines	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				horsepower (500 kilowatts) output; (C) Hand-held sanding equipment; (D) Portable vacuum blasting equipment using steel shot and vented to a fabric filter; (E) Shot peening operations, provided that no surface material is removed; (F) Replacement of equipment that is used to control processes, such as temperature, air pressure, water pressure, electrical current, flow rate, etc.; (G) Equipment and instrumentation used for quality control/assurance or inspection purposes; (H) Vacuum pumps; (I) Equipment used for extrusion, compression molding, and injection molding of plastics, provided that the VOC content of all mold release products or lubricants is <1% by weight; (J) Injection or blow-molding equipment for rubber or plastics, provided that no blowing agent other than compressed air, water, or carbon dioxide is used; (K) Presses or molds used for curing, post-curing, or forming composite products and plastic products, provided that the blowing agent contains no VOC or chlorinated compounds; (L) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives; (M) Dredging wet spoils handling and placement; (N) Graphic label and/or box labeling operations where the inks are applied by hand stamping or hand rolling; (O) Ultraviolet disinfection processes; (P) The cleaning and/or deburring of metal products where all tumblers are used without abrasive blasting; (Q) Ozone generators and ozonation equipment; (R) Emissions from the storage and application of road salt (calcium chloride or sodium chloride); (S) Process emissions from sources which are located at private, public, or vocational education institutions, where the emissions are primarily the result of teaching and training exercises, and the institution is not engaged in the manufacture of products for commercial sale; (T) Degreasing units which exclusively use	to be notice and go as a Type 1 NC, not Tier 4 compliant.	

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				caustics (e.g., potassium hydroxide and sodium hydroxide); (U) Equipment used for hydraulic or hydrostatic testing with water-based hydraulic fluids; (V) Storage tanks, reservoirs, pumping and handling equipment, and control equipment used to exclusively vent such equipment of any size, limited to soaps, lubricants, hydraulic fluid, vegetable oil, grease, animal fat, aqueous salt solutions or other materials and processes using appropriate lids and covers where there is no generation of objectionable odor or airborne particulate matter or toxic air pollutants listed in OAR chapter 340, division 247; (W) Operation, loading and unloading storage of butane, propane, or liquefied petroleum gas with a vessel capacity less than 40,000 gallons where annual emissions are less than or equal to the de minimis levels; (X) Tanks, vessels and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases and acids; (Y) Ultraviolet curing processes, to the extent that toxic air contaminants as defined in OAR chapter 340, division 247 are not emitted; (Z) Contaminant detectors, sampling devices and recorders; (AA) Environmental chambers and humidity chambers using only gases that are not toxic air contaminants listed in OAR chapter 340, division 247; (BB) Lithographic printing equipment which uses laser printing; (CC) Equipment used exclusively for conveying and storage of plastic pellets that don't break down or degrade and are only used for indoor manufacturing; (DD) Gas cabinets using only gasses that are not regulated air pollutants; (EE) Salt baths using nonvolatile salts and not used in operations which result in air emissions; (FF) Paper shredding and carpet and paper shearing, fabric brushing and sueding as well as associated conveying systems, baling equipment, and control equipment venting such equipment. This exemption does not include carpet and fabric		

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				recycling operations; (GG) Hammermills used exclusively to process aluminum and/or tin cans, and control equipment exclusively venting such equipment; (HH) Drop hammers or hydraulic presses for forging or metal working; or (II) Concrete application, and installation.		
34	035(2)	NA	NA	Replace "Type 2 changes include construction or modification of stationary sources or air pollution control devices where such a change meets the criteria in paragraphs (a) through (f):" with "Type 2 changes include construction or modification for which the owner or operator is not required to obtain a permit or permit modification under title 37, and where the construction or modification would:"	Change. If a permit or permit modification is required under title 37, a Type 2 change is no longer available.	Y
34	035(2)(a)-(f)	NA	NA	Replace: (a) Would not increase emissions from the source above the PSEL by more than the de minimis emission level defined in title 12 for sources required to have a permit; (b) Would not increase emissions from the source above the netting basis by more than or equal to the SER; (c) Would not increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than or equal to the SER; (d) Would not be used to establish a federally enforceable limit on the potential to emit; (e) Would not require a TACT determination under 32-008 or a MACT determination under 44-130; and (f) Is not required to obtain a permit under title 37. With: (a) Have emissions from any new, modified, or replaced device or activity, or any combination of devices or activities, of less than the SER defined in title 12; (b) Not result in an increase of emissions from the source above any PSEL; (c) Not result in an increase of emissions from the source above the netting basis by more than or equal to the SER; (d) Not be used to establish a federally enforceable limit on the potential to emit;	Change. Clarification. Reorder. No increase above the PSEL is allowed. Added ability to establish state-only enforceable PTE limits. Added requirement to determine NAAQS compliance for the new or replaced device or activity.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				(e) Be used to establish a state-only enforceable limit on the potential to emit; (f) Not require a TACT determination under 32-008 or a MACT determination under 44-130; and (g) Not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50 for a new or replaced device or activity.		
34	035(3)	NA	NA	Replace "Type 3 changes include construction or modification of stationary sources or air pollution control devices where such a change does not qualify as a Type 4 change under subsection (4) and:" with "Type 3 changes include construction or modification where the construction or modification would:"	Clarification.	Y
34	035(3)(a)-(d)	34	035(3)(a)-(e)	Replace: (a) Would increase emissions from the source above the PSEL by more than the de minimis emission level defined in title 12 before applying unassigned emissions or emissions reduction credits available to the source but less than the SER after applying unassigned emissions or emissions reduction credits available to the source for sources required to have a permit; (b) Would increase emissions from any new, modified, or replaced device, activity or process, or any combination of devices, activities or processes at the source by more than the SER but are not subject to 42-0041(3)(b) or title 38 (NSR rules); (c) Would be used to establish a federally enforceable limit on the potential to emit; or (d) Would require a TACT determination under 32-008 or a MACT determination under 44-130. With: (a) Have emissions from any new, modified, or replaced device or activity, or any combination of devices or activities, of more than or equal to the SER defined in title 12; (b) Result in an increase of emissions from the source above any PSEL before applying unassigned emissions or emissions reduction credits available to the source but less than the SER after applying unassigned emissions or emissions reduction credits available to the source; (c) Be used to establish a federally enforceable limit on the potential to emit;	Change. Clarification. Reorder. No increase above the PSEL is allowed. Added requirement to determine NAAQS compliance for the new or replaced device or activity.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				(d) Require a TACT determination under OAR 340-226-0130 or a MACT determination under OAR 340-244-0200; or (e) Not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50 for a new or replaced device or activity.		
34	035(4)	NA	NA	Replace “Type 4 changes include construction or modification of stationary sources or air pollution control devices where such a change or changes would increase emissions from the source above the PSEL, after applying unassigned emissions or emissions reduction credits available to the source, or netting basis of the source by more than the SER.” with “Type 4 changes include construction or modification subject to New Source Review under title 38.”	Simplification.	Y
34	036 (title)	NA	NA	Rename “Notice to Construct” to “Notice to Construct Application”	Clarification.	Y
NA	NA	34	036(1)	Add “An application for any type of change must meet the requirements of the rules that were in effect on the date the complete application was submitted.”	Clarification.	Y
34	036(1)	34	036(2)	Replace “Any person proposing a Type 1 or 2 change must provide notice to LRAPA before constructing or modifying a stationary source or air pollution control device. The notice must be in writing on a form supplied by LRAPA and include the following information as applicable:” with “Any person proposing a Type 1 or 2 change must submit a notice of construction application using electronic forms provided by LRAPA, unless otherwise approved in writing by LRAPA , before undertaking such construction or modification. The notice of construction application must include the following information, as applicable, for present or anticipated operating conditions:”	Clarification.	Y
34	036(1)(a)	34	036(2)(a)	Add “tax lot”	Clarification.	Y
34	036(1)(e)	34	036(2)(e)	Replace “A description of the constructed or modified source;” with “A description of the proposed construction or modification;”	Clarification.	Y
34	036(1)(f)	34	036(2)(f)	Add “for the proposed construction or modification;”	Clarification.	Y
34	036(1)(g)	34	036(2)(g)	Replace “A plot plan showing the location and height of all air contaminant sources and indicating the nearest residential or commercial property;” with “A plot plan showing the location and height of the	Clarification.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				proposed construction or modification, and the nearest residential and commercial properties;"		
34	036(1)(h)	34	036(2)(h)	Add "Production, throughput, or material usage;"	Change.	Y
34	036(1)(i)	34	036(2)(j)	Replace "Change in amount, nature and duration of air contaminant emissions;" with "The amount, nature and duration of regulated pollutant emissions from the proposed construction or modification and any proposed change in emissions with supporting calculation, except for equipment listed in OAR 340-210-0225(1)(b);"	Clarification.	Y
34	036(1)(j)	34	036(2)(k)	Add ", including estimated efficiency of air pollution control devices;"	Added language to paragraph 34-036(1)(k).	Y
34	036(1)(k)	NA	NA	Delete	Moved language to paragraph 34-036(2)(k).	Y
34	036(1)(p)	NA	NA	Replace "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." with "Land Use Compatibility Statement(s), when required by the local planning agency."	Change. Expand LUCS regulations.	Y
NA	NA	34	036(2)(p)(A)	Add "Signed by the applicable local planning jurisdictions(s), determining that construction or modification is compatible with the applicable local planning jurisdiction's acknowledged comprehensive plan. If LRAPA receives a LUCS which states that the proposed action is incompatible with the acknowledged comprehensive plan, LRAPA will notify the applicant that the application cannot be processed; or"	Change. Clarification on ramifications of denied LUCS.	Y
NA	NA	34	036(2)(p)(B)	Add "If the local planning jurisdiction declines to provide a LUCS determination in response to a request for a LUCS, the owner or operator must provide LRAPA with its own analysis to demonstrate that the proposed action complies with all applicable statewide planning goals;"	Change. Clarification on handling LUCS in unusual situations.	Y
NA	NA	34	036(2)(q)	Add "Anticipated date of the commencement of construction (i.e., breaking ground); and"	Change. Limitation on project commencement.	Y
NA	NA	34	036(2)(4)	Add "Anticipated date of construction or modification completion."	Change. Limitation on project completion.	Y
NA	NA	34	036(3)	Add "In addition, any person proposing a Type 2 or Type 3 change for a new or replaced device or activity must also submit an air quality analysis for any pollutants that are emitted above the de minimis emission level demonstrating that the emissions,	Change. Requirement to provide an air quality analysis for the new or replaced device or activity.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				including reductions due to air pollution control devices or permitted limits on production capacity, from the individual device or activity will not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50."		
NA	NA	34	036(4)	Add "Any person proposing a Type 3 change must:"	Change. New conditions.	Y
NA	NA	34	036(4)(a)-(b)	Add: (a) Submit an application for either a new or modified Basic ACDP, a Construction ACDP, a new or modified Simple ACDP, or a new or modified Standard ACDP, whichever is appropriate; or (b) If the owner or operator of a source assigned to a General ACDP still qualifies for the General ACDP after the Type 3 change is approved, submit the information required in subsection 34-036(2).	Clarification. Enumeration of the permit types subject to Type 3 changes.	Y
34	036(2)	34	036(5)	Replace "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." with "Any person proposing a Type 4 change must comply with title 38 and must submit an application for either a Construction ACDP, or a new or modified Standard ACDP, whichever is appropriate."	Change. Type 3 requirements have been moved to paragraph 34-036(4)(a)-(b).	Y
NA	NA	34	036(6)	Add "Additional information. If LRAPA determines that additional information or corrections are needed for consideration of any type of proposed construction or modification, LRAPA will provide the applicant with a written request to provide such information by a reasonable date."	Clarification.	Y
NA	NA	34	036(7)	Add "If LRAPA determines it is not able to approve the applicant's submittal, or if the applicant does not timely provide additional information or corrections requested by LRAPA under subsection (6), then in addition to any other remedies available, LRAPA may:"	Clarification.	Y
NA	NA	34	036(7)(a)-(c)	Add: (a) Return the application; (b) Retain any applicable fees; and (c) Issue a proposed denial of the application.	Clarification.	Y
34	036(3)	34	036(8)	Replace "The owner or operator must notify LRAPA of any corrections and revisions to the plans and specifications upon becoming aware of the changes." with "A person who has submitted an application under this rule must notify LRAPA of any corrections	Clarification.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				and revisions to the plans and specifications that would impact emissions upon becoming aware of the changes. If the correction or revision changes the type of Notice of Construction, the person must submit the appropriate application."		
34	037(1)(a)	NA	NA	Replace "For Type 1 changes, the owner or operator may proceed with the construction or modification 10 calendar days after LRAPA receives the notice required in 34-036 or on the date that LRAPA approves the proposed construction in writing, whichever is sooner, unless LRAPA notifies the owner or operator in writing that the proposed construction or modification is not a Type 1 change." with "For Type 1 changes:"	Change. Type 1 changes will no longer have 10 day default approvals. Type 1 changes will be notice and go unless the source requests confirmation from LRAPA that the construction or modification is a Type 1 change.	Y
NA	NA	34	037(1)(a)(A)-(B)	Add: (A) Under paragraph 34-035(1)(b), the owner or operator of a source may proceed with the construction or modification immediately after notifying LRAPA. (B) Under paragraph 34-035(1)(a), the owner or operator of a source may proceed with the construction or modification immediately after notifying LRAPA unless they request confirmation that the proposed construction or modification qualifies as a Type 1 change. LRAPA has 30 calendar days from receipt of the written request, with a complete notice application, to provide written approval of the proposed construction or modification, or notify the owner or operator in writing that the proposed construction or modification does not qualify as a Type 1 change.	Change. Type 1 changes will no longer have 10 day default approvals. Type 1 changes will be notice and go unless the source requests confirmation from LRAPA that the construction or modification is a Type 1 change.	Y
34	037(1)(b)	NA	NA	Add "of a source". Add "complete notice application". Add "or modification". Replace "is" with "does". Add "qualify as"	Clarification.	Y
34	037(1)(c)	NA	NA	Replace "For Type 3 changes, the owner or operator must obtain either a Construction ACDP or a new or modified Standard ACDP in accordance with title 37 before proceeding with the construction or modification." with "For Type 3 changes, the owner or operator of a source must obtain either:"	Change. Language moved to subparagraph 34-037(1)(c)(A)-(B) and expanded.	Y
NA	NA	34	037(1)(c)(A)-(B)	Add: (A) A new or modified Basic ACDP, Construction ACDP, a new or modified Simple ACDP, or a new or modified Standard ACDP, whichever is appropriate,	Clarification. Enumeration of the permit types subject to Type 3 changes and how a Type 3 change may affect a General ACDP..	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				in accordance with title 37 before proceeding with the construction or modification; or (B) A new Simple or Standard ACDP, whichever is appropriate, in accordance with title 37 before proceeding with the construction or modification if the source no longer qualifies for its assigned General ACDP(s).		
34	037(1)(d)	NA	NA	Add “of a source”. Add “either a Construction ACDP or”. Delete “Type 4 changes may also be subject to title 38, NSR requirements.”	Clarification and change to allow Construction ACDP for Type 4 changes.	Y
NA	NA	34	037(2)	Add “Upon LRAPA approval, the owner or operator of a source must construct or modify and operate the source in accordance with the approved plans and specifications, including any corrections or revisions approved by LRAPA, previously submitted in the application required under section 34-036.”	Clarification.	Y
34	037(2)	34	037(3)	Renumber. Add “or modify”. Add “or operator of a source”.	Clarification.	Y
NA	NA	34	037(4)	Add “The owner or operator of a source that receives approval to construct or modify must commence construction within 18 months of approval, or other date approved in writing by LRAPA.”	Change. Add language to require construction or modification within a reasonable time or the source forfeits the authority to construct or modify under the applicable NC.	Y
NA	NA	34	037(4)(a)	Add “Construction or modification approval terminates and is invalid for the following reasons:”	Change. Add language to require construction or modification within a reasonable time or the source forfeits the authority to construct or modify under the applicable NC.	Y
NA	NA	34	037(4)(a)(A)-(C)	Add: (A) Construction or modification is not commenced within 18 months after LRAPA issues such approval, by an alternative deadline established by LRAPA under this section, or by the deadline approved by LRAPA in an extension under paragraph (b); (B) Construction or modification is discontinued for a period of 18 months or more; or (C) Construction or modification is not completed within 18 months of the anticipated date of construction completion included in the application.	Change. Add language to require construction or modification within a reasonable time or the source forfeits the authority to construct or modify under the applicable NC.	Y
		34	037(4)(b)	Add “The owner or operator may submit a request to extend the construction or modification commencement deadline by submitting a written, detailed explanation of why the source could not commence construction or modification within the	Change. Add language to require construction or modification within a reasonable time or the source forfeits the authority to construct or modify under the applicable NC.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				initial 18-month period. LRAPA may grant, for good cause, one 18-month construction or modification approval extension."		
34	037(3)	34	037(5)	Renumber. Replace "construction ACDP" with "Construction ACDP". Add "of a source".	Clarification.	Y
NA	NA	34	037(5)(b)	Add "Whether the construction or modification was completed in accordance with approved plans, specifications and any corrections or revisions thereto under OAR 340-210-0230, such as but not limited to:"	Change. Add requirements to verify the construction or modification was completed according to the application.	Y
NA	NA	34	037(5)(b)(A)-(C)	Add: (A) Make, model, and identification name or number of the constructed device or activity, or any combination of devices or activities; (B) Location of the constructed device or activity, or any combination of devices or activities; (C) Exhaust parameters (e.g., stack height, diameter, temperature, flowrate, volume or area source dimensions); and	Change. Add requirements to verify the construction or modification was completed according to the application.	Y
34	037(4)	34	037(6)	Renumber. "of the source".	Clarification	Y
34	037(5)	34	037(7)	Renumber. Replace "A person" with "An owner or operator". Add "of LRAPA".	Clarification	Y
34	038(1)	NA	NA	Add ", or replaced". Add "(title 37)". Delete "title 37 and".	Clarification	Y
34	038(2)(a)(B)	NA	NA	Replace "34-030" with "35-0120". Add "35-0140".	Correction	Y
34	038(2)(b)	NA	NA	Delete paragraph 34-038(2)(b)	This language is unnecessary. New sources are required to apply for a permit under Title 37 rather than an NC.	Y
34	038(3)(a)	NA	NA	Replace "For new sources, Type 3 or 4 changes require a standard ACDP before operation of the changes." with "For new sources, or sources that have not been required to obtain a permit, Type 3 changes require the owner or operator to obtain a Construction, Basic, General, Simple, or Standard ACDP, whichever is appropriate, before operation of the approved changes."	Clarification. Enumeration of the permit types subject to Type 3 changes.	Y
NA	NA	34	038(3)(b)	Add "For sources currently operating under a General ACDP, a Type 3 change may be operated under the assigned General ACDP if the source still qualifies for the General ACDP. Otherwise, the owner or operator must obtain a new Simple or Standard ACDP before operation of the approved changes."	Clarification on how a Type 3 change may affect a General ACDP.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
34	038(3)(b)	34	038(3)(c)	Renumber. Replace “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.” with “For sources currently operating under a Basic, Simple or Standard ACDP, approval to operate a Type 3 change will require the owner or operator to obtain a new or modified Basic ACDP, a new or modified Simple ACDP, or a new or modified Standard ACDP, in accordance with title 37 before operation of the approved changes. All current ACDP terms and conditions remain in effect until the new or modified ACDP is issued.”	Clarification of how Type 3 changes affect the ability to operate under the change.	Y
NA	NA	34	038(3)(d)	Add “Type 4 changes require the owner or operator to obtain a new or modified Standard ACDP in accordance with title 37 before operation of the approved changes.”	Clarification. Separate Type 4 change requirements from Type 3 changes.	Y
34	038(3)(c)	34	038(3)(e)	Replace “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).” with “For sources currently operating under an LRAPA Title V Operating Permit, Type 3 or 4 changes may only be operated in accordance with OAR 340-218-0190(2) unless a permit modification is required.”	Correction. If the Title V permit needs modification to accommodate the Type 3 or 4 change, the Type 3 or 4 change may not operate until the Title V permit is modified.	Y
34	180	NA	NA	Replace “all Oregon Administrative Rules” with “OAR chapter 340”.	Clarification.	N
36				**Excess Emissions**		
36	001(1)	NA	NA	Delete “pursuant to”. Replace “sections 36-010” with “sections 36-001”. Delete “These rules”. Replace “violation” with “excess”.	Clarification. Correction.	N
36	001(2)(b)	NA	NA	Add “the”.	Correction.	N
36	005	NA	NA	Delete “, only”.	Clarification.	N
36	005(2)	NA	NA	Replace “means any stationary source with a Basic, General, Simple or Standard ACDP.” with means any stationary source that is not a large source and that operates under a Basic, General, Simple or Standard ACDP.”	Clarification.	N
36	010(2)(a)	NA	NA	Replace “will not” with “cannot”. Replace “avoidable” with “avoided”.	Clarification.	N
36	010(2)(b)	NA	NA	Replace “that will cause” with “causing”.	Clarification.	N
36	010(4)	NA	NA	Replace “startup/shutdown“ with “startup and shutdown”.	Clarification.	N

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
36	015(3)	NA	NA	Slight wording change from: “Once maintenance procedures are approved, owners or operators are not be required to notify LRAPA of a scheduled maintenance event unless it results in excess emissions.” To the following: “Once LRAPA approves the maintenance procedures the owner or operator does not have to notify LRAPA of a scheduled maintenance event unless it results in excess emissions.”	Clarification, correction and consistent with DEQ.	N
36	020(1)	NA	NA	Replace “For all other excess emissions not addressed in 36-010, 36-015, or 36-040, the following requirements apply:” with “This rule applies to all excess emissions not addressed in sections 36-010, 36-015, and 36-040.”	Clarification.	N
36	020(2)	NA	NA	Replace “During any period of excess emissions, LRAPA may require that an owner or operator immediately reduce or cease operation of the equipment or facility until such time as the condition causing the excess emissions has been corrected or brought under control. LRAPA will consider the following factors:“ with “During any period of excess emissions, the owner or operator of the source must immediately reduce emissions to the greatest extent practicable or cease operation of the equipment or facility until such time as the condition causing the excess emissions has been corrected or brought under control. The owner or operator must cease operation of the equipment or facility within eight (8) hours of the beginning of the period of excess emissions unless:”.	Clarification. Change to add a limitation on periods of excess emissions.	N
36	020(2)(a)-(c)	NA	NA	Replace: (a) Whether potential risk to the public or environment exists; (b) Whether any Air Pollution Alert, Warning, Emergency, or yellow or red woodstove curtailment period exists; (c) Whether shutdown could result in physical damage to the equipment or facility, or cause injury to employees; or With: (a) Ceasing operation could result in physical	Change to replace general conditions related to excess emissions with reasons to delay ceasing operations during excess emissions.	N

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				damage to the equipment or facility; (b) Ceasing operation could cause injury to employees; or (c) Emissions associated with shutdown and the subsequent startup will exceed those emissions resulting from continued operation.		
36	020(2)(d)	NA	NA	Delete paragraph 36-020(2)(d)	Unnecessary language removed with the change to list reasons to delay ceasing operations during excess emissions..	N
36	020(3)	NA	NA	Delete subsection 36-020(3)	Replaced with new subsection 36-020(3)	N
NA	NA	36	020(3)	Add “An owner or operator may request continued operations under the conditions in subsection (2) by submitting to LRAPA a written request to continue operation along with the following information within eight (8) hours of the beginning of the period of excess emissions:”	Change. Reduce the number of hours prior to providing a written request to continue operation with excess emissions.	N
NA	NA	36	020(3)(a)-(b)	Add: (a) A description or plan of how the owner or operator will minimize the excess emissions to the greatest extent practicable; (b) A plan and timeline for returning the equipment or facility back to the applicable compliant emission limits as soon as possible; and either:	Change. Focus the written request on returning to normal operation expeditiously.	N
NA	NA	36	020(3)(b)(A)-(B)	Add: (A) Information verifying that reducing or ceasing operation could result in physical damage to the equipment or facility or injury to employees; or (B) Calculations of emissions associated with shutdown and the subsequent startup and emissions resulting from continued operation.	Change. Focus the written request on justification for continued operation and quantifying excess emissions.	N
NA	NA	36	020(4)	Add “If LRAPA disapproves the request to continue operation, the owner or operator must cease operation of the equipment or facility within one (1) hour of receiving LRAPA’s written disapproval (e.g., email or telephone conversation with email backup), until the condition causing the excess emissions has been corrected or brought under control. If LRAPA approves the request to continue operation, the owner or operator must follow the approved plans and timeline to minimize excess emissions and return the equipment or facility back to the applicable compliant emission limits as required in LRAPA’s	Change. Add explicit timelines for ceasing operation if continued operation is disapproved.	N

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				written approval (e.g., email or telephone conversation with email backup). The owner or operator must report excess emissions under section 36-025 within five (5) days of the date of the event."		
36	020(4)	36	020(5)	Replace "LRAPA will approve the procedures if it determines that they are consistent with good pollution control practices, will minimize emissions during such period to the extent practicable, and that no adverse health impact on the public will occur. The owner or operator must record all excess emissions in the excess emission log as required in 36-025(3). Notwithstanding subsection (2), at any time during the period of excess emissions, LRAPA may require the owner or operator to cease operation of the equipment or facility. in accordance with subsection (2). Approval of these procedures does not shield the owner or operator from an enforcement action, but LRAPA will consider whether the procedures were followed in determining whether enforcement action is appropriate." with "Notwithstanding subsection (2), at any time during the period of excess emissions, LRAPA may require the owner or operator to cease operation of the equipment or facility."	Change. Remove language that is unnecessary based on changes made in subsections 36-020(3)&(4).	Y
36	025(1)	NA	NA	Replace "If required, this report" with "The report".	Clarification.	Y
36	040	NA	NA	Delete the entire section titled "Section 36-040 Emergency as an Affirmative Defense for Title V Permitted Sources"	On July 12, 2023, the EPA Administrator signed a final rule to remove the "emergency" affirmative defense provisions from Clean Air Act (CAA) operating permit program regulations. EPA stated these provisions allowed sources to avoid liability in enforcement proceedings by demonstrating that violations of certain emission limitations in a title V permit were caused by an "emergency" situation. EPA stated these title V affirmative defense provisions were inconsistent with EPA's interpretation of the Clean Air Act's enforcement structure, following the D.C. Circuit's 2014 NRDC v. EPA decision.	N
37				**Air Contaminant Discharge Permits**		

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
37	Throughout	NA	NA	Change “according to” to “in accordance with” throughout title 37.	Consistency.	Y
37	0020(2)	NA	NA	Add “Owners or operators of”. Move “Source categories are not listed in alphabetical order” to the second sentence of the paragraph. Add “owner or operator of the”. Add “LRAPA may determine that a source is ineligible for a Basic ACDP or a General ACDP based upon the considerations in subsection 37-0025(7).”	Clarification.	Y
37	0020(2)(a)	NA	NA	Add “Owners or operators of”. Add “listed”. Change “source” to “person”. Add “for the source”. Delete “Emission cutoffs are based on actual emissions.”	Clarification.	Y
37	0020(2)(b)	NA	NA	Add “Owners or operators of”.	Clarification.	Y
37	0020(2)(c)	NA	NA	Add “Owners or operators of”.	Clarification.	Y
37	0020(3)	NA	NA	Delete “Air Contaminant Discharge Permit”. Delete brackets around “ACDP”.	Consistency.	Y
NA	NA	37	0020(3)(a)	Add “The owner or operator must construct and operate their facility in accordance with the approved plans and specifications, including any corrections or revisions approved by LRAPA, previously submitted in the application required under section 37-0040.”	Change. Link construction and operation of the source with the application.	Y
37	0020(3)(a)	37	0020(3)(b)	Renumber. Replace “For portable sources, a single permit may be issued for operating at any area of the state if the permit includes the requirements from both DEQ and LRAPA. DEQ or LRAPA, depending where the portable source’s corporate offices are located, will be responsible for issuing the permit. If the corporate office of a portable source is located outside of the state, DEQ will be responsible for issuing the permit, unless the source applies initially to be permitted to operate only in Lane County, then LRAPA will be responsible for issuing the permit.” with “For portable sources, a permit may be issued or assigned by DEQ for operation in any area of the state except Lane County or LRAPA for operation in Lane County.”	Change. DEQ can only issue permits to sources outside Lane County. LRAPA can only issue permits to sources in Lane County.	Y
37	0020(3)(b)	37	0020(3)(c)	Replace “An air contaminant” with “The owner or operator of a”. Replace “under” with “in order to comply with”. Add “a”. Add “, subject to subparagraphs (A) and (B).”	Clarification.	Y
37	0020(3)(c)	37	0020(3)(c)(A)	Renumber. Add “applicable”.	Clarification.	Y
37	0020(3)(d)	37	0020(3)(c)(B)	Renumber. Add “and”.	Clarification.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
37	0020(4)	NA	NA	Replace “No person may construct, install, establish, or develop any source that will be subject to the Oregon Title V Operating Permit program without first obtaining an ACDP from LRAPA.” with “No person may construct, install, establish, or develop any source that will be subject to the Oregon Title V Operating Permit program without first obtaining an ACDP, unless the source may be placed onsite and operated without any other construction necessary and obtains an Oregon Title V Operating Permit prior to operation.”	Change. Allow portable sources to obtain a TV permit without first receiving an ACDP.	Y
37	0020(5)	NA	NA	Replace “No person may modify any source that has been issued an ACDP without first complying with the requirements of 34-010 and 34-035 through 34-038.” with “The owner or operator of a source that has been issued an ACDP may not modify the source without first complying with the requirements of sections 34-010 and 34-034 through 34-038.”	Clarification.	Y
37	0020(6)	NA	NA	Replace “No person may modify any source required to have an ACDP such that the source becomes subject to the Oregon Title V Operating Permit program without complying with the requirements of 34-010 and 34-035 through 34-038.” with “The owner or operator of a source required to have an ACDP may not make modifications to the source that would result in the source becoming subject to the Oregon Title V Operating Permit program without complying with the requirements of sections 34-010 and 34-034 through 34-038.”	Clarification	Y
37	0020(7)	NA	NA	Replace “No person may increase emissions above the PSEL by more than the de minimis levels specified in LRAPA title 12 without first applying for and obtaining a modified ACDP.” with “The owner or operator of a source required to have an ACDP may not increase emissions above the PSEL without first applying for and obtaining a modified ACDP.”	Change. No increases are allowed above the currently allowed PSEL without first applying for and obtaining an ACDP.	Y
NA	NA	37	0020(8)	Add “The owner or operator of a source that has been issued an ACDP may not violate any conditions included in the ACDP.”	Change. Additional language to clarify that a source may not violate any conditions in an ACDP.	Y
37	0025(3)	NA	NA	Replace “for unexpected or emergency activities, operations, or emissions.” with “for activities included in section 37-0054.”	Change. Expand the ability to use the Short Term Activity ACDP for purposes other than unexpected or emergency activities.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
37	0025(5)	NA	NA	Replace “Any source” with “The owner or operator of a source”. Add “choose to”. Delete “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:”	Clarification. Move deleted section to new 37-0025(7).	Y
37	0025(5)(a)(A)-(E)	NA	NA	Delete subparagraphs 37-0025(5)(a)(A)-(E).	Clarification. Move deleted subparagraphs to 37-0025(8).	Y
37	0025(5)(b)(B)	NA	NA	Remove “Generic”. Add “at less than the SER”. Add “and”	Change. LRAPA is proposing to remove Generic PSEL.	Y
37	0025(5)(b)(C)	NA	NA	Replace “; and” with “.”	Clarification.	Y
37	0025(5)(b)(D)	NA	NA	Delete “A permit duration not to exceed 5 years.”	Change. LRAPA is proposing to extend the duration of Simple ACDP to ten years.	Y
37	0025(6)(a)(C)	NA	NA	Replace “obtain” with “choose to apply for”.	Clarification.	Y
37	0025(6)(b)(B)	NA	NA	Replace “Source specific PSELs or Generic PSEL levels, whichever are applicable, as specified in title 42;” with “PSELs for all regulated pollutants emitted at more than the de minimis emission level according to title 42; and”	Change. LRAPA is proposing to remove Generic PSEL.	Y
37	0025(6)(b)(D)	NA	NA	Delete “A permit duration not to exceed 5 years.”	Simplification. This requirement is already listed in section 37-0066.	Y
NA	NA	37	0025(7)	Add “Notwithstanding the other provisions of this section that establish the eligibility of a source for different types of ACDPs, LRAPA may determine, pursuant to the standards described subsection (8), that the owner or operator of a source is ineligible for certain types of ACDP and must be issued a different type of ACDP.”	Change. Expansion of requirements previously listed in 37-0025(7).	Y
NA	NA	37	0025(8)	Add “LRAPA will make a determination about which type of ACDP that the owner or operator of source must obtain based upon the following considerations:”	Change. Expansion of requirements previously listed in 37-0025(7).	Y
NA	NA	37	0025(8)(a)-(e)	Add: (a) The nature, extent, toxicity and impact on human health and the environment of the source's emissions; (b) The complexity of the source and the rules applicable to that source; (c) The complexity of the emission controls, potential threat to human health and the environment if the emission controls fail, and the source’s capacity; (d) The location of the source and its proximity to places where people live and work; an (e) The compliance history of the source, including by the source’s:	Change. Expansion of requirements previously listed in 37-0025(8).	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
NA	NA	37	0025(8)(e)(A)-(C)	Add: (A) Current corporate officers, managers, members of the board of directors, general partners or similar persons, provided that the person exercises or will exercise substantial control on behalf of or over the facility that is the subject of the application or permit; (B) Parent corporations, or similar business entities, that exercise substantial control over the facility that is the subject of the application or permit; and (C) Subsidiary corporations, or similar business entities, over which the applicant or permittee exercises substantial control.	Change. Expansion of requirements previously listed in 37-0025(8).	Y
37	0030(3)	NA	NA	Add the word “complex” in the definition of “moderate technical modification”.	Allow greater flexibility to process certain changes under the simple technical modification process for NSPS and NESHAPs that are relatively straightforward to include their requirements, while still retaining the ability to process more complicated NSPS and NESHAP requirements under the moderate technical modification process.	Y
37	0030(5)	NA	NA	Add the phrase “incorporating simple NSPS and NESHAP requirements” in the definition of “simple technical modification”.	Allow greater flexibility to process certain changes under the simple technical modification process for NSPS and NESHAPs that are relatively straightforward to include their requirements, while still retaining the ability to process more complicated NSPS and NESHAP requirements under the moderate technical modification process.	Y
37	0040(1)(a)	NA	NA	Add “a complete application with”. Delete “using forms provided by LRAPA”. Add “Complete applications must be submitted using electronic forms provided by LRAPA, unless otherwise approved in writing by LRAPA”.	Clarification.	Y
37	0040(1)(a)(E)	NA	NA	Replace “A plot plan showing the location and height of air contaminant sources. The plot plan must also indicate the nearest residential or commercial property;” with “A plot plan showing the location and height of all emissions units, devices and activities that emit to the atmosphere, including any air	Clarification.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				pollution control devices, and the nearest residential and commercial properties;"		
NA	NA	37	0040(1)(a)(F)	Add "Make, model, and identification name or number of each device, activity, and air pollution control device, if known;"	Clarification.	Y
NA	NA	37	0040(1)(a)(G)	Add "Exhaust parameters (e.g., stack height, diameter, temperature, flowrate, volume or area source dimensions) of each emissions unit, device, and air pollution control device that emits to the atmosphere;"	Clarification.	Y
37	0040(1)(a)(F)	37	0040(1)(a)(H)	Renumber.	Consistency.	Y
37	0040(1)(a)(K)	37	0040(1)(a)(M)	Replace "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;" with "Land Use Compatibility Statement(s), when required by the local planning agency;".		Y
NA	NA	37	0040(1)(a)(M)(i) -(ii)	Add: (i) Signed by the applicable local planning jurisdiction(s), determining that construction or modification of the source is compatible with applicable local jurisdiction's acknowledged comprehensive plan. If LRAPA receives a LUCS which states that the proposed action is incompatible with the acknowledged comprehensive plan, LRAPA will notify the applicant that the application cannot be processed; (ii) If the local planning jurisdiction declines to provide a LUCS determination in response to a request for a LUCS, the owner or operator must provide LRAPA with its own analysis to demonstrate that the proposed action complies with all applicable statewide planning goals;	Change. Not all sources are constructed in locations for which there is a local planning agency. Allows another option to meet the LUCS requirement.	Y
NA	NA	37	0040(1)(a)(N)	Add "The most recent information reported through EPA's Toxics Release Inventory program at the time of application submittal, if the source is subject to the program;"	Change. Add more information to the Review Report.	Y
NA	NA	37	0040(1)(a)(O)	Add: "An air quality analysis, conducted in accordance with the procedures in title 40, demonstrating that the emissions, including reductions due to air pollution control devices or permitted limits on production capacity, will not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50;"	Change. Add an explicit requirement to conduct an air quality analysis.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
37	0040(1)(a)(L)	37	0040(1)(a)(P)	Add “and”. Delete “impact”. Add “, conducted in accordance with the procedures in title 40;”	Clarification.	Y
NA	NA	37	0040(1)(a)(Q)	Add “Anticipated date of the commencement of construction (i.e., breaking ground); and“	Change. LRAPA proposes to limit the time allowed to commence construction for a Notice to Construct.	Y
NA	NA	37	0040(1)(a)(R)	Add “Anticipated date of construction completion; and”	Change. LRAPA proposes to limit the time allowed to commence construction for a Notice to Construct.	Y
37	0040(1)(b)	NA	NA	Replace “Applications for new permits must be submitted at least 60 days prior to when a permit is needed. When preparing an application, the applicant must also consider the timelines provided in paragraph (2)(b), as well as OAR 340-245-0030, Cleaner Air Oregon submittal and payment deadlines, and 38-0030, permit applications subject to NSR, to allow LRAPA adequate time to process the application and issue a permit before it is needed.” with “Owners or operators must submit complete applications for new permits in accordance with the timelines provided in paragraph (2)(b), as well as OAR 340-245-0030, Cleaner Air Oregon submittal and payment deadlines, and section 38-0030, permit applications subject to New Source Review, to allow LRAPA adequate time to process the application and issue a permit before it is needed.”	Clarification.	Y
37	0040(2)	NA	NA	Replace “Renewal Permits. Except for Short Term Activity ACDPs, any person required to renew an existing permit must submit the information identified in subsection (1) using forms provided by LRAPA, unless there are no significant changes to the permit. If there are significant changes, the applicant must provide the information identified in subsection (1) only for those changes.” with “Permit Renewals. Any person who wants to renew an existing permit must submit a complete application using forms provided by LRAPA, unless otherwise allowed in writing by LRAPA.”	Change. LRAPA proposes to require a complete application with each renewal.	Y
NA	NA	37	0040(2)(a)	Add “The renewal application must include:”	Change. LRAPA proposes to require a complete application with each renewal.	Y
NA	NA	37	0040(2)(a)(A)-(E)	Add: (A) All information identified in paragraph (1)(a) that has changed since the last permit renewal or issuance;	Change. LRAPA proposes to require a complete application with each renewal.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				(B) A complete list of all devices and activities, or any combination of devices and activities, including all air pollution control devices, and all categorically insignificant activities; (C) An estimate of the amount and type of each air contaminant emitted by the source in terms of hourly, daily, or monthly and yearly rates, showing calculation procedures; (D) All changes to the source since the last permit issuance and all requirements applicable to those changes; and (E) When required by LRAPA, an air quality analysis, conducted in accordance with the procedures in title 40, demonstrating that the source's emissions, including reductions due to air pollution control devices or permitted limits on production capacity, will not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50.		
37	0040(2)(a)	NA	NA	Delete paragraph 37-0040(2)(a)	Change. LRAPA proposes to require a complete application with each renewal.	Y
37	0040(2)(c)	NA	NA	Add "General ACDP". Add "General ACDP". Make "attachment" plural."	Clarification.	Y
37	0040(3)	NA	NA	Keep "Permit Modifications" as a header and move rest of subsection to paragraphs.	Clarification.	Y
37	0040(3)	37	0040(3)(a)	Replace "For Simple and Standard ACDP modifications, the applicant must provide the information in subsection (1) relevant to the requested changes to the permit and a list of any new requirements applicable to those changes." with "An owner or operator applying for a modification of a Simple or Standard ACDP must provide the information in paragraph (1)(a) relevant to the requested changes to the permit and a list of any requirements applicable to those changes."	Clarification.	Y
37	0040(3)	37	0040(3)(b)	Replace "When preparing an application, the applicant must also consider the timelines provided in paragraph (2)(b), as well as 38-0030, permit applications subject to NSR, to allow LRAPA adequate time to process the application and issue a permit before it is needed." with "LRAPA recommends that applicants for permit modifications consider the timelines provided in paragraph (2)(b),	Clarification.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				as well as OAR 340-245-0030, Cleaner Air Oregon submittal and payment deadlines, and section 38-0030, permit applications subject to New Source Review, to allow LRAPA adequate time to process the application and issue a permit before it is needed."		
NA	NA	37	0040(3)(c)	Add "When required by LRAPA, the owner or operator must submit an air quality analysis demonstrating that the emissions, including reductions due to air pollution control devices or permitted limits on production capacity, will not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50."	Change. Add an explicit requirement to conduct an air quality analysis.	Y
37	0040(4)	NA	NA	Replace "owner or operator" with "person".	Clarification.	Y
37	0040(5)	NA	NA	Replace "The application" with "Permit applications".	Clarification.	Y
37	0040(6)	NA	NA	Delete subsection 37-0040(6).	Change. LRAPA is proposing to not require two copies of the application.	Y
37	0040(7)	37	0040(6)	Renumber. Replace "A copy of" with "When a". Use singular of "applications". Add "is". Add "a copy of the permit application,".	Clarification.	Y
37	0040(8)	37	0040(7)	Add "on a permit application". Replace "facility or the" with "facility's owner, the". Add "Oregon". Singular of "Corporations". Add ", unless the applicant is an individual person that is operating the facility or applying for the permit, and is not doing so under an assumed business name."	Clarification.	Y
37	0040(9)	37	0040(8)	Replace "applications" with "applicants". Add "and Table 3 of section 37-8030."	Correction. Clarification.	Y
37	0040(10)	37	0040(9)	Add "Permit". Lower case "Applications".	Clarification.	Y
37	0040(11)	37	0040(10)	Add ", and:"	Clarification.	Y
37	0040(11)(a)	37	0040(10)(a)	Replace "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;" with "If LRAPA determines that additional information is needed, LRAPA will promptly ask the applicant for the needed information and provide the applicant with a written request to provide such information by a date, not to exceed a 60-day period;"	Change. LRAPA is proposing that all requests for information have a date certain for reply and adding requirements for sources that do not provide timely responses.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
NA	NA	37	0040(10)(b)	Add “An applicant may request an extension of time from a deadline established in paragraph (a) by providing LRAPA with a written request 15 days prior to the submittal deadline. LRAPA may grant an extension based on the following criteria”	Change. LRAPA is proposing that all requests for information have a date certain for reply and adding requirements for sources that do not provide timely responses.	Y
NA	NA	37	0040(10)(b)(A)-(B)	Add: (A) The applicant has demonstrated progress in completing the submittal; and (B) A delay is necessary, for good cause shown by the applicant, related to obtaining more accurate or new data, performing additional analyses, or addressing changes in operations or other key parameters, any of which are likely to have a substantive impact on the outcomes of the submittal;	Change. LRAPA is proposing that all requests for information have a date certain for reply and adding requirements for sources that do not provide timely responses.	Y
37	0040(11)(b)	37	0040(10)(c)	Replace “If, in the opinion of LRAPA, additional measures are necessary to gather facts regarding the application,” with “If LRAPA determines it is not able to approve the applicant’s submittal, or if the applicant does not timely provide additional information or corrections requested by LRAPA under paragraph (a), then in addition to any other remedies available, LRAPA may issue a proposed denial of the application under 31-0080(6);”	Change. LRAPA is proposing that all requests for information have a date certain for reply and adding requirements for sources that do not provide timely responses.	Y
37	0040(11)(b)	37	0040(10)(d)	Replace “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.” with “If LRAPA has determined that additional information or corrections are necessary under paragraph (a), and except as provided in paragraph (c), LRAPA will not consider the application to be complete for processing until LRAPA has received the requested information; and.”	Change. LRAPA is proposing that all requests for information have a date certain for reply and adding requirements for sources that do not provide timely responses.	Y
37	0040(11)(b)	37	0040(10)(e)	Replace “When the information in the application is deemed adequate for processing, LRAPA will so notify the applicant.” with “When LRAPA has determined that the information in an application is adequate for processing, LRAPA will so notify the applicant in writing.”	Clarification.	Y
37	0040(12)	37	0040(11)	Replace “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	Change. LRAPA proposes to clarify and expand the requirements related to asking the applicant for more information, determining a complete	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				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.“ with “If at any time while processing the permit application, LRAPA determines that additional information is needed, LRAPA will follow the procedures in subsection (10) to request such information.”	application, and withdrawing an application.	
37	0052(5)(c)(B)	NA	NA	Delete “Non-NSR/PSD”	Correction.	Y
NA	NA	37	0054(1)	Add “Applicability. LRAPA may issue a Short Term Activity ACDP for the following types of activities:”	Change. LRAPA proposed to expand the use of short term activity ACDPs beyond emergencies.	Y
NA	NA	37	0054(1)(a)-(c)	Add: (a) Activities that do not require a Title V permit under OAR chapter 340, division 218; (b) Unexpected or emergency activities; or (c) Operation of a pilot or an exploratory emissions unit.	Change. LRAPA proposed to expand the use of short term activity ACDPs beyond emergencies.	Y
37	0054(1)	37	0054(2)	Renumber. Delete “emergency and the”. Delete “fees specified in subsection (2).” Add “following:”	Change. LRAPA proposed to expand the use of short term activity ACDPs beyond emergencies.	Y
NA	NA	37	0054(2)(a)-(k)	Add: (a) Identifying information, including the name of the company, the mailing address, the facility address, and the nature of business, Standard Industrial Classification (SIC) code; (b) The name and phone number of a local person responsible for compliance with the permit; (c) The name of a person authorized to receive requests for data and information; (d) A description of the production processes and related flow chart; (e) Make, model, and identification name or number of each device, activity, and air pollution control device; (f) The type and quantity of fuels used; (g) An estimate of the amount and type of each air contaminant emitted by the source in terms of hourly, daily, or monthly rates, showing calculation procedures; (h) Land use approval; (i) Anticipated date of the commencement of construction (i.e., breaking ground);	Change. LRAPA proposes to expand the list of information required for a short term activity ACDP application.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				(j) Anticipated date of construction completion; and (k) When required by DEQ, an air quality analysis, conducted in accordance with the procedures in title 40, demonstrating that the source's emissions will not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50.		
37	0054(4)(c)	37	0054(3)(c)	Delete "and may not be renewed." Add "The permittee may request that the Short Term Activity ACDP be renewed one time, for an additional 60-day period by notifying LRAPA in writing at least 14 days before the expiration of the Short Term Activity ACDP. If LRAPA approves the renewal, no additional permit fees are required."	Change. LRAPA is proposing to allow the renewal of a short term activity ACDP one time.	Y
NA	NA	37	0054(5)	Add "If a Short Term Activity ACDP is issued to a permitted source, the permittee must include emissions from the short term activity when determining compliance with PSELs under title 42 and Source Risk Limits under OAR chapter 340, division 245."	Clarification. Short term activity ACDP emissions count towards an applicable PSEL.	Y
37	0054(4)	37	0054(6)	Renumber.	Format consistency.	Y
37	0056(1)	NA	NA	Replace "37-0040 and provide the information specified in 37-0040(1)" with "title 37"	Clarification.	Y
NA	NA	37	0056(2)	Add "LRAPA may determine that a source is ineligible for a Basic ACDP based upon the considerations in subsection 37-0025(7)."	Change. LRAPA proposes to more clearly define when a source is required to have a more restrictive permit, as applicable.	Y
37	0056(3)	37	0056(4)	Renumber.	Format consistency.	Y
NA	NA	37	0056(4)(c)	Add "A Basic ACDP may contain any physical or operational limitation, including any combination of the use of control devices, restrictions on hours of operation, or restrictions on the type or amount of materials combusted, stored, or processed, as permit conditions to limit short term emissions for all devices and activities that require controls or limitations to ensure the source's emission will not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50;"	Change. LRAPA proposes to more clearly define the authority to limit the PTE of Basic ACDP sources.	Y
37	0056(3)(c)	37	0056(4)(d)	Renumber.	Format consistency.	Y
NA	NA	37	0060(1)(a)(E)	Add "LRAPA may determine that a source is ineligible for a General ACDP based upon the considerations in subsection 37-0025(7)."	Change. LRAPA proposes to more clearly define when a source is required to have a more restrictive permit, as applicable.	Y
37	0060(1)(b)(A)	NA	NA	Add "or EQC".	Clarification.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
37	0060(1)(b)(B)	NA	NA	Delete “Generic”. Add “set at the potential to emit for the largest emission source in the source category in the state”	Change. LRAPA is proposing to remove Generic PSEL.	Y
37	0060(1)(b)(C)	NA	NA	Replace “standards, and;” with “standards; and”	Clarification.	Y
NA	NA	37	0060(2)	Add “Petition for General ACDP Categories. Any person may file a petition with LRAPA to add a category for a General ACDP. LRAPA may use its discretion to determine whether to issue any such new General ACDP. The petition must include at least the following information:”	Change. LRAPA is proposing to add a petition process for the creation of General ACDPs.	Y
NA	NA	37	0060(2)(a)-(d)	Add: (a) Justification for why a new General ACDP category should be developed; (b) The approximate number of businesses that would be eligible for the General ACDP; (c) Criteria for qualification to the General ACDP; and (d) A list of the requirements applicable to the activities or sources that would be eligible for the new General ACDP.	Change. LRAPA is proposing to add a petition process for the creation of General ACDPs.	Y
37	0060(2)	37	0060(3)	Renumber.	Format consistency.	Y
37	0060(2)(b)(O)	37	0060(3)(b)(O)	Delete subparagraph 37-0060(3)(b)(O).	Change. Remove unnecessary, unused or unprotective General ACDP categories.	Y
37	0060(2)(b)(T)	37	0060(3)(b)(T)	Delete subparagraph 37-0060(3)(b)(T).	Change. Remove unnecessary, unused or unprotective General ACDP categories.	Y
37	0060(2)(b)(V)	37	0060(3)(b)(V)	Delete subparagraph 37-0060(3)(b)(V).	Change. Remove unnecessary, unused or unprotective General ACDP categories.	Y
37	0060(2)(b)(X)	37	0060(3)(b)(U)	Renumber.	Format consistency.	Y
NA	NA	37	0060(3)(b)(V)	Add “Air curtain incinerators – Fee Clase One.”	Change. Add new General ACDP category.	Y
37	0060(2)(c)(D)	37	0060(3)(c)(D)	Replace “Once a source has been assigned to a General ACDP, if the assigned General ACDP does not cover all requirements applicable to the source, the other applicable requirements must be covered by assignment to one or more General ACDP Attachments according to 37-0062, otherwise the source must obtain a Simple or Standard ACDP.” with “Once a source has been assigned to a General ACDP, if the assigned General ACDP does not cover all applicable requirements, excluding any federal requirements not adopted by the EQC or the Board,	Clarification.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				the other applicable requirements must be covered by assignment to one or more General ACDP Attachments according to section 37-0062, otherwise the owner or operator of the source must obtain a Simple or Standard ACDP."		
37	0060(2)(c)(E)	37	0060(3)(c)(E)	Replace "A source" with "An owner or operator of a source"	Clarification.	Y
37	0060(3)	37	0060(4)	Replace "new" with "modified". Replace "new" with "modified".	Clarification.	Y
37	0060(4)	37	0060(5)	Replace "Rescission. LRAPA may rescind an individual source's assignment to a General ACDP if the source no longer meets the requirements of the permit. In such case, the source must submit an application within 60 days for a Simple or Standard ACDP upon notification by LRAPA of LRAPA's intent to rescind the General ACDP. Upon issuance of the Simple or Standard ACDP, or if the source fails to submit an application for a Simple or Standard ACDP, LRAPA will rescind the source's assignment to the General ACDP." with "Rescission. LRAPA may rescind a permittee's assignment to a General ACDP if the permittee's source no longer meets the requirements or qualification conditions of the permit. In such case, the permittee must submit an application within 60 days for a Simple or Standard ACDP upon notification by LRAPA of LRAPA's intent to rescind the General ACDP. Upon issuance of the Simple or Standard ACDP, or if the permittee fails to submit an application for a Simple or Standard ACDP, LRAPA will rescind the permittee's assignment to the General ACDP."	Clarification.	Y
NA	NA	37	0064(2)	Add "LRAPA may determine that a source is ineligible for a Simple ACDP based upon the considerations in subsection 37-0025(7)."	Change. LRAPA proposes to more clearly define when a source is required to have a more restrictive permit, as applicable.	Y
37	0064(2)	37	0064(3)	Renumber. Add "of section".	Format consistency. Correction.	Y
37	0064(2)(a)(A)(i)	37	0064(3)(a)(A)(i)	Replace "Asphalt felt and coatings" with "Asphalt felts or coatings manufacturing"	Correction.	Y
37	0064(2)(a)(A)(ii)	37	0064(3)(a)(A)(ii)	Add "over 10 MMBtu/hour heat input"	Clarification.	Y
37	0064(2)(a)(A)(iii)	37	0064(3)(a)(A)(iii)	Add "from combustion excluding units exclusively as emergency generators and units less than 500 kW"	Clarification.	Y
37	0064(2)(a)(A)(iv)	37	0064(3)(a)(A)(iv)	Replace "&" with "and".	Clarification.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
37	0064(2)(a)(A)(v)	37	0064(3)(a)(A)(v)	Remove parentheses.	Correction.	Y
37	0064(2)(a)(A)(vi)	37	0064(3)(a)(A)(vi)	Add “manufacturing”	Correction.	Y
37	0064(2)(a)(A)(viii)	37	0064(3)(a)(A)(viii)	Add “and distribution with ½ or more tons per year emissions of any one criteria pollutant, sources in this category with less than ½ ton/year of each criteria pollutant are not required to have an ACDP”	Clarification.	Y
37	0064(2)(a)(A)(xi)	37	0064(3)(a)(A)(xi)	Added the word “and” at the end of the Simple source category list so that it reads “; and/or”.	Clarification. Added the word “and” at the end to allow source categories other than the 11 listed categories to qualify for the Simple Low fee.	Y
37	0064(2)(c)	37	0064(3)(c)	Delete “Late fees start upon issuance of the initial invoice.” Replace “In this case” with “in the case of late fees”.	Correction. Clarification.	Y
37	0064(3)(a)	37	0064(4)(a)	Add “or EQC”.	Clarification.	Y
37	0064(3)(b)	37	0064(4)(b)	Delete “Generic”. Add “at less than the SER”. Replace “in accordance with” with “under”.	Change. LRAPA is proposing to remove Generic PSEL.	Y
NA	NA	37	0064(4)(c)	Add “To ensure the source’s emission will not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50:”	Change. LRAPA is proposing to require Simple ACDPs not cause or contribute to a new exceedance of the NAAQS.	Y
NA	NA	37	0064(4)(c)(A)-(B)	Add: (A) Any physical or operational limitation, including any combination of the use of control devices, restrictions on hours of operation, or restrictions on the type or amount of materials combusted, stored, or processed, will be included as permit conditions to limit short term emissions for all devices and activities that require controls or limitations; or (B) A requirement to conduct ambient monitoring to confirm a new exceedance of a National Ambient Air Quality Standard. Ambient monitoring and meteorological monitoring must be conducted in accordance with a LRAPA approved monitoring plan for a period of not less than 12 months. There must be at least 12 months of valid data with greater than 75 percent data completeness per quarter.	Change. LRAPA is proposing to require Simple ACDPs not cause or contribute to a new exceedance of the NAAQS.	Y
37	0064(3)(c)	37	0064(4)(d)	Renumber.	Format consistency.	Y
37	0064(3)(d)	37	0064(4)(e)	Replace “5 years” with “ten (10)”.	Change. LRAPA is proposing Simple ACDPs expire after 10 years.	Y
37	0064(4)(a)	37	0064(5)(a)	Replace “Category II” with “Category III”.	Change LRAPA is proposing to move new or renewed Simple ACDP actions to a longer public comment period.	
37	0064(4)(b)(A)	37	0064(5)(b)(A)	Add “modifications and”.	Clarification.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
37	0064(4)(b)(B)	37	0064(5)(b)(B)	Replace “Category II” with “Category III”.	Change LRAPA is proposing to move moderate and complex technical modifications of Simple ACDP actions to a longer public comment period.	
37	0066(3)(a)	NA	NA	Add “or EQC”.	Clarification.	Y
37	0066(3)(b)	NA	NA	Replace “Source specific PSELs or Generic PSEL levels, whichever are applicable, under title 42;” with “PSELs for all regulated pollutants emitted at more than the de minimis emission level under title 42;”	Change. LRAPA is proposing to remove Generic PSEL.	Y
NA	NA	37	0066(3)(c)	Add “To ensure the source’s emission will not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50:”	Change. LRAPA is proposing to require Standard ACDPs not cause or contribute to a new exceedance of the NAAQS.	Y
NA	NA	37	0066(3)(c)(A)-(B)	Add: (A) Any physical or operational limitation, including any combination of the use of control devices, restrictions on hours of operation, or restrictions on the type or amount of materials combusted, stored, or processed, will be included as permit conditions to limit short term emissions for all devices and activities that require controls or limitations; or (B) A requirement to conduct ambient monitoring to confirm a new exceedance of a National Ambient Air Quality Standard. Ambient monitoring and meteorological monitoring must be conducted in accordance with a LRAPA approved monitoring plan for a period of not less than 12 months. There must be at least 12 months of valid data with greater than 75 percent data completeness per quarter.	Change. LRAPA is proposing to require Standard ACDPs not cause or contribute to a new exceedance of the NAAQS.	Y
37	0066(3)(c)	37	0066(3)(d)	Renumber.	Format consistency.	Y
37	0066(3)(d)	37	0066(3)(e)	Add “For a Standard ACDP that is issued solely to implement the requirements of title 38 for New Source Review for a Title V source, there is no expiration date. This permit is only required to be modified if any of the New Source Review permit conditions must be modified. The owner or operator does not have to pay annual fees for this permit but must pay the applicable specific activity fees for any permit modification.”	Change. LRAPA proposes to issue non-expiring Standard ACDPs to contain NSR requirements for Title V sources.	Y
37	0066(4)(a)(A)	NA	NA	Changed from Category II to Category III permit action for new or renewed Standard ACDPs even if there is not an increase in allowed emissions.	Change to be more stringent so that a renewed Standard ACDP without emission increases still includes the opportunity for the public to request a	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					hearing under a Category III permit action.	
37	0066(4)(b)(C)	NA	NA	Capitalize “major”. Ad d “or Type A State NSR”.	Correction. Change. LRAPA is proposing Type A State NSR mod	Y
37	0068(2)(a)	NA	NA	Add “issuance”. Replace “, except that assigning” with “. Assigning”.	Clarification.	Y
37	0069(2)	NA	NA	Replace “has” with “will”. Replace “followed” with “follow”.	Clarification.	Y
37	0082 (title)	NA	NA	Replace “Termination or Revocation of an ACDP” with “Expiration, Termination, Reinstatement or Revocation of an ACDP”.	Correction.	Y
37	0082(1)(a)(A)	NA	NA	Add “or reassignment”.	Clarification.	Y
37	0082(1)(a)(B)	NA	NA	Add “applied for or”	Clarification.	Y
37	0082(1)(b)	NA	NA	Add “or reassignment”.	Clarification.	Y
37	0082(2)	NA	NA	Delete “Automatic”. Add “Except as provided in subsection (3), a source may not be operated after the termination of a permit.” Replace “A permit is automatically terminated upon:” with “A permit terminates upon:”.	Clarification. Change. LRAPA proposes to set timelines for construction approval termination. Clarification.	Y
37	0082(2)(a)	NA	NA	Add “, reassigned ACDP or a”.	Clarification.	Y
37	0082(2)(b)	NA	NA	Replace “Written request of the permittee, if LRAPA determines that a permit is no longer required;” with “Written request by the permittee to LRAPA requesting termination. If LRAPA determines that a permit is no longer needed, LRAPA will confirm termination in writing to the permittee;”	Clarification.	Y
37	0082(2)(c)	NA	NA	Add “and complete”. Add “or reassignment as required in section 37-0040”. Delete “or”.	Clarification.	Y
37	0082(2)(d)	NA	NA	Add “the”. Add “due date as issued”. Add “a payment plan”.	Clarification.	Y
NA	NA	37	0082(3)	Add “Termination of construction approval.”	Change. LRAPA proposes to set timelines for construction approval termination.	Y
NA	NA	37	0082(3)(a)	Add “Construction approval issued by LRAPA under this division terminates and is invalid for the following reasons:”	Change. LRAPA proposes to set timelines for construction approval termination.	Y
NA	NA	37	0082(3)(a)(A)-(C)	Add: (A) Construction is not commenced within 18 months after LRAPA issues such approval, by an alternative deadline established by LRAPA under this section, or by the deadline approved by LRAPA in an extension under paragraph (b); (B) Construction is discontinued for a period of 18 months or more; or	Change. LRAPA proposes to set timelines for construction approval termination.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				(C) Construction is not completed within 18 months of the anticipated date of construction completion included in the application.		
NA	NA	37	0082(3)(b)	Add "The owner or operator of a source for which construction approval has been terminated under paragraph (a) may submit a request to extend the construction commencement deadline by submitting a written, detailed explanation of why the source could not commence construction within the initial 18-month period. LRAPA may grant for good cause one 18-month construction approval extension."	Change. LRAPA proposes to set timelines for construction approval termination.	Y
37	0082(3)	37	0082(4)	Renumber. Replace "Reinstatement of Terminated Permit: A permit automatically terminated under any of the paragraphs (2)(b) through (2)(d) may only be reinstated by the permittee by applying for a new permit. The permittee must also pay the applicable new source permit application fees in this title unless the owner or operator submits the renewal application within three months of the permit expiration date." with "Reinstatement of Terminated Permit."	Change. LRAPA proposes to expand how a permittee may reinstate a terminated permit.	Y
NA	NA	37	0082(4)(a)-(c)	Add: (a) A permit subject to termination under paragraph (2)(c) may only be reinstated if, not later than 30 days after the permit expiration date, the permittee submits a complete renewal application and pays a late application fee equivalent to the initial new permitting application fee that would apply if the source was a new source, in which case the existing, expired permit will be reinstated effective as of the permit expiration date and will remain in effect until final action has been taken on the renewal application to issue or deny a permit; (b) A permit terminated under subsection (2)(d) may only be reinstated if, not later than 90 days after termination, the permittee pays all unpaid annual fees and applicable late fees in which case the existing permit will be reinstated effective on the date of termination; and (c) A terminated permit may only be reinstated as provided in paragraph (a) and (b). If neither paragraph (a) or (b) apply, the former permittee of a terminated permit who wishes to obtain an ACDP must submit a complete application for a new permit, including paying applicable new source permit	Change. LRAPA proposes to expand how a permittee may reinstate a terminated permit.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				application fees and any unpaid annual fees and late fees that were due under the terminated permit. Until LRAPA issues or reassigns a new permit, the source may not operate.		
37	0084	37	0084(1)	Assign first sentence of section 37-0084 to subsection 37-0084(1). Add ", following the permit issuance procedures in subsection 37-0056(5) for Basic ACDPs, subsection 37-0064(5) for Simple ACDPs, and subsection 37-0066(4) for Standard ACDPs."	Format change.	Y
37	0084	NA	NA	Assign the rest of section 37-0084 to subsection 37-0084(2). Delete "The permit issuance procedures will be conducted in accordance with 37-0056(4) for Basic ACDPs, 37-0064(5) for Simple ACDPs, and 37-0066(4) for Standard ACDPs."	Format change.	Y
37	0090(3)	NA	NA	Include part 3 (for CAO fees specified in Table 2) for the annual four (4) percent fee increase on July 1st each year that have historically only applied to parts 1, 2, and 4.	DEQ is planning to adopt a three (3) percent increase in 2024 for their corresponding fees in Table 2 which also include CAO fees.	Y
37	37-8010, Table 1, Part A, 2.	NA	NA	Delete "(with or without #2 diesel oil back-up***)". Add "that do not use more than 9,999 gallons per year of #2 diesel oil as a backup fuel."	Change. LRAPA proposes to be consistent with DEQ.	Y
37	37-8010, Table 1, Part A, 7.	NA	NA	Add "not elsewhere classified".	Clarification.	Y
37	37-8010, Table 1, Part B, 32.	NA	NA	Delete "**". Add ", excluding gasoline dispensing facilities with a monthly throughput of less than 10,000 gallons of gasoline per month."	Change. LRAPA proposes to be consistent with DEQ.	Y
37	37-8010, Table 1, Part B, 46.	NA	NA	Replace "Molded container manufacturing." with "Molded plastic container manufacturing, using extrusion, molding, lamination, and foam processing and molded fiberglass container manufacturing, excluding injection molding."	Clarification.	Y
37	37-8010, Table 1, Part B, 47.	NA	NA	Replace "Motor coach manufacturing." with " Motor coach, travel trailer, and camper manufacturing."	Clarification.	Y
37	37-8010, Table 1, Part B, 75.	NA	NA	Replace "All other sources, both stationary and portable, not listed herein which would have actual emissions, if the source were to operate uncontrolled, of 5 or more tons per year of direct $PM_{2.5}$ or PM_{10} if located in a $PM_{2.5}$ or PM_{10} nonattainment or maintenance area, or 10 or more tons per year of any single criteria pollutant if located in any part of Lane County." with "All other sources, both stationary and portable, not listed herein which would have the capacity of 5 or more tons per year of direct $PM_{2.5}$ or	Change. LRAPA proposes to base Category 75 applicability on capacity rater than actual emissions.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				PM_{10} if located in a $PM_{2.5}$ or PM_{10} nonattainment or maintenance area, or 10 or more tons per year of any single criteria pollutant."		
37	37-8010, Table 1, Part B, 84.	NA	NA	Replace "Chemical manufacturing facilities that do not transfer liquids containing organic HAP listed in Table 1 of 40 CFR part 63 subpart VVVVVV to tank trucks or railcars and are not subject to emission limits in Table 2, 3, 4, 5, 6, or 8 of 40 CFR part 63 subpart VVVVVV." with "Chemical manufacturing facilities subject to 40 CFR part 63, subpart VVVVVV."	Change. LRAPA proposes to simplify Category 84 applicability.	Y
NA	NA	37	8010, Table 1, Part B, 89.	Add: All sources subject to BACT or LAER under title 38, a NESHAP title 44, a NSPS under title 46, or State MACT under 44-140(2), except sources: a. Exempted in any of the categories above; b. For which a Basic ACDP is available; or c. Registered pursuant to 34-025(2).	Change. LRAPA proposes to be consistent with DEQ.	Y
NA	NA	37	8010, Table 1, Part B, 90.	Add "Landfills with more than 200,000 tons of waste in place and calculated methane generation rate is less than 664 metric tons per year which are subject to the requirements in OAR chapter 340, division 239."	Change. LRAPA proposes to be consistent with DEQ.	Y
NA	NA	37	8010, Table 1, Part C, 8.	Add "Landfills with more than 200,000 tons of waste in place and calculated methane generation rate is greater than or equal to 664 metric tons per year which are subject to the requirements in OAR chapter 340, division 239."	Change. LRAPA proposes to be consistent with DEQ.	Y
37	8010, Table 1, Notes	NA	NA	Delete all Notes.	Change. LRAPA has incorporated all notes into the applicable Title 37 categories.	Y
37	8010, Table 2, Part 4.	NA	NA	Add a Notice of Intent to Construct Type 2 fee. Add Toxic Air Contaminant Discharge Permit Addendum Modification fees. Add Note stating "The Type 2 Notice of Intent to Construct does not apply to existing Basic ACDP or General ACDP sources."	Change. LRAPA is proposing to add an activity fee for processing Type 2 Notice of Intent to Construct. The Air Toxic fees are already applicable and are being inserted in Part 4 for clarity.	Y
38				**New Source Review**		
38	Throughout	NA	NA	Change "according to" to "in accordance with" throughout title 38.	Consistency.	Y
38	0025(2)(a)(B)	NA	NA	Replace "shall be" with "are"	Clarification.	Y
38	0030(4)	NA	NA	Delete "Type A".	LRAPA proposes to expand the requirement to commence construction within 18 months to all State NSR permit actions.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
38	0030(5)	NA	NA	Delete “Type A”. Add “one or”.	LRAPA proposes to expand the requirement to commence construction within 18 months to all State NSR permit actions. Clarification.	Y
38	0030(5)(a)(B))	NA	NA	Change reference to “37-8020, Table 2, Part 4”	Correction.	Y
38	0030(5)(b)(D)	NA	NA	Change reference to “37-8020, Table 2, Part 4”	Correction.	Y
38	0030(5)(c)	NA	NA	Delete “Type A”.	LRAPA proposes to expand the requirement to commence construction within 18 months to all State NSR permit actions.	Y
38	0030(7)	NA	NA	Add “Operating”	Clarification.	Y
38	0030(7)(a)	NA	NA	Replace “provided” with “prohibited”	Clarification.	Y
38	0030(7)(a)(A)	NA	NA	Replace “operation of the major source or major modification” with “operation of the source subject to Major NSR or State NSR”	Clarification	Y
38	0030(7)(b)	NA	NA	Delete “would”. Add plural of “prohibit”. Add “a”.	Clarification	Y
38	0060(2)(b)	NA	NA	Change “50-055” to “50-065”	Correction.	Y
38	0060(1)(a)(B)	NA	NA	Replace “of a proposed source or modification” with “of a source”	Simplification	Y
38	0060(3)(a)(A)	NA	NA	Add “must”	Correction	Y
38	0260(3)(b)	NA	NA	Delete “OAR”	Correction	Y
38	0260(4)	NA	NA	Add “and the Board”	Clarification	Y
38	0520	NA	NA	Add “or 32-100”	Clarification	Y
38	0520	NA	NA	Replace “Precursor” with “Impact”	Correction.	Y
38	0520(3)(a)	NA	NA	Delete parentheses	Correction.	Y
38	0520(4)(b)	NA	NA	Replace “The” with “the”	Correction.	Y
38	0530(1)	NA	NA	Add “or 32-100”	Clarification	Y
38	0530(3)	NA	NA	Delete “or required by paragraph (b).	Correction. Paragraph (b) does not exist.	Y
38	0530(4)(b)(B)(ii)	NA	NA	Replace “Plus the” with “The”.	Clarification.	Y
40				**Air Quality Analysis Requirements**		
40	0020	NA	NA	Replace “title 20” with “title 29”.	Correction.	Y
40	0020 “Source impact area”	NA	NA	Replace “Table 1” with “Table 2”	Correction.	Y
40	0030	NA	NA	Delete “; and”	Clarification.	Y
40	0030(d)	NA	NA	Add “; and”	Change to accommodate new requirement.	Y
NA	NA	40	0030(3)	Add “An analysis of the air quality impacts for comparison to significant impact levels, PSD increments, and ambient air quality standards is not required for PM increases equal to or greater than the PM SER. If applicable, LRAPA may require the owner	Change. Add explicit authority to require an air quality impacts analysis.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				or operator of a source to conduct speciation of PM and perform an analysis for PM_{10} and $PM_{2.5}$".		
40	0045(1)(a)	NA	NA	Replace "Table 1" with "Table 2".	Correction.	Y
40	0050(1)(a)	NA	NA	Replace "Table 1" with "Table 2".	Correction.	Y
40	0050(2)(a)	NA	NA	Add "proposed".	Clarification.	Y
40	0050(3)(a)	NA	NA	Add "proposed".	Clarification.	Y
40	0060(1)	NA	NA	Replace "Jan." with "January".	Format consistency.	Y
40	0060(2)	NA	NA	Replace "Jan." with "January".	Format consistency.	Y
40	0060(2)(a)	NA	NA	Replace "Table I" with "Table 2".	Correction.	Y
40	0060(2)(b)	NA	NA	Replace "Table 1" with "Table 2".	Correction.	Y
40	0060(2)(c)	NA	NA	Replace "paragraphs (a) and (c)" with "paragraphs (a) and (b)".	Correction.	Y
40	0070(3)(a)	NA	NA	Replace "proposed major source or major modification" with "proposed source or modification"	Change. Air quality analysis are not reserved for major source permitting.	Y
40	0070(4)(d)	NA	NA	Add "or modification".	Clarification.	Y
40	0070(6)(b)	NA	NA	Add "or modification".	Clarification.	Y
40	0070(10)	NA	NA	Add "or modification".	Clarification.	Y
41				**Emission Reduction Credits**		
41	0030(1)(d)	NA	NA	Replace "AAQS" with "NAAQS"	Correction.	Y
41	0030(1)(f)	NA	NA	Add "of the Clean Air Act"	Clarification.	Y
41	0030(2)(b)	NA	NA	Replace "for publication of the new rule" with "for publication in the Secretary of State's bulletin" Replace "LRAPA" with the "the Board or EQC".	Clarification.	Y
41	0030(2)(c)(A)	NA	NA	Change the word "nonattainment" in "In the Oakridge nonattainment area, $PM_{2.5}$ emission reductions must be at least 1 ton per year." to "maintenance".	Update and clarification. Oakridge was officially redesignated as attainment by EPA for $PM_{2.5}$ on September 21, 2022 following the LRAPA Board designating it as a reattainment area on October 14, 2021. As such, the area was automatically reclassified from a reattainment area to a maintenance area under 29-0310(3)(a).	Y
42				**Stationary Source Plant Site Emission Limits**		
42	Throughout	NA	NA	Change "according to" to "in accordance with" throughout title 42.	Consistency.	Y
42	0020(1)	NA	NA	Replace "42-0020-3" with "42-0020(3)". Replace "Title V" with "LRAPA Title V Operating Permit".	Format correction. Consistency.	Y
42	0020(3)(c)	NA	NA	Delete "LRAPA". Delete "or". Replace "or air toxics" with "toxic air contaminants". Add "or toxic air contaminants listed in OAR chapter 340, division 247;". Add "; or"	Format correction. Format correction. Clarification. Change to update list of of pollutants for which a PSEL is not required. Clarification.	Y
NA	NA	42	0020(3)(d)	Add "General ACDPs or General Oregon Title V Operating Permits where federally enforceable limits	Clarification.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				on potential to emit, such as a physical or operational limit, are used rather than a PSEL."		
42	0020(4)	NA	NA	Delete subsection 42-0020(4).	Change. LRAPA is proposing to remove the ability to set Generic PSELs.	Y
42	0035(2)	NA	NA	Delete "source specific".	Change. Source specific PSELs have no meaning with the proposal to remove the ability to set Generic PSELs.	Y
42	0035(6)	NA	NA	Add "Emissions from aggregate insignificant activities must be considered when determining Major NSR or State NSR applicability under title 38."	Clarification.	Y
42	0040	NA	NA	Delete section 42-0040 in entirety.	Change. LRAPA is proposing to remove the ability to set Generic PSELs.	Y
42	0041 (title)	NA	NA	Delete "Source Specific"	Change. Source specific PSELs have no meaning with the proposal to remove the ability to set Generic PSELs.	Y
42	0041(1)	NA	NA	Replace "For sources with potential to emit less than the SER that request a source specific PSEL, the source specific PSEL will be set equal to the generic PSEL level." with "For sources subject to a General ACDP or a General LRAPA Title V Operating Permit a PSEL may be set based on the potential to emit of the largest emitting source in that source category for all sources on that permit type in the state. PSELs will be set for all regulated pollutants emitted at more than the de minimis emission level."	Change. LRAPA is proposing to remove the ability to set Generic PSELs.	Y
NA	NA	42	0041(2)	Add "For sources subject to a Simple ACDP, a PSEL will be set equal to the source's potential to emit."	Change. LRAPA is proposing to remove the ability to set Generic PSELs.	Y
42	0041(2)	42	0041(3)	Renumber. Replace "For sources with potential to emit greater than or equal to the SER, the source specific PSEL will be set equal to the source's potential to emit, netting basis or a level requested by the applicant, whichever is less, except as provided in subsection (3) or (4)." with "For sources subject to a Standard ACDP or an LRAPA Title V Operating Permit, a PSEL will be set equal to the source's potential to emit, netting basis or a level requested by the applicant, whichever is less, except as provided in subsection (4) or (5)."	Change. LRAPA is proposing to remove the ability to set Generic PSELs. Previously, pollutants with a potential to emit less than the SER were given a Generic PSEL.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
42	0041(3)	42	0041(4)	Delete “source specific”.	Change. Source specific PSELs have no meaning with the proposal to remove the ability to set Generic PSELs.	Y
42	0041(3)(a)	42	0041(4)(a)	Replace “42-0041(4)” with “42-0041(5)”.	Correction.	Y
42	0041(3)(b)(A)	42	0041(4)(b)(A)	Replace “42-0041(4)” with “42-0041(5)”.	Correction.	Y
42	0041(4)(b)	42	0041(5)(b)	Delete “, except that an increase in the PSEL for GHGs is subject to the requirements of NSR specified in 38-0010(1)(c) only if the criteria in 38-0010(1)(c) are met.”	Change. Moved to 42-0045(5)(b)(A).	Y
NA	NA	42	0041(5)(b)(A)-(B)	Add: (A) An increase in the PSEL for GHGs is subject to the requirements of NSR specified in paragraph 38-0010(1)(c) only if the criteria in paragraph 38-0010(1)(c) are met; and (B) An increase in the PSEL for particulate matter (PM) is not subject to the air quality analysis but an air quality analysis is required for PM_{10} or $PM_{2.5}$ increases, if applicable.	Moved from 42-0041(4)(b) and clarification regarding modeling of pollutants.	Y
42	0041(5)	42	0041(6)	Delete “source specific”.	Change. Source specific PSELs have no meaning with the proposal to remove the ability to set Generic PSELs.	Y
42	0042(1)(a)	NA	NA	Replace “level of the short term generic PSEL” with “short term potential to emit.”	Change. LRAPA is proposing to remove the ability to set Generic PSELs.	Y
42	0046(2)(c)(B)	NA	NA	Replace “Any regulated pollutant that has a generic PSEL in a permit; or” with “Any regulated pollutant for which the PSEL was set based on a generic PSEL under previously applicable rules; or”	Clarification. LRAPA is proposing to remove the ability to set Generic PSELs. Regulated pollutants that previously had a Generic PSEL will continue to have a netting basis of zero (0).	Y
42	0046(3)(e)(C)	NA	NA	Replace “2010” with “2011”.	Correction.	Y
42	0046(4)	NA	NA	Delete “at”	Correction.	Y
42	0051(1)(b)	NA	NA	Replace “10%” with “ten (10) percent”.	Format correction.	Y
42	0060(1)	NA	NA	Add “create an enforceable PTE limit.”	Change. Moved from 42-0060(1)(b).	N
42	0060(1)(a)-(b)	NA	NA	Delete paragraphs 42-0060(1)(a)-(b).	Change. Title V fees are no longer charged from combined HAPs. Moved to 40-0060(1).	N
42	0060(2)	NA	NA	Replace “either:” with “set based on the potential to emit if more than the de minimis emission level and to also comply with OAR chapter 340, division 245.”	Change. LRAPA is proposing to set HAP PSELs at the PTE if necessary.	N

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
42	0060(2)(a)-(b)	NA	NA	Delete paragraphs 42-0060(2)(a)-(b).	Change. LRAPA is proposing to remove the ability to set Generic PSELs.	N
42	0090(1)(b)(C)	NA	NA	Delete “is requested”.	Correction.	Y
44				**Hazardous Air Pollutant Program**		
44	010	NA	NA	Replace “shall be” with “is”	Clarification.	N
44	015(4)”	NA	NA	Change “July 1, 2017” to “July 1, 2020”	The most recent EPA delegation to DEQ and, by extension, LRAPA.	N
44	015(5)	NA	NA	Rename title from “Construct a major Source” to “Construct a major source”. Replace “criteria (a) through (f)” with “criteria in paragraphs (a) through (f)”.	Format correction. Clarification.	N
44	015(16)(a)	NA	NA	Replace “OAR 340-200-0400” with “OAR 340-244-0040”. Replace “section 44-160” with “section 44-0020, Table 1”.	Correction.	N
44	015(19)	NA	NA	Replace “shall have” with “has”	Clarification.	N
44	020, Table 1	NA	NA	All CAS numbers have been reformatted to three groups separated by dashes.	Format correction.	N
44	020, Table 1	NA	NA	Add 1-bromopropane (1-BP) to the list of Federal HAPs.	EPA added 1-bromopropane to the list of federal HAPs on February 4, 2022.	N
44	020, Table 1	NA	NA	Change “106900” to “106-99-0”	Correction.	N
44	020, Table 1	NA	NA	Change “97118” to “79-11-8”	Correction.	N
44	020, Table 1	NA	NA	Change “19773” to “1319-77-3”	Correction.	N
44	020, Table 1	NA	NA	For CAS Number 51-28-5, change “2,4-Dinitrotoluene” to 2,4-Dinitrophenol”	Correction.	N
44	020, Table 1	NA	NA	Change “Methylene diphenyl diiocyanate” to “Methylene diphenyl diisocyanate”	Correction.	N
44	020, Table 1	NA	NA	Table Notes 1 and 2 corrected to reflect the prime symbol with a “’” rather than an “=”	Correction.	N
44	030(2)	NA	NA	Change “Oregon Health Division” to “Oregon Health Authority”.	Correction.	N
44	140(2)	NA	NA	Change “C.F.R.” to “CFR”.	Format consistency.	N
44	140(3)(c)	NA	NA	Replace “shall be” with “is”	Clarification.	N
44	150	NA	NA	Title changed from “Emission Standards: Federal Regulations Adopted by Reference” to “Federal Regulations Adopted by Reference”	Correction.	N
44	150(2)	NA	NA	Add “to LRAPA”.	Clarification.	N
44	150(3)	NA	NA	Rename “Dry Cleaning Facilities using Perchloroethylene” to “Perchloroethylene Air Emission Standards for Dry Cleaning Facilities”	Standardize naming of the regulation.	N
44	150(4)(j)	NA	Na	Add “Production”	Correction.	N
44	150(4)(m)	NA	NA	Change “Stations” to “Operations”	Correction.	N

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
44	150(5)(b)	NA	NA	Change “SOCMI” to “Synthetic Organic Chemical Manufacturing Industry (SOCMI)”	Clarification.	N
44	150(5)(f)	NA	NA	Remove “(federally vacated)” from Subpart J	Correction.	N
44	150(5)(l)	NA	NA	Add “Facilities”	Correction.	N
44	150(5)(p)	NA	NA	Add “Production”	Correction.	N
44	150(5)(xx)	NA	NA	Change “Facilities” to “Industry”	Correction.	N
44	150(5)(hhh)	NA	NA	Rename from “Ferro Alloys, Ferromanganese, and Silicomanganese Production” to “Ferroalloys Production: Ferromanganese, and Silicomanganese”	Correction.	N
44	150(5)(ffff)	NA	NA	Add “Stationary”	Correction.	N
44	150(5)(iiii)	NA	NA	Change “&” to “and”	Clarification.	N
44	150(5)(nnnn)	NA	NA	Change “Misc.” to “Miscellaneous”	Clarification.	N
44	150(5)(rrrr)	NA	NA	Change “&” to “and”	Clarification.	N
44	150(5)(ddddd)	NA	NA	Change “Area Sources: Gasoline Distribution Bulk Plant and Pipeline Facilities” to “Area Sources” Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities”	Correction.	N
46				**New Source Performance Standards**		
46	510(3)	NA	NA	Change “Expenditure” to “expenditure”. Replace “last edition” with “December 1984 edition”.	Format correction. Correction.	N
46	510(3)	NA	NA	Change “2017” to “2020”.	Update year to the latest CFR version delegated to LRAPA.	N
46	510(9)	NA	NA	Change “Capital Cost” to “capital cost”.	Format correction.	N
46	510(15)	NA	NA	Change “Method” to “method”.	Format correction.	N
46	515	NA	NA	Add “and existing”	Clarification.	N
46	530	NA	NA	Delete entire section regarding General Provisions delegation and LRAPA substituted as the Administrator.	This language in 46-530 is redundant and identical to the language in 46-535(2) and 46-535(3)(a)	N
46	535(1)	NA	NA	Replace “NNN through WWW” with “NNN through XXX”.	Update to reflect latest delegation to LRAPA.	N
46	535(2)	NA	NA	Replace “shall be” with “is”.	Clarification.	N
46	535(3)(b)	NA	NA	Remove “for which construction is commenced after August 17, 1971”	Follow CFR NSPS naming convention.	N
46	535(3)(c)	NA	NA	Remove “for which construction is commenced after September 18, 1978”	Follow CFR NSPS naming convention.	N
46	535(3)(h)	NA	NA	Add “Large”. Add “or for which modification or reconstruction is commenced after June 19, 1996;”	Follow CFR NSPS naming convention.	N
46	535(3)(p)	NA	NA	Replace “before” with “prior to”	Follow CFR NSPS naming convention.	N
46	535(3)(q)	NA	NA	Replace “before” with “prior to”	Follow CFR NSPS naming convention.	N
46	535(3)(gg)	NA	NA	Add “and processing”	Follow CFR NSPS naming convention.	N
46	535(3)(ll)	NA	NA	Replace “Kraft pulp mills affected for which construction, or modification” with “Kraft pulp mill	Correction.	N

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				affected sources for which construction, reconstruction, or modification"		
46	535(3)(rr)	NA	NA	Add "for which construction, reconstruction, or modification commenced after January 14, 1980, and on or before February 23, 2022"	Follow CFR NSPS naming convention.	N
46	535(3)(bbb)	NA	NA	Add "for which construction, reconstruction, or modification commenced after January 5, 1981, and on or before November 7, 2006"	Follow CFR NSPS naming convention.	N
46	535(3)(ccc)	NA	NA	Add "for which construction, reconstruction, or modification commenced after November 7, 2006"	Follow CFR NSPS naming convention.	N
46	535(3)(iii)	NA	NA	Add "for which construction, reconstruction, or modification commenced after January 4, 1983, and on or before November 7, 2006"	Follow CFR NSPS naming convention.	N
46	535(3)(jjj)	NA	NA	Add "for which construction, reconstruction, or modification commenced after November 7, 2006"	Follow CFR NSPS naming convention.	N
46	535(3)(kkk)	NA	NA	Add "for which construction, reconstruction, or modification commenced after January 20, 1984, and on or before August 23, 2011"	Follow CFR NSPS naming convention.	N
46	535(3)(lll)	NA	NA	Replace "Onshore natural gas processing; SO2 emissions;" with "SO_2 emissions from onshore natural gas processing for which construction, reconstruction, or modification commenced after January 20, 1984, and on or before August 23, 2011;"	Follow CFR NSPS naming convention.	N
46	535(3)(www)	NA	NA	Add "that commenced construction, reconstruction, or modification on or after May 30, 1991, but before July 18, 2014"	Follow CFR NSPS naming convention.	N
NA	NA	46	535(3)(zzz)	New NSPS added – "Subpart XXX – Municipal solid waste landfills that commenced construction, reconstruction, or modification after July 17, 2014;". All NSPS after the new (zzz) section are increased by one.	Follow CFR NSPS naming convention.	N
46	535(3)(zzz)	46	535(3)(aaaa)	Add "for which construction is commenced after August 30, 1999 or for which modification or reconstruction is commenced after June 6, 2001"	Follow CFR NSPS naming convention.	N
46	535(3)(bbbb)	46	535(3)(cccc)	Add "for which construction is commenced after December 9, 2004, or for which modification or reconstruction is commenced on or after June 16, 2006"	Follow CFR NSPS naming convention.	N
46	535(3)(ffff)	46	535(3)(gggg)	Add "New"	Follow CFR NSPS naming convention.	N
46	535(3)(gggg)	46	535(3)(hhhh)	Replace "Crude oil and natural gas production, transmission and distribution" with "Crude oil and natural gas facilities for which construction, modification, or reconstruction commenced after	Follow CFR NSPS naming convention.	N

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				August 23, 2011, and on or before September 18, 2015”		
46	805	NA	NA	Replace “If at any time there is a conflict between LRAPA or Department rules and the Federal Regulations (40 C.F.R. part 60), both shall apply.” with “If at any time there is a direct conflict between LRAPA or DEQ rules and the Federal Regulations (40 CFR part 60), the federal regulation applies. Direct conflict means that compliance with the LRAPA or DEQ rule creates noncompliance with a federal regulation.”	Clarification.	N
48				**Rules for Fugitive Emissions**		
				Only general changes.		
49				**Nuisance Control Requirements**		
49	040	NA	NA	Delete “Section 49-040 Masking of Emissions”	Extraneous section header. Section 49-040 moved to section 32-050 in 2018.	N
50				**Ambient Air Standards and PSD Increments**		
50	001(1)	NA	NA	Delete “These methods are approved by LRAPA.”	Unnecessary language.	Y
50	001(3)	NA	NA	Replace “are currently being” with “have historically been”. Replace “the state” with “Lane County”.	Clarification.	Y
51				**Air Pollution Emergencies**		
51	005	NA	NA	Change “51-005” to “51-010”. Add “51-020”. Replace “OAR 340-206-0060” with “51-025”. Add “an AQMA as defined in title 29, or”	Correction.	Y
51	020(1)	NA	NA	Change reference from “subsection (4)” to “subsection (3)”.	Correction.	Y
51	020(3)	NA	NA	Change “division” to “title”.	Correction.	Y
51	025(3)(d)	NA	NA	Change “emergency” to “source”.	Correction.	Y

State of Oregon Department of Environmental Quality and Lane Regional Air Protection Agency

Notice of Proposed Rulemaking

January 4, 2024

Air Quality (AQ) Permitting Updates 2024

Lane Regional Air Protection Agency (LRAPA) Rules and Regulations Air Quality (AQ) Permitting Updates 2024
Request for Hearing, January 11, 2024 at LRAPA's Board of Director's Meeting

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Introduction

LRAPA and DEQ invite public input on a proposed program to update, clarify, improve and streamline air quality permitting requirements including permanent rule adoption and rule amendments to chapter 340 of the Oregon Administrative Rules via changes to LRAPA Rules and Regulations.

Request for Other Options

During the public comment period, LRAPA staff asks for public comment on whether there are other options for achieving the rules' substantive goals while reducing the rules' negative economic impact on business.

Overview

Short summary of proposed rule changes

LRAPA proposes to update, clarify, improve and streamline Lane County's air quality permit programs. Three categories of proposed changes include:

- Policy changes that strengthen the permitting program, streamline the rules and improve the permitting process;
- Technical changes that clarify the program and rules; and
- Corrections to typographical errors and non-technical changes.

The changes would allow LRAPA to protect air quality with more efficient and effective permitting programs and allow LRAPA to focus resources.

The proposed rule changes include the following policy changes:

- Strengthen the efficacy of the air quality permitting program
    - Prohibit issuance of all approvals for sources that will cause an exceedance of a National Ambient Air Quality Standard;
    - Eliminate Generic Plant Site Emission Limits, which currently often allow greater emissions than a facility is physically capable of emitting and is incompatible with requirements to protect short term air quality standards;
    - Clarify and update the Notice of Intent to Construct rules;
    - Require that sources must construct or modify in accordance with approved plans submitted with their applications;
    - Change permit type if sources are on the wrong permit;
    - Eliminate provisions that currently allow sources to operate without using pollution control devices for 48-hours under the excess emission rules;
    - Clarify LRAPA's ability to require and use modeling in addition to monitoring (by LRAPA or sources) for NAAQS exceedance verification;

    - Clarify that permittees must comply with all conditions in their permits;
    - Include Part 3 Cleaner Air Oregon (CAO) Annual fees, and Table 3 CAO Specific Activity Fees as part of the annual 4% fee increase that currently applies to Parts 1, 2, and 4 of LRAPA Table 2 – section 37-8020; and
    - Establish a new $720 fee applicable to sources or individuals who submit a Notice of Intent to Construct. Create a new fee associated with a Type 2 Notice of Intent to Construct application required by LRAPA's title 34 identical to the current DEQ Type 2 fee adopted by the EQC in 2020.

- Streamline rules and make process improvements
    - Change the test method for determining opacity compliance to the more commonly used EPA Method 9 procedure for measuring visible emissions from point sources;
    - Extend permit terms for Simple permits to better allocate LRAPA resources to work on more significant permitting issues;
    - Provide no expiration date for New Source Review permits that must be incorporated into a Title V Operating Permit;
    - Expand the use of short-term activity permits for temporary operations beyond unexpected and emergency activities, providing more flexibility for businesses;
    - Provide a petition process for additional industrial categories to have general permits, rather than source-specific permits;
    - Require more complete applications at permit renewal to ensure LRAPA staff have sufficient information to process the renewal applications;
    - Require additional information to be submitted by a date certain with an opportunity to request more time if needed rather than allowing 90 days for all submittals;
    - Clarify reinstatement procedures for owners or operators whose permits have been terminated because of a late permit renewal application or late payment of fees;
    - Add 1-bromopropane (1-BP) to the state list of Hazardous Air Pollutants to make it consistent with its listing under Section 112 of the Clean Air Act, as recently added by the EPA;
    - Provide flexibility for assessment of Exempt Toxics Emissions Units under the Cleaner Air Oregon program; and
    - Update LRAPA's federal standards rules in titles 44 and 46 to reflect updated periodic federal delegations from EPA.

Many of the proposed rule changes improve clarity, especially where rules may conflict, and correct cross-references and other errors. The rules also align more closely with DEQ rules adopted by the Environmental Quality Commission.

LRAPA proposes the LRAPA Board and Environmental Quality Commission approve the proposed rule and rule amendments for incorporation into Oregon's State Implementation Plan. With the LRAPA Board's and EQC's approval, DEQ would submit the proposed rule and rule amendments to the United States Environmental Protection Agency to be included in and revise the State Implementation Plan required by the Clean Air Act.

Note: See LRAPA's crosswalk of rules changes, including the rules in the State Implementation Plan, for details.

Regulated parties
The proposed rule and rule amendments affect:

- All businesses, agencies, local governments and other entities holding air quality permits and that may be required to obtain air quality permits; and
- Businesses and other entities (both permitted and unpermitted) required to submit construction approval notices.

Procedural Summary

More information

Information about this rulemaking is on this rulemaking's web page: **www.lrapa.org**

Public Hearings

LRAPA is requesting authority to act as hearings officer and staff plans to hold one public hearing. Anyone can attend a hearing in person, or by webinar or teleconference.

Date: April 11, 2024
Start time: 12:30PM
Street address:1010 Main Street
Room: LRAPA Conference Room
City: Springfield, Oregon 97477
Teleconference phone number: +1 253 215 8782
Webinar link: https://us02web.zoom.us/j/82551664224

How to comment on this rulemaking proposal

LRAPA is asking for public comment on the proposed program changes, including the proposed new rule and rule amendments. Anyone can submit comments and questions about this rulemaking. A person can submit comments by email, regular mail or at the public hearing.

Comment deadline

LRAPA will only consider comments on the proposed rules that LRAPA receives in writing by 5:00 p.m., on April 10, 2024, along with oral comments made at the time of the public hearing at 12:30PM on April 11, 2024.

Submit comment online

Any person can submit comments online by going to this rulemaking's web page: www.lrapa.org or via email to rules@lrapa.org.

Note for public university students:

ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student you may notify LRAPA that you wish to keep your email address confidential when you complete the online form to submit a comment.

By mail

LRAPA
Attn: Max Hueftle
1010 Main Street
Springfield, OR 97477

At hearing

April 11, 2024

Sign up for rulemaking notices

Get email or updates about this rulemaking or other agency activities by joining the General News & Updates email listserv: https://www.lrapa.org/air-quality-protection/public-calendar/sign-up-for-updates/

What will happen next?

Following adoption by the LRAPA Board, LRAPA staff will include a written response to comments in a staff report and will submit the informational packet to the Environmental Quality Commission (EQC). LRAPA staff may modify the rule and rule amendments proposal based on the comments and consistent with the scope of this rulemaking notice. The EQC will then consider adoption of the rule changes.

LRAPA intends to submit the LRAPA Board-adopted rules to the EQC sometime after April 11, 2024.

Statement of need

STRENGTHEN RULES

The following proposed changes strengthen LRAPA's air quality permitting program:

- Prohibit issuance of all approvals for sources that will cause an exceedance of a National Ambient Air Quality Standard;
- Eliminate Generic Plant Site Emission Limits, which currently often allow greater emissions than a facility is physically capable of emitting;
- Clarify and update the Notice of Intent to Construct rules;
- Require that sources must construct or modify in accordance with approved plans submitted with their applications;
- Change permit type if sources are on the wrong permit;
- Eliminate provisions that currently allow sources to operate without using pollution control devices for 48-hours under the excess emission rules;
- Clarify LRAPA's ability to require and use modeling in addition to monitoring (by LRAPA or sources) for NAAQS exceedance verification; and
- Clarify that permittees must comply with all conditions in their permits;
- Include Part 3 Cleaner Air Oregon (CAO) Annual Fees and Table 3 CAO Specific Activity Fees as part of the annual 4% fee increase that currently applies to Parts 1, 2, and 4 of LRAPA Table 2 – section 37-8020; and
- Establish a new $720 fee applicable to sources or individuals who submit a Notice of Intent to Construct. Create a new fee associated with a Type 2 Notice of Intent to Construct application required by LRAPA's title 34 identical to the current DEQ Type 2 fee adopted by the EQC in 2020.

Prohibit issuance of all approvals for sources that will cause an exceedance of a National Ambient Air Quality Standard.

LRAPA proposes to prohibit issuance of construction approvals to all sources and permits to any new or modified source that will cause an exceedance of a National Ambient Air Quality Standard.

LRAPA has the authority to require an air quality analysis in existing rules. The existing rules do not require that sources that request construction approval under the Notice of Intent to Construct rules verify that the NAAQS will be protected. In addition, the existing rules do not clearly state a requirement for sources to submit an air quality analysis with a permit application.

What need would the proposed rule changes address?	How would the proposed rule changes address the need?
Current rules do not require sources to verify that the National Ambient Air Quality Standards are protected when a source applies for a Type 2 and Type 3 Notice of Intent to Construct for new or replaced equipment.	Type 2 and Type 3 NCs for new or replaced equipment require an air quality modeling analysis to ensure that the proposed construction does not exceed National Ambient Air Quality Standards. Sources would have the option of including permit conditions to ensure its emission will not

	cause or contribute to an exceedance or violation of an ambient air quality standard or to conduct ambient monitoring and meteorological monitoring to confirm if there were a violation of an ambient air quality standard.
LRAPA must issue permits that are protective of the NAAQS.	The proposed rule changes require that an air quality analysis be included in the permit application for a new source. The air quality analysis is required with renewal or modification applications when requested by LRAPA. LRAPA may consider criteria, including but not limited to annual PSELs for NO_x, SO_2 and $PM_{2.5}$, along with environmental justice criteria (population density, minority population, low-income population, < 5 years of age population, over 64 years population, linguistic isolation population, less than high school degree population weighted equally) when determining the requirement for an existing source to submit an air quality analysis.

Eliminate Generic Plant Site Emission Limits.

Plant Site Emission Limits are included in almost all Air Contaminant Discharge Permits and LRAPA Title V Operating Permits as a means of regulating increases and decreases in air emissions. PSELs are annual emission limits that can be source-specific or can be set at generic levels. This concept of Generic PSELs was developed as a streamlining measure in the Streamlined Permit Process Improvement Team rulemaking in 2001 to replace source-specific PSELs for some facilities. Sources assigned Generic PSELs often have actual emissions that are much lower than the Generic PSEL.

EPA's, DEQ's and LRAPA's air permitting programs use Significant Emission Rates as a threshold to determine when New Source Review requirements apply to new and existing facilities. Air quality modeling analysis is required for Significant Emission Rate increases to ensure the National Ambient Air Quality Standards are protected. In addition, a control technology review is required for major sources requesting Significant Emission Rate increases. Because there were no federal requirements in place for increases of emissions less than the Significant Emission Rate at the time of the DEQ and LRAPA streamlining rulemakings in 2001 and 2008, respectively, the Generic PSELs were established to allow owners or operators to increase emissions up to the Generic PSEL without requiring a permit modification if there were no physical modifications. The changes were intended to result in:

- Less time to calculate PSELs
- Less time to write permits

- Fewer permit modifications
- Less public notice for PSEL changes
- Less time spent by applicants and LRAPA on permit review issues

In order to address more stringent ambient air quality standards adopted after 2008, LRAPA is proposing to eliminate Generic PSELs. In the proposed rule changes, rather than assigning sources Generic PSELs, LRAPA would permit those sources using a limit based on their capacity or potential to emit. Permitting sources at capacity or potential to emit:

- Creates permits that more accurately reflect actual emissions;
- Provides more regulatory certainty;
- Avoids over-allocation of air resources;
- Provides transparency for communities; and
- Allows LRAPA to review air quality modeling of emissions to ensure compliance with short-term National Ambient Air Quality Standards for all new permits and some permit modifications.

What need would the proposed rule changes address?	**How would the proposed rule changes address the need?**
LRAPA rules will establish permit requirements "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." [LRAPA 32-005 Highest and Best Practicable Treatment and Control: Additional Control Requirements for Stationary Sources of Air Contaminants]. In 2006, EPA lowered the primary and secondary 24-hour $PM_{2.5}$ standards. In 2010, EPA established 1-hour NAAQS for both NO_2 and SO_2 for the first time. Significant Emission Rates, on which Generic PSELs are based, were established in 1980, before 1-hour NAAQS were set. Significant Emission Rates are based on long-term (annual) emissions which do not consider the variability of operations on a short-term basis. Because of this, Significant Emission Rates may not be protective of the short-term NAAQS in many cases. The Generic PSELs allow a source to expand operations and increase emissions up to the Significant Emission Rate without having to go through significant permit review or public notice, which increases the possibility of violations of short-term NAAQS.	The proposed rule change to eliminate the use of Generic PSEL gives LRAPA the option to permit sources at capacity or potential to emit instead of Generic PSELs. Without the extra "cushion" of the Generic PSEL, LRAPA can require evaluation of increases that are less than the Significant Emission Rates and apply its existing rules to require modeling information.

Most sources that have Generic PSELs in their permits emit at a small percentage of the Generic PSEL.	Permitting at capacity or potential to emit instead of Generic PSELs creates permits that more accurately reflect actual emissions, providing more transparency for communities.
Permitting at capacity or potential to emit would reduce the risk of adverse findings from EPA. The current practice of issuing Generic PSELs does not assure protection of NAAQS. An owner or operator can increase emissions under its Generic PSEL and still exceed short-term NAAQS.	To protect short-term NAAQS and comply with the Clean Air Act, LRAPA must evaluate increases that are less than the Significant Emission Rates and apply its existing rules to require modeling information. LRAPA anticipates an increase in permit modifications. This change may also increase the opportunity for public comment from impacted communities.
Title V sources are required to pay fees based on permitted emissions (i.e., Generic level PSELs) or potential to emit. LRAPA performs an audit of Title V fees every year.	The proposed rule changes will eliminate the work needed to refund the overpayment of fees based on Generic level PSELs by Title V sources. Permittees on Air Contaminant Discharge Permits do not pay fees based on emissions.

Clarify and update the Notice of Intent to Construct rules.

Whenever an owner or operator of a facility, permitted or unpermitted, wants to construct something, whether it's building a brand new facility, modifying an existing facility, or installing equipment at an unpermitted facility, the owner or operator must notify LRAPA and submit the correct application forms in accordance with the Notice of Intent to Construct rules. This includes equipment that emits pollution and equipment that controls pollution.

The proposed rule changes will promote consistent construction approval through the Notice of Intent to Construct/Notice of Approval process for all sources, both sources permitted through Air Contaminant Discharge Permits or Title V permits, and also for unpermitted sources. Several resource intensive issues have been identified with the NC rules and how they have been interpreted or implemented. The main issue is that the rules are not clear on what type of construction/modification qualifies for a Type 1 or a Type 2 NC. Another issue that will be addressed is that the rules allow for default approvals of NCs if LRAPA does not respond to a source within the defined timeline. In many cases an NC should be reviewed before it is approved.

What need would the proposed rule changes address?	**How would the proposed rule changes address the need?**
The Title V construction rules in OAR 340-218-0190 point to the NC rules in LRAPA's title 34	The proposed rule changes add "Notice of Approval" for Title V sources to make the

but call them "Notice of Approval." There is no mention of "Notice of Approval" in the NC rules.	rules clearer that they also apply to Title V sources.
There has been some confusion on the following: • Difference between Type 1 and Type 2 NCs • Emission thresholds apply to the emissions unit, not the whole source	The proposed NC rules will: • More clearly distinguish between Type 1 and Type 2 NCs • Establish a list of Type 1 NCs that do not need approval; and • Clarify that the emissions thresholds apply to emissions units, not the whole source.
Some construction projects need no review at all, and therefore, no approval. Some NCs have been inappropriately approved by default because the rules allow for a 10-day default approval.	The proposed rule changes establish "notification only" construction projects to replace the Type 1 NC. Sources need to notify LRAPA of the installation of the equipment but do not need to wait for approval. The proposed rule changes will eliminate the 10-day default approval and expedite permitting. LRAPA will expand the list of "notification only" equipment for the Type 1 NC in a future rulemaking based on implementation experience. Sources can request that LRAPA verify that emissions are less than or equal to de minimis levels, giving LRAPA 30 days to do so, before commencing construction.
Most NC approvals are completed in a timely manner but there have been instances where the construction has not been completed (e.g., nine years after approval and construction still has not been completed).	The proposed rule changes add expiration dates for NC approvals. Even approval for major construction projects approved under the New Source Review program terminates after 18 months unless the source can show good cause for an extension.
Current rules do not require sources to construct or modify in accordance with approved plans. If this does not occur, sources should be required to resubmit a corrected application for review.	The proposed rule changes require sources to construct or modify their facility in accordance with the approved plans and specifications. This is especially important for sources that do air quality modeling and require permit conditions to protect the NAAQS.
Require that sources must construct or modify in accordance with approved plans submitted with their applications.	
Construction approvals are based on the application submitted by the owner or operator. If construction is not completed in accordance with the approved plans, the emissions and ambient air quality impacts may not align with LRAPA's approval.	

What need would the proposed rule changes address?	How would the proposed rule changes address the need?
LRAPA and the public need to know that the project is constructed in accordance with LRAPA's approval.	The proposed rule clarifies that sources must construct or modify in accordance with approved plans submitted with application.
There are times when construction cannot be completed in accordance with LRAPA's approval.	The proposed rule changes require the owner or operator to notify LRAPA of any corrections and revisions to the plans and specifications upon becoming aware of the changes. LRAPA will evaluate whether the correction or revisions negatively impact air quality.

Change permit type if sources are on the wrong permit.

Current rules allow LRAPA to require sources to be on a more complex permit (Standard) rather than a Simple permit based on the following criteria:

- The nature, extent and toxicity of the source's emissions;
- The complexity of the source and the rules applicable to that source;
- The complexity of the emission controls and potential threat to human health and the environment if the emission controls fail;
- The location of the source; and
- The compliance history of the source.

What need would the proposed rule changes address?	How would the proposed rule changes address the need?
Some sources may be on the wrong type of permit and do not receive the correct amount of oversight.	The proposed rule changes would clarify that the criteria LRAPA uses to place sources on the correct type of permit would apply to all permit types.

Eliminate provisions that currently allow sources to operate without using pollution control devices for 48-hours under the excess emission rules.

Excess emissions are defined as emissions in excess of a permit limit, in excess of a risk limit, or emissions in violation of any applicable air quality rule. Excess emissions can occur during startup, shutdown, maintenance or malfunction of equipment. The current rules allow a source to operate for 48 hours before ceasing operation if there is a condition causing excess emissions. The owner or operator does not have to cease operation if LRAPA approves procedures to minimize excess emissions until the condition causing the excess emissions is corrected or brought under control.

What need would the proposed rule changes address?	How would the proposed rule changes address the need?

Venting uncontrolled emissions for 48 hours or more can cause harmful impacts to the neighboring community, especially if the emissions contain toxic air contaminants.	The proposed rule changes would: • Not allow 48 hours of operation without a control device; • Reduce emissions to the greatest extent practicable; • Only allow continued operation of process equipment unless immediate shutdown would result in physical damage to the equipment or facility, cause injury to employees, or result in emissions associated with shutdown and the subsequent startup that would exceed those emissions resulting from continued operation; or • Cease operation of the equipment or facility until the condition causing the excess emissions has been corrected or brought under control.
Clarify LRAPA's ability to require and use modeling in addition to monitoring (by LRAPA or sources) for NAAQS exceedance verification.	
The National Ambient Air Quality Standards, established by the EPA under authority of the Clean Air Act, are limits on atmospheric concentration of six criteria pollutants in outdoor air. These criteria pollutants (carbon monoxide, nitrogen dioxide, ground level ozone, particulate matter, sulfur dioxide and lead) cause smog, acid rain, and other health hazards. After EPA sets a new NAAQS or revises an existing standard for a criteria air pollutant, the Clean Air Act requires EPA to determine if areas of the country meet the new standards. In 2014, EPA promulgated a rule directing state and tribal air agencies to provide data to characterize current air quality in areas with large sources of sulfur dioxide emissions to identify maximum 1-hour SO_2 concentrations in ambient air. The rule also sets forth a process and timetables by which air agencies must characterize air quality through ambient monitoring and/or air quality modeling techniques and submit such data to the EPA. The air quality data developed by air agencies could be used by the EPA in future actions to evaluate an area's air quality under the 2010 1-hour SO_2 NAAQS, including area designations and redesignations. Current LRAPA rules require LRAPA to monitor to verify NAAQS exceedance. Ambient monitoring can be very time consuming and expensive.	
What need would the proposed rule changes address?	**How would the proposed rule changes address the need?**
The Clean Air Act defines a nonattainment area as the area that is violating the NAAQS or a nearby area that is contributing to a violation. For example, the $PM_{2.5}$ standards are based on averaging air quality measurements both annually	The proposed rule changes give LRAPA the ability to use air quality modeling data, rather than monitoring data, to designate a nonattainment area, as allowed by EPA.

and on a 24-hour basis. The annual standard for $PM_{2.5}$ is met whenever the 3-year average of the annual mean $PM_{2.5}$ concentrations for designated monitoring sites in an area is less than or equal to 15.0 µg/m^3. The 24-hour standard for $PM_{2.5}$ is met whenever the 3-year average of the annual 98th percentile of values at designated monitoring sites in an area is less than or equal to 35 µg/m^3. Because nonattainment areas are based on averaging air quality measurements for three years, monitoring to define a nonattainment area can be very time consuming and expensive.	
The existing rules do not distinguish between a violation of a NAAQS and an exceedance of a NAAQS. A violation of NAAQS would require nonattainment designation for the selected area. Violations of NAAQS would be determined by three years of monitoring data or modeling data, as discussed above. An individual source could exceed a NAAQS. An exceedance of a NAAQS could be determined based on air quality modeling of an individual source or ambient monitoring.	The proposed rule changes clarify that LRAPA may use air quality modeling or monitoring, or require a source to use either, to determine if a source is causing or contributing to an exceedance of a NAAQS.
Clarify that permittees must comply with all conditions in their permit.	
Currently, there is no air quality rule that requires permittee compliance with all permit conditions. LRAPA proposes to make it clear that compliance with all permit conditions is required.	
What need would the proposed rule changes address?	**How would the proposed rule changes address the need?**
The lack of an explicit rule that requires permittees to comply with all conditions in permits can make evaluation and assessment of enforcement cases more difficult.	The proposed rule changes clarify that permittees must comply with all conditions in their permits.
Include Part 3 and Table 3 Cleaner Air Oregon (CAO) fees as part of the annual 4% fee increase that currently applies to Parts 1, 2, and 4 of LRAPA Table 2 – section 37-8020.	
Currently, the CAO fees in Part 3 of LRAPA's Table 2 and Table 3 CAO fees in title 37 are not included in the 4% annual fee increase that applies to the fees in Parts 1, 2, and 4. Including the CAO fees would help LRAPA keep up with cost increases and it would align LRAPA's fee increases with DEQ's similar planned CAO annual fee increases in 2024.	

What need would the proposed rule changes address?	How would the proposed rule changes address the need?
The increase would ensure that CAO annual fees also increase annually thereby reducing the need for a large step increase in the future. The change would also align with other similar fee changes DEQ is planning in 2024 that include CAO annual fees.	The proposed rule includes Part 3 CAO specific activity fees, and Table 3 CAO annual fees in the 4% annual increase that is applied to the Part 1, 2, and 4 fees each year [LRAPA 37-0090(3)]

Establish a new $720 fee applicable to sources or individuals who submit a Notice of Intent to Construct. Create a new fee associated with a Type 2 Notice of Intent to Construct application required by LRAPA's title 34 identical to the current DEQ Type 2 fee adopted by the EQC in 2020.

Currently, LRAPA does not charge a fee for Type 2 construction notices. DEQ adopted a $720 fee as part of a larger ACDP cover the cost of the construction application reviews, and it would align LRAPA's rules with DEQ's same fee adopted in 2020.

What need would the proposed rule changes address?	How would the proposed rule changes address the need?
The increase would ensure that staff time to review and process Type 2 NCs is covered, and it would make LRAPA's rules identical to DEQ's in that regard.	The proposed rule includes a $720 fee for Type 2 construction applications.

STREAMLINE RULES AND MAKE PROCESS IMPROVEMENTS

LRAPA is proposing the rule changes listed below:

- Change the test method for determining opacity compliance to the more commonly used EPA Method 9 procedure for measuring visible emissions from point sources;
- Extend permit terms for Simple permits to better allocate LRAPA resources to work on more significant permitting issues;
- Provide no expiration date for New Source Review permits that must be incorporated into a Title V permit;
- Expand the use of short-term activity permits for temporary operations beyond unexpected and emergency activities, providing more flexibility for businesses;
- Provide a petition process for additional industrial categories to have general permits, rather than source-specific permits;
- Require more complete applications at permit renewal to ensure LRAPA staff have sufficient information to process the renewal applications;
- Require additional information to be submitted by a date certain with an opportunity to request more time if needed rather than allowing 90 days for all submittals;
- Clarify reinstatement procedures for owners or operators whose permits have been terminated because of a late permit renewal application or late payment of fees;
- Add 1-bromopropane (1-BP) to the list of state Hazardous Air Pollutants to make it consistent with its listing under Section 112 of the Clean Air Act, as recently added by the EPA;
- Provide flexibility for assessment of Exempt Toxics Emissions Units under the Cleaner Air

Oregon program; and
- Update LRAPA's federal standards rules in titles 44 and 46 to reflect updated periodic federal delegations from EPA.

Change the test method for determining opacity compliance to the more commonly used EPA Method 9 procedure for measuring visible emissions from point sources.

LRAPA proposes to go from a 3-minute aggregate to a 6-minute average for determining opacity compliance observation periods. This is considered a "neutral" change without a fluctuation of stringency as both opacity compliance methods are determined to be as stringent as the other, on an overall basis. This change would make LRAPA's opacity compliance determination method the same as DEQ's. LRAPA would go from EPA Method 203B to the more common EPA Method 9 for determining opacity.

What need would the proposed rule changes address?	**How would the proposed rule changes address the need?**
Past LRAPA inspectors preferred to retain the 3-minute aggregate basis of the standard, especially for reading opacity on batch processes. So, in 2015, LRAPA located a standard that allowed for the data reduction procedures needed to verify compliance with the 3-minute aggregate basis for the standard; EPA Method 203B contains data reduction procedures to measure 3-minute aggregate periods. In their 2015 rulemaking, DEQ gave the following reasons for changing the time basis for the opacity standard to the six-minute average basis: • *"An opacity standard based on a 6-minute average is no more or less stringent than a standard based on an aggregate of 3 minutes in any hour. Theoretically, either basis could be more stringent than the other, but practically, sources do not typically have intermittent puffs of smoke. If there is an upset that lasts longer than 3 minutes, it usually lasts longer than 6 minutes, as well. Other reasons for changing to a 6 minute average include:* • *EPA method 9 results are reported as 6-minute averages.* • *The 3-minute standard adds more cost to data acquisition systems for continuous opacity monitoring systems. Many of the COMS are*	The proposed rule would make LRAPA's method of measuring visible emissions from point sources more aligned with DEQ's and EPA's methods.

designed for 6-minute averages, so they have to be modified to record and report data for the 3-minute standard. • *Compliance with a 6 minute average can be determined with 24 readings (6-minute observation period); whereas, compliance with the 3-minute standard may require as many as 240 readings (60 minute observation period). In addition, it is DEQ's policy that the inspector observes the source for at least 6 minutes before making a compliance determination."*	

Extend permit terms for Simple permits.

Air Contaminant Discharge Permits are issued for varying permit terms, depending on the type of permit. More complex permits have shorter permit terms because LRAPA needs more oversight of these sources.

Permit Type	Existing Permit Term	Proposed Permit Term
Simple ACDP	Up to 5 years	Up to 10 years

What need would the proposed rule changes address?	How would the proposed rule changes address the need?
Most facilities that are on less complex permits change little between permit issuance and renewal. Staff time would be better spent addressing major issues.	The proposed rule changes provide an extended permit term from 5 years to 10 years for Simple permits to streamline the permitting process and also allow for permit modifications when needed. In some cases, permits must be updated because of changes proposed by the source or because rules have changed. LRAPA must have the ability to change the permit for these reasons.

Provide no expiration date for New Source Review permits that must be incorporated into a Title V permit.

Title V permits allow for operation only, not construction. If an owner or operator of a Title V source proposes construction, it must be done through the Notice of Intent to Construct rules or through NSR rules. A Title V source that is subject to NSR has permit conditions from that NSR permit that must be incorporated into the Title V permit. The NSR permit is cited as the authority for those permit conditions. After the NSR permit conditions are incorporated into the Title V permit, the NSR permit expires, usually 5 years after permit issuance. If those NSR permit

conditions ever need to be modified (e.g., the BACT limits were set based on normal operation, not during startup or shutdown), the NSR permit must first be reissued. Rather than have the source reapply for the same NSR permit, LRAPA is proposing no expiration date for that NSR permit. This way, the source can apply for a permit modification to modify the NSR permit conditions. If the NSR permit must have major revisions or the source proposes changes that would trigger NSR again, LRAPA would require application for a new NSR permit.

What need would the proposed rule changes address?	**How would the proposed rule changes address the need?**
LRAPA must reissue an expired NSR permit in order to change any NSR permit conditions.	Removing expiration dates for NSR permits that must be incorporated into Title V permits will eliminate the time and expense for businesses to reapply for the same permit. The proposed rule change will also save LRAPA resources from having to reissue the permit. No permit fees are required for these NSR permits that do not expire because in many cases, the permit will never need to be changed.

Expand the use of short-term activity permits for temporary operations.

Short-term activity permits are currently allowed only for unexpected and emergency activities. These permits expire in 60 days and are not allowed to be renewed. At times, LRAPA has allowed short-term planned operations to occur under a Stipulation and Final Order, a tool under LRAPA's formal enforcement actions. These planned short-term activities are not allowed under existing permits and arguably should not be handled as enforcement actions because the business asks permission to perform these types of activities, giving LRAPA an opportunity to assess the environmental impacts of the proposed action. In addition, it is resource intensive for LRAPA to develop Stipulation and Final Orders.

What need would the proposed rule changes address?	**How would the proposed rule changes address the need?**
Sources have asked to permit planned temporary activities that are currently not allowed under their permit but would only take place for a short time.	The proposed rule changes expand the use of short-term activity permits for activities such as: • Operation or source test of a pilot or an exploratory emissions unit; and • Other similar types of temporary activities that emit air contaminants. Short-term activity permits could also be renewed for one additional 60-day period if approved by LRAPA.

Provide a petition process to add new industrial categories for general permits.

General permits were created to achieve efficiency in permit processing and to facilitate LRAPA's implementation of federal standards that apply to area sources of hazardous air pollutants (National Emission Standards for Hazardous Air Pollutants). General ACDPs are available for a variety of industries such as rock crushing, prepared feeds, metal fabrication and surface coating, where a standardized permit is appropriate to regulate any such facility seeking to operate. This allows a source to avoid the higher cost of a Simple or Standard permit yet allows for LRAPA oversight.	
What need would the proposed rule changes address?	**How would the proposed rule changes address the need?**
Similar businesses can be permitted on the same General ACDP but only if LRAPA has developed a General ACDP for that industry type.	The proposed rule changes include the option for a business or member of the public to petition LRAPA to develop a General ACDP if there are enough similar sources that would qualify for the permit. The petition should include: • Justification for why a new category General ACDP should be developed; • Approximate number of businesses that would be eligible for the General ACDP; and • Criteria for qualification of the General ACDP.
Require more complete applications at permit renewal rather than streamlined applications that do not provide enough information.	
Current rules allow streamlined permit renewal applications for Standard and Title V permits unless there are significant changes to a permit.	
What need would the proposed rule changes address?	**How would the proposed rule changes address the need?**
Many businesses take advantage of this streamlined renewal application option even though many changes have taken place since the last permit was issued. In these instances, LRAPA must try to renew the permit with incomplete information. The intent was to streamline the renewal process but in fact, it makes permit renewals more difficult.	The proposed rule changes will require submittal of more complete applications (electronic submittals) at Standard ACDP and Title V permit renewal.
Require additional information to be submitted by a date certain with an opportunity to request more time if needed rather than allowing 90 days for all submittals.	
Sources requesting or renewing Air Contaminant Discharge Permits have 90 days to submit additional information requested by LRAPA, regardless of the type of request.	

What need would the proposed rule changes address?	How would the proposed rule changes address the need?
LRAPA often must ask for more information to draft a permit. Some information can be submitted within hours or days. Allowing 90 days to submit information causes delays in permit processing.	The proposed rule changes modify the time sources must submit information in response to a request from LRAPA from 90 days to a date certain. Some information is easier to gather and will be given less time to submit. Some information is more difficult to gather and will be given more time to submit. A source can request more time for good reason. If the applicant does not submit the requested information, LRAPA may return or deny the application.
Clarify reinstatement procedures for owners or operators whose permits have been terminated because of a late permit renewal application or late payment of fees.	
Owners or operators are required to submit permit renewal applications before their permit expires in order to give LRAPA staff time to renew the permit. If the owner or operator does not submit a timely renewal application, the permit terminates upon the expiration date. In addition, if the owner or operator does not submit the permitting fees by their annual due date, the permit terminates 90 days after the invoice date unless prior arrangements for a payment plan have been approved in writing by LRAPA. This applies to reinstatement procedures for ACDPs and not Title V permits.	
What need would the proposed rule changes address?	**How would the proposed rule changes address the need?**
The rules treat failure to submit a renewal application the same as failure to submit annual fees.	The proposed rule changes clarify that reinstatement of a permit for failure to submit a renewal application can only occur if not later than 30 days after the permit expiration date, the owner or operator submits the permit renewal application along with a late application fee which is equivalent to the new permit fee. The proposed rule changes clarify that reinstatement of a permit for failure to pay annual fees can only occur if, not later than 90 days after the permit termination date, the owner or operator submits all unpaid fees and applicable late fees. If neither of the actions above happen, the owner or operator of a terminated permit must apply as a new source, pay new permit fees and late fees, and cannot operate until the permit is issued.

Add 1-bromopropane (1-BP) to the list of state Hazardous Air Pollutants to make it consistent with its listing under Section 112 of the Clean Air Act.	
EPA recently added 1-bromopropane (1-BP) to the list of Hazardous Air Pollutants under Section 112 of the Clean Air Act. Uses include: • An aerosol solvent in asphalt, aircraft, and synthetic fiber manufacturing • A vapor and immersion degreaser in metals, metal products, plastics, optics, and electronics manufacturing; • A cleaning solvent for dry cleaning; • An adhesive in laminates and foam products; and • A chemical intermediate in pharmaceuticals, pesticides, quaternary ammonium compounds, flavors, and fragrances.	
What need would the proposed rule changes address?	**How would the proposed rule changes address the need?**
The proposed addition of 1-bromopropone to the state list of HAPs would ensure that LRAPA's program would align with EPA's program to regulate HAPs.	Adding 1-bromopropane to the state list of HAPs would ensure that LRAPA can regulate sources of these emissions.
Provide flexibility for assessment of Exempt Toxics Emissions Units under Cleaner Air Oregon.	
LRAPA has the authority to determine if activities at a source can be Exempt Toxics Emissions Units for the purpose of conducting a risk assessment under the Cleaner Air Oregon program. The current rules do not provide for the development of minimum reporting thresholds for activities that may not materially contribute to the final source risk at a facility.	
What need would the proposed rule changes address?	**How would the proposed rule changes address the need?**
Some Toxics Emissions Units pose very low risk but without a minimum reporting thresholds for these activities, sources must include them in their risk assessment and LRAPA must evaluate their impacts. This exercise is resource intensive for both sources and LRAPA.	The proposed rules would allow LRAPA to establish minimum reporting thresholds to improve both the efficiency of the risk assessment process, as well as the efficacy of permitting under the Cleaner Air Oregon program. Sources would then provide justification for Exempt Toxics Emissions Unit determinations that are based on conservative risk screening thresholds. LRAPA will maintain approval authority for these determinations.
Update LRAPA's federal standards rules in titles 44 and 46 to reflect updated periodic federal delegations from EPA.	
LRAPA periodically receives updated delegation of federal standards from EPA by way of DEQ rulemakings which extend that delegation of authority to LRAPA. LRAPA's rules for federal standards (NESHAPs and NSPSs in titles 44 and 46, respectively) were last amended by the Board on January 11, 2018 and include a delegation of authority for certain federal standards adopted as	

current in the July 1, 2017 CFR (Code of Federal Regulations). LRAPA has received delegation from EPA to implement the requested standards through the July 1, 2020 CFR.	
What need would the proposed rule changes address?	**How would the proposed rule changes address the need?**
Update the delegation of authority to implement certain federal standards listed in LRAPA titles 44 and 46 to the July 1, 2020 version of the CFR.	The proposed rules would update LRAPA's rules to reflect EPA delegations previously provided to LRAPA.
Clarify rules	
The proposed rule changes listed below are to clarify current rules that are arguably unclear and for which DEQ rules already allow LRAPA to implement until the Agency adopts rules that are at least as stringent as DEQ's corresponding rules.	
What need would the proposed rule changes address?	**How would the proposed rule changes address the need?**
It is unclear whether the permit is effective on the date it is signed, on the date it is received by the permittee, or 20 days after receipt of the permit when the source can request a contested case hearing.	The proposed rule changes clarify that the effective date of permit is the date that it is signed unless a contested case hearing is requested.
LRAPA 37-8020 Table 2 says the fees are for ACDP sources only.	The proposed rule changes clarify that Type 2 NC fee, in addition to some of the other specific activity permit fees, applies to Title V sources, if applicable.
A few of the LRAPA 37-8020 Table 1 categories that list the sources that must apply for a permit are not clear. Also, DEQ has previously adopted two categories that LRAPA is proposing to include as new permit categories. One new DEQ category that applies to landfills for methane regulation already applies to sources in Lane County.	The proposed rule changes clarify the following Table 1 categories: Part A: • 2 Boilers with heat input rating of 2.0 or more MMBTU but less than 10 MMBTU/hour heat input, that do not use more than 9,999 gallons per year of #2 diesel oil as a backup fuel. Part B: • 32 Gasoline dispensing facilities (GDFs), excluding gasoline dispensing facilities with a monthly throughput of less than 10,000 gallons of gasoline per month. • 46 Molded container manufacturing, using extrusion, molding, lamination, and foam processing and molded fiberglass container manufacturing, excluding injection molding.. • 47 Motor coach, travel trailer, and camper manufacturing.

	• 75 All other sources, both stationary and portable, not listed herein which would have the capacity of 5 or more tons per year of direct PM2.5 or PM10 if located in a PM2.5 or PM10 nonattainment or maintenance area, or 10 or more tons per year of any single criteria pollutant. • 84 Chemical manufacturing facilities that do not transfer liquids containing organic HAP listed in Table 1 of 40 CFR part 63 subpart VVVVVV to tank trucks or railcars and are not subject to emission limits in Table 2, 3, 4, 5, 6, or 8 of 40 CFR part 63 subpart VVVVVV. The proposed rule changes create new categories in Table 1: Part B: • 89 All sources subject to BACT or LAER under title 38, a NESHAP under title 44, a NSPS under title 46, or State MACT under 44-140(2), except sources: o Exempted in any of the categories listed in Part A and/or B; o For which a Basic ACDP is available; or o Registered pursuant to 34-025(2) • 90 Landfills with more than 200,000 tons of waste in place and calculated methane generation rate is less than 664 metric tons per year which are subject to the requirements in OAR chapter 340, division 239 Part C: • 8 Landfills with more than 200,000 tons of waste in place and calculated methane generation rate is greater than or equal to 664 metric tons per year which are subject to the requirements in OAR chapter 340, division 239.

LRAPA opacity and grain loading standards apply to all emissions units unless the rules contain a specific exemption. There is no exemption for recovery furnaces at kraft pulp mills, which are subject to more specific rules.	The proposed rule changes exempt recovery furnaces from the statewide opacity and grain loading standards because there are specific rules that apply to them.

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

To determine whether the rulemaking met its objectives, LRAPA:

- Will be able to provide more transparency to the public when issuing permits that are based on potential or capacity to emit, rather than Generic PSELs;
- Will ensure that businesses are on the correct type of permit for the complexity of their facility;
- Will ensure the safety of the public and workers by eliminating the ability for businesses to operate without pollution control devices for up to 48 hours;
- Will be able to process some permits on a timelier basis;
- Will provide more flexibility for owners or operators that can have short-term activities not allowed under their permits to be permitted; and
- Focus resources on more significant permitting issues.

To determine whether the rulemaking met its objectives to clarify the rules, LRAPA would confirm, as part of ongoing interaction with regulated parties, whether regulated parties have a clearer understanding of the program and their obligations. LRAPA expects to see a reduction in the number of businesses that request help interpreting the rules. In addition, LRAPA expects to see a permit backlog reduction as a sign that the proposed rule changes are effective after training on the proposed rules and full implementation as long as adequate resources are available.

If the LRAPA Board and then the EQC adopt the proposed rule changes after considering public comments, DEQ would submit the rules to EPA to update Oregon's State Implementation Plan. LRAPA and DEQ would know that one of the goals of this rulemaking has been addressed when EPA reviews and approves the State Implementation Plan revision.

Rules affected, authorities, supporting documents

ORS 183.335(2)(b)

Lead division

Air Quality

Program or activity

LRAPA Operations Group

Chapter 340 action

OAR 340-200-0040(3)(b)

Other authority

LRAPA action

Adopt				
38-0030				
Amend				
12-001	12-005	12-010	12-020	12-025
13-005	13-010	29-0040	29-0050	31-0040
31-0050	31-0070	37-0080	32-005	32-008
32-009	32-010	32-015	32-020	32-030
32-050	32-075	33-060	33-065	33-070
33-080	33-500	34-010	34-015	34-016
34-020	34-025	34-034	34-035	34-036
34-037	34-038	34-180	36-001	36-005
36-010	36-015	36-020	36-040	37-0020
37-0025	37-0030	37-0040	37-0052	37-0054
37-0056	37-0060	37-0064	37-0066	37-0082
37-0084	37-0090	37-8010	38-0025	38-0030
38-0060	38-0260	38-0520	38-0530	40-0020
40-0030	40-0045	40-0050	40-0060	40-0070
41-0030	42-0020	42-0035	42-0041	42-0042
42-0046	42-0051	42-0060	42-0090	44-010
44-015	44-020	44-030	44-140	44-150
46-510	46-515	46-530	46-535	46-805
48-005	48-015	49-040	50-001	51-005
51-020	51-025			
Repeal				
34-034	42-0040			

Statutory Authority - ORS				
468.020	468.065	468A.025	468A.040	468A.050
468A.055	468A.070	468A.135	468A.155	468A.310
468A.337				

Statutes Implemented - ORS				
468.020	468.065	468.070	468A.010	468A.015
468A.025	468A.035	468A.040	468A.050	468A.055
468A.070	468A.135	468A.155	468A.310	468A.337

Documents relied on for rulemaking

Document title	Document location
Code of Federal Regulations	http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR
Federal Register	http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR
Oregon Administrative Rules	https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=80
Oregon Revised Statutes	https://www.oregon.gov/deq/Regulations/Pages/statutes.aspx
LRAPA Rules and Regulations	https://www.lrapa.org/air-quality-protection/about-lrapa/regulations-rules/

Fee Analysis

This rulemaking does not involve fees other than as described below:

- LRAPA proposes adoption of DEQ's existing $720.00 Specific Activity fee for each Type 2 Notice of Intent to Construct along with the provision for Basic and General ACDP sources that, after an approved and completed Type 2 change, remain eligible for their issued or assigned ACDP will have this fee applied to the next ACDP annual invoice from LRAPA 37-8020, Table 2, Part 2.
- LRAPA also proposes to include LRAPA 37-8020, Table 2, Part 3 Cleaner Air Oregon Annual fees and Table 3 Cleaner Air Oregon Specific Activity Fees with the annual four (4) percent increase in ACDP fees as provided in LRAPA 37-0090.
- LRAPA is proposing to clarify that Title V sources may be subject to some of the ACDP fees in LRAPA 37-8020 Table 2. LRAPA currently invoices Title V sources for these fees if they apply for any of the listed activities.

Statement of fiscal and economic impact

Fiscal and Economic Impact

The proposed rule and rule amendments may have fiscal and economic impacts on businesses, state and federal agencies, units of local governments and the public. Fiscal impacts can be positive or negative to those affected. As examples, reducing health costs to the public would be a positive impact, and increasing costs of regulatory compliance for businesses would be a negative impact.

Businesses that apply for Type 2 NCs will incur a $720 review fee and will also be required perform air quality modeling to ensure that the National Ambient Air Quality Standard are protected. Modeling can be done through screening models which would be free or relatively inexpensive. LRAPA offers technical assistance to small businesses and can perform this modeling at no cost and plans to develop screening tools if resources are available. LRAPA estimates that approximately six (6) sources per year will be required to pay the $720 Type 2 NC review fee, for an annual increase of $4,320. Most NC applications LRAPA receives are for Type 1 changes that do not have a fee associated with their review.

LRAPA is eliminating review of Type 1 NCs, which was a 10 day notice and replacing it with a notice and go which should be a cost savings. There are some sources that may not be able to comply with NAAQS without add-on controls, and the cost tables below represent the ranges for those costs. Some of the higher estimates are extremely unlikely for what should be a minor source.

LRAPA estimates the cost of consultants to be in the range of $200 to $300 per hour should a business need to hire one to conduct advanced modeling. That may happen if a source is unable to demonstrate compliance with the NAAQS using screening models.

For the proposed four (4) percent increase in CAO Annual fees, LRAPA estimates it will result in an approximately $10,000 increase in annual revenue. The current CAO annual fees are as follows:

Table 2 – Section 37-8020
Air Contaminant Discharge Permit

Part 3. Cleaner Air Oregon Annual Fees: (Due date 12/1 for 1/1 to 12/31 of the following year)

a. Basic ACDP	$ 151
b. General ACDP	
(A) Fee Class One	$302
(B) Fee Class Two	$544
(C) Fee Class Three	$786
(D) Fee Class Four	$151
(E) Fee Class Five	$50

(F) Fee Class Six	$100
c. Simple ACDP	
(A) Low Fee	$806
(B) High Fee	$1,612
d. Standard ACDP	$3,225

Statement of cost of compliance

State agencies

Federal and state agencies hold approximately two (2) Air Contaminant Discharge Permits. For state agencies, the cost to comply with the proposed rule changes are similar to costs described under small businesses.

LRAPA expects to see an overall increase in workload as a result of the proposed rule changes. LRAPA workloads would initially increase as staff become familiar with the proposed rule changes and would level off after the first years of implementation. The following table lists proposed rule changes that would either increase or decrease workload for LRAPA staff.

Increase in Workload	Decrease in Workload
Possible increase in permit modification applications with elimination of Generic PSELs	Clarifications to the Notice of Intent to Construct rules
Increase in air quality modeling analysis review for Type 2 and Type 3 Notice of Intent to Construct applications for new or replaced equipment needed to ensure the National Ambient Air Quality Standards are protected	Type 1 NC "notice & go" list of equipment that do not require review
	More complete permit renewal applications
	Simple permits have a permit term of 10 years rather than 5 years
	Provide no expiration date for New Source Review permits that must be incorporated into a Title V Operating Permit
	Expand the use of short-term activity permits for temporary operations beyond unexpected and emergency activities, providing more flexibility for businesses
	Provide a petition process for additional industrial categories to have general permits, rather than source-specific permits
	Eliminate the work needed to refund the overpayment of fees based on Generic level PSELs by Title V sources

Increase in Workload	Decrease in Workload
	Allow LRAPA to establish minimum reporting thresholds to improve both the efficiency of the risk assessment process, as well as the efficacy of permitting under the Cleaner Air Oregon program.

Local governments

Local governments hold approximately six (6) Air Contaminant Discharge Permits. For local governments, the cost to comply with the proposed rule changes is similar to costs described under small businesses.

Large businesses - businesses with more than 50 employees

Approximately 150 large businesses hold Air Contaminant Discharge Permits, and 13 large businesses hold Title V operating permits as of December 28, 2023.

Clarify and update the Notice of Intent to Construct rules and require modeling.
The proposed rule changes to the Notice of Intent to Construct rules require an air quality modeling analysis for new and replaced equipment that may cause a delay in permitting. If this work is not done in house, owners or operators may need to hire consultants to perform this work. Consultant costs can range from $200/hour to $300/hour. The extent of consultant services depends on the complexity of the proposed construction.

Without detailed information about the proposed construction, LRAPA cannot estimate consultant fees. However, DEQ did receive the following information from a Rules Advisory Committee member during their corresponding rulemaking for the rules that were adopted in November of 2022.

Air quality modeling analysis for the whole facility:

- Initial model set-up can range anywhere from $10,000 to $25,000, depending on the complexity of the facility and availability of previous modeling performed at the facility, such as existing Cleaner Air Oregon models. These costs are generally attributed to an initial run for all criteria pollutants with ambient air quality standards and any subsequent model would likely cost $1,000 to $2,000 per pollutant and model run. LRAPA expects the modeling costs to be much less for a single piece of equipment.
- Additional costs for modeling protocol and report development should also be accounted for. Modeling protocol development can range from $5,000 to $10,000, depending on the complexity. A modeling protocol is not required for modeling of a single piece of equipment. Report development carries an additional $5,000 to $10,000 cost, also dependent upon complexity. Any additional communication and follow-up information requested by LRAPA could also increase modeling costs for a facility.
- As noted here, the total costs for performing a single NAAQS analysis can range from $25,000 to over $55,000.

LRAPA expects the modeling costs to be much less for a single emissions unit, as is required by the proposed Notice of Intent to Construct rule changes.

If the owner or operator has previously completed modeling to demonstrate compliance with the National Ambient Air Quality standards or under OAR chapter 340, division 245, Cleaner Air Oregon, then no additional modeling review fees are required. If the owner or operator has not previously completed air quality modeling, the owner or operator may be required to pay the $9,682 modeling review fee in LRAPA 37-8020 if refined modeling is required.

The proposed rule changes to the Notice of Intent to Construct rules could both increase and decrease costs for applicants for the following reasons:

- Type 2 and Type 3 NCs will require an air quality modeling analysis.
- The proposed rule changes will be clearer so it will be easier to know when an NC is required or not.
- The proposed rule changes allow for 'notification only' of some types of construction so businesses will not have to wait for approval before commencing construction of Type 1 NCs. This would streamline permitting.

Some businesses may be required to install air pollution control devices because their emissions may cause exceedances of the National Ambient Air Quality Standards. But LRAPA does not have sufficient information to predict the specific costs of new required equipment or the sources that may need to install equipment.

- LRAPA cannot anticipate which businesses will submit construction approval applications and what type of construction they propose. LRAPA would not have enough detailed information about any specific proposed construction to be able to accurately estimate the cost of pollution control devices. This estimate would be supplied by the manufacturer directly to the business proposing construction.
- Until the air quality analyses are submitted and reviewed, LRAPA cannot anticipate which businesses will be required to reduce emissions.

Because of these unknowns, LRAPA does not have the information needed to estimate how many businesses may be affected or what actual costs they may incur.

The proposed rule changes would allow businesses flexibility in choosing a method to reduce emissions through the application of pollution prevention or pollution control equipment. If owners or operators choose to install pollution control equipment, Table 1 below shows what the range of estimated costs could be. Small businesses may also incur these costs if required to install pollution control equipment. DEQ, in their corresponding rulemaking, drew costs from DEQ's Cleaner Air Oregon rulemaking fiscal impact statement(2018)[1] and DEQ's Regional Haze rulemaking fiscal impact statement(2021)[2]. The dollars have been adjusted to 2022 dollars.[3]

[1] https://www.oregon.gov/deq/rulemaking/Documents/AQPermits2022CAOfis.pdf
[2] https://www.oregon.gov/deq/rulemaking/Documents/AQPermits2022RHfis.pdf
[3] Inflation Calculator | Find US Dollar's Value from 1913-2022 (usinflationcalculator.com)

Table 1 Cost of Pollution Control Equipment Installation and Maintenance				
Control Device Type	**Types of Pollutants Reduced**	**Types of Facilities Controlled**	**Initial Costs[4, 5]**	**Annual Operating Costs**
			low – high	**low – high**
Fabric filter (baghouse)	PM, HAP PM	Asphalt batch plants, concrete batch kilns, steel mills, foundries, fertilizer plants, and other industrial processes, glass furnaces	$410,400 - $21,090,000	$205,200 - $7,068,000
Electrostatic precipitator (ESP)	PM, HAP PM	Power plants, steel and paper mills, smelters, cement plants, oil refineries	$364,800 - $11,400,000	$114,000 - $8,664,000
Catalytic Ceramic Filters (CCF)	NO_x, PM, SO_2	Glass furnaces	Approximately $5,300 per ton of pollutant removed	
Enclosure	Fugitive PM or VOCs	Any process or operation where emissions capture is required, i.e., printing, coating, laminating	$15,960 - $478,800	$456 - $11,400
HEPA filter	Chrome emissions	Chrome plating	$14,820 - $273,600	Application specific
Wet scrubber (packed towers, spray chambers, Venturi scrubbers)	Gases, vapors, sulfur oxides, corrosive acidic or basic gas streams, solid particles, liquid droplets	Asphalt and concrete batch plants; facilities that emit sulfur oxides, hydrogen sulfide, hydrogen chloride, ammonia, and other gases that can be absorbed into water and neutralized with the appropriate reagent	$28,500 - $855,000	$21,660 - $946,200

[4] Costs are from examples in the EPA Air Pollution Control Cost Manual, Report No. 452/B-02-001, EPA Air Pollution Control Technology Fact Sheets, and information provided by permitted facilities and regulatory agencies.

[5] Costs are estimated based on best available information, but may be higher or lower than shown, depending on facility-specific conditions and business decisions.

Table 1 Cost of Pollution Control Equipment Installation and Maintenance				
Control Device Type	**Types of Pollutants Reduced**	**Types of Facilities Controlled**	**Initial Costs[4, 5]**	**Annual Operating Costs**
			low – high	**low – high**
Low NOx Burner (LNB)	NO_x	Combustion of natural gas	$10,600 – $47,700 per MMBtu/hour of equipment capacity	$1,060 – $5,300/year, per MMBtu/hour of equipment capacity
Selective Catalytic Reduction (SCR)	NO_x	Combustion	$3,180,000 - $31,800,000	$106,000 - $4,240,000 /year
Selective Non-Catalytic Reduction (SNCR)	NO_x	Combustion	$1,060,000 - $6,360,000	$53,000 - $530,000/year
Low Emission Combustion (LEC)	NO_x	Reciprocating natural gas compressor engines	$2,120,000 - $5,300,000 per engine	$2,120 – $318,000/year per engine
Ultra Low Sulfur Diesel Fuel (ULSD)	SO_2	Equipment formerly using high-sulfur #6 Fuel Oil as backup	No additional cost. No additional changes to site.	
Thermal oxidizer	VOCs, gases, fumes, hazardous organics, odors, PM	Landfills, crematories, inks from graphic arts production and printing, can and coil plants, hazardous waste disposal. semiconductor manufacturing	$19,380 - $7,068,000	$3,990 - $5,928,000
Regenerative thermal oxidizer	VOCs	Paint booths, printers, paper mills, municipal waste treatment facilities	$1,071,600 - $8,778,000	$125,400 - $627,000
Catalytic reactor	VOCs, gases	Landfills, oil refineries, printing or paint shops	$23,940 - $7,068,000	$4,446 - $1,938,000
Carbon adsorber	Vapor-phase VOCs, hazardous air pollutants (HAPs)	Soil remediation facilities, oil refineries, steel mills, printers, wastewater treatment plants	$410,400 - $2,850,000	Not available

Table 1 Cost of Pollution Control Equipment Installation and Maintenance				
Control Device Type	**Types of Pollutants Reduced**	**Types of Facilities Controlled**	**Initial Costs[4, 5]**	**Annual Operating Costs**
			low – high	**low – high**
Biofilter	VOCs, odors, hydrogen sulfide (H_2S), mercaptans (organic sulfides)	Wastewater treatment plants, wood products facilities, industrial processes	$410,4000 - $4,104,000	Not available
Fume suppressants	Chromic acid mist, chromium, cadmium and other plating metals	Chromic acid anodizing, chrome plating operations	Up to $139,080	Not available

LRAPA acknowledges that some, though not all, pollution controls will increase a facility's energy use and energy costs. Pollution controls that rely on the combustion of natural gas (e.g., thermal oxidizer) will increase emissions of some air pollutants while reducing VOC emissions. LRAPA would expect energy use and cost to vary depending on several facility-specific and control-specific characteristics. Even if additional heat is required, in some cases, that could be supplied by waste heat, not requiring more energy use.

As an alternative to or in addition to the controls above, facilities may be able to use pollution prevention to reduce emissions. In EPA's, DEQ's, and LRAPA's hierarchy of pollution management strategies (acceptable ways to reduce pollution), pollution prevention, also known as source reduction, is preferred over the addition of pollution controls and treatment whenever feasible (see Pollution Prevention Act of 1990, https://www.epa.gov/p2/pollution-prevention-act-1990).[6] Pollution prevention has been implemented successfully for cleaning operations (e.g., metal parts), coating and painting (e.g., marine anti-fouling, wood preservation), lubricants and process fluids (e.g., loss lubrication, mold release agents), and dry cleaning of clothes. In evaluating the costs of pollution prevention, LRAPA considers not only the cost of replacing one production method

[6] Pollution prevention is generally preferred because it results in less pollution to control, treat, or dispose of. Pollution controls can generate wastes or contaminated equipment that require end-of-life management. Reducing pollution at the source means fewer hazards posed to the public and the environment. In addition, pollution controls can fail, and toxic substances can be used in unintended ways. Reducing the use of those toxic substances at the source avoids those potential risks.

with another, but also capital costs, energy differences, labor costs, waste disposal and quality control considerations. In many instances involving both large and small businesses, LRAPA has found that pollution prevention can decrease costs for a facility owner, rather than increase them. Short-term investments in pollution prevention measures can result in savings that may pay for the initial investments over time.

Elimination of Generic Plant Site Emission Limits
If a source must apply for a permit modification for an increase in their Plant Site Emission Limits because PSELs at the generic levels are no longer available, permit modification fees would be charged. The level of the fee would depend on the level of the emissions increase.

The permit modification fees for Title V sources as of August 1, 2023 are:

- Simple — $3,050
- Moderate — $22,873
- Complex — $45,744

The permit modification fees for ACDP sources are:

- Non-technical — $194
- Basic — $582
- Simple — $1,936
- Moderate — $9,682
- Complex — $19,363

Eliminate operation without pollution control devices for 48-hours
A business will not be allowed to operate without their air pollution control device for 48 hours under the proposed rule changes to the excess emission rules so may have to shut down operation if they cannot curtail the excess emissions. During the shutdown, the business may be required to curtail production, so it could potentially lose money from loss of production. The proposed rule changes allow continued operation if:

- Reducing or ceasing operation could result in physical damage to the equipment or facility;
- Reducing or ceasing operation could cause injury to employees; or
- Emissions associated with shutdown and the subsequent startup will exceed those emissions resulting from continued operation.

Expanded use of Short-Term Activity Permits
The expanded use of short-term activity permits for temporary operations will increase fees for permittees who apply for these types of permits, but it will also provide flexibility that is not available now. The Short-Term Activity ACDP initial permitting fee is $4,841.

Provide no expiration date for New Source Review permits that must be incorporated into a Title V permit
No expiration date for New Source Review permits that must be incorporated into Title V permits will eliminate the time and expense for businesses so they do not have to reapply for

the same permit. The proposed rule change will also save LRAPA resources from having to reissue the permit.

Clarify reinstatement procedures for owners or operators whose permits have been terminated because of a late permit renewal application or late payment of fees

Permittees who do not renew their permits or pay their fees on time and whose permit has been terminated will be required to pay a late application fee equivalent to the new permit application fee that would apply if the source was a new source. Current rules allow reinstatement if the permittee submits a renewal application within 90 days of expiration date. The proposed rules require a complete application no later than 30 days after permit expiration, rather than 90 days. This may have a fiscal impact on permittees that do not renew on time but also allows them to operate under their expired permit rather than requiring the business to shut down or pay daily civil penalties for operating without a permit. This applies to ACDP sources only and not Title V sources.

Provide flexibility for Exempt Toxics Emissions Units under Cleaner Air Oregon
The flexibility when determining if activities at a source may be considered Exempt Toxics Emissions Units under the Cleaner Air Oregon program based on their anticipated contribution to source risk may result in a reduction in monitoring and recordkeeping requirements for sources under the CAO program. This will reduce costs for businesses regulated under CAO.

Small businesses - businesses with 50 or fewer employees

LRAPA estimated that there were 139 small businesses with air quality permits as of December 28, 2023. There were an additional number of facilities with air quality permits that did not list the number of employees they have but would presumably fall into businesses with fewer than 50 employees based on types of business (e.g., gasoline stations and dry cleaners). Generally, facilities with less complex permits experience a smaller economic impact than larger facilities with more complex permits. In addition to the fiscal and economic impact described in the large business section above, the proposed rule changes could have the following impacts on small businesses.

The proposed rule changes should decrease costs for small businesses on Basic, General or Simple ACDPs for the following reasons:

- **Extending permit terms for Simple permits.** Owners or operators of these businesses will not have to prepare permit renewal applications as often because of the proposal to extend permit terms for Simple permits from 5 years to 10 years.
- **Provide a petition process to add new industrial categories for general permits.** An owner or operator can petition LRAPA to develop a General ACDP if there are businesses that will qualify. Fees for General ACDPs are much less than for Simple ACDPs.

Elimination of Generic Plant Site Emission Limits

Permitting businesses on source specific Plant Site Emission Limits rather than Generic PSELs may require more permit modifications. Currently, there are 24 sources that are on Simple permits that contain Generic PSELs. If the owner or operator chooses to be permitted at its capacity, a physical modification would be required to increase the capacity. Current rules require the owner or operator to obtain approval of that physical modification to install equipment but may or may not require a permit modification. Under the proposed rule changes, the owner or operator would need to apply and pay for a permit modification. In addition, if the owner or operator is requesting an increase in their Plant Site Emission Limits because Generic PSELs are no longer available, permit modification fees would be charged. The level of the fee would depend on the level of the emissions increase. The permit modification fees for ACDP sources are contained in LRAPA 37-8020 Table 2, Part 4 and included below.

Actual emissions from most sources on Simple permits are a small percentage of the Generic PSELs. If the owner or operator chooses to be permitted at its capacity, LRAPA does not anticipate that many sources will be required to submit permit modifications to increase their emissions.

Changing Permit Type

Sources that are required or request to switch permit type may have to pay the initial permitting fees that are contained in LRAPA 37-8020 Table 2, Part 1. The fee depends on the existing permit type and the type of permit that the source is switching to. The permit hierarchy from low to high is: Basic, General, Simple, Standard, and Title V. Sources that switch to a higher-level permit will be charged the full application fee. Sources changing from a Title V permit to a Standard or Simple permit will also be charged the full application fee. Sources that change from a higher fee level permit to a lower fee level permit, that switch from a Title V permit to a General or Basic permit, or that switch from a Basic permit to a General permit are not required to pay an initial application fee. Annual fees will be adjusted during annual invoicing.

For either a permit modification application or an application for a new type of permit, the source may need to hire a consultant at a rate of $200/hour to $300/hour to prepare the application, incurring further fees. The largest fee increase would be for a source on a General permit required to obtain a Simple or Standard permit. There is much more detail in a Simple or Standard permit that would require more work to prepare the application.

Lane Regional Air Protection Agency
Table 2 – Section 37-8020
Air Contaminant Discharge Permits

Part 1. Initial Permitting Application Fees: (in addition to first annual fee)	
Short Term Activity ACDP	$4,841
Basic ACDP	$194
Assignment to General ACDP [1]	$1,936
Simple ACDP	$9,682
Construction ACDP	$15,491
Standard ACDP	$19,363
Standard ACDP (Major NSR or Type A State NSR)	$67,770
1. LRAPA may waive the assignment fee for an existing source requesting to be assigned to aGeneral 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 4. Specific Activity Fees:		
Notice of Intent to Construct Type 2[1]		$720.00 (proposed)
Permit Modification	(A) Non-Technical[2]	$194
	(B) Basic Technical	$582
	(C) Simple Technical	$1,936
	(D) ModerateTechnical	$9,682
	(E) ComplexTechnical	$19,363
Major NSR or Type A State NSR Permit Modification		$67,770
Modeling Review (outside Major NSR or Type A State NSR)		$9,682
Public Hearing at Source's Request		$3,873
LRAPA MACT Determination		$9,682
Compliance Order Monitoring[1]		$194/month

Lane Regional Air Protection Agency
Table 2 – Section 37-8020
Air Contaminant Discharge Permits

1. This is a one-time fee payable when a compliance order is established in a permit or an LRAPA order containing a compliance schedule becomes a final order of LRAPA and is based on the number of months LRAPA will have to oversee the order

ORS 183.336 - Cost of Compliance for Small Businesses

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

Based on LRAPA estimates, these proposed rules could affect approximately 140 small businesses.

- Basic ACDP: 21
- General ACDP: 108
- Simple ACDP: 7
- Standard ACDP: 3

These businesses include asphalt plants, auto body shops, chromium electroplaters, grain elevators, lumber mills, metal fabricators, metal foundries, and surface coaters.

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

The proposed rule changes may affect reporting, recordkeeping and other administrative activities if these businesses were required to apply for permit modifications. There would be fewer administrative activities if the small business did not have to renew their Simple permit as often, but the same amount of reporting and recordkeeping would be required to verify compliance with the permit. In addition, owners or operators of these businesses will not be required to submit paper copies of applications, which would be a cost savings.

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

Equipment costs may increase if a business is required to install pollution control equipment because of potential exceedances of the National Ambient Air Quality Standards. Depending on the size and nature of a small business's operation, pollution control costs could be much less than, or in some cases the same as, the cost ranges for different types of pollution control equipment found in the table included in the Large Business impact section of this notice above.

Mitigation measures for small businesses

Mitigation measures include:

- Extending permit terms for Simple permits, so small businesses with these types of permits will not need to expend the time to file permit renewal applications as often;
- Permitting small businesses at their capacity to emit to minimize the number of permit modifications that may be required;
- Offering technical assistance to small businesses if they are required to perform ambient air quality analyses so they do not have to pay consultant fees; and
- Providing more types of General permits if small businesses are of the same industry type.

d. How LRAPA involved small businesses in developing this proposed rule

LRAPA's standing Citizens Advisory Committee was provided on-going updates of the rulemaking progress and provided guidance to staff during the entire process.

Impacts on the public

The rulemaking does not impose any mandatory requirements for the public at large and, accordingly, does not impose any direct compliance costs on the public. LRAPA addresses the potential for the proposed rule changes to increase the cost of building materials in the Housing Cost section of this document.

Positive impacts on the public

Elimination of Generic Plant Site Emission Limits.

Permitting sources at capacity or potential to emit, rather than assigning sources Generic PSELs:

- Creates permits that more accurately reflect actual emissions;
- Avoids over-allocation of air resources;
- Provides transparency for communities; and
- Allows more opportunities to review air quality modeling of emission increases to ensure compliance with short-term National Ambient Air Quality Standards for some permit modifications.

Studies consistently find that air pollution has substantial negative impacts on the U.S. economy. For example, a 2019 study found that air pollution costs the United States about

5% of its gross domestic product.[7] It also found that, while air pollution overall is on the decline, the cost of air pollution from the manufacturing sector—which includes Oregon stationary sources affected by the proposed rule changes—remains high, costing the U.S. nearly $100 billion in 2014.[8]

The public could experience health benefits for the following reasons:

- An air pollution control device that may be required by the proposed changes for potential exceedances of National Ambient Air Quality Standards would reduce air pollution.
- Air pollution will be reduced because a business will not be allowed to operate without operation of their air pollution control device for 48 hours under the proposed rule changes to the excess emission rules.

Like DEQ, LRAPA expects the proposed rule changes to have indirect, broad and positive fiscal effects on the public, particularly people living or working near regulated facilities, through community health improvement and reduced health care costs if these facilities will be required to reduce emissions. Table 2 below (Health Effects « CAPCOA – California Air Pollution Control Officers Association) shows the health effects from criteria pollutants emissions that may be reduced as a result of this rulemaking.

Table 2 CRITERIA AIR POLLUTANTS

Pollutant	Major Man-Made Sources	Human Health & Welfare Effects	Control Methods
Particulate Matter Airborne solid particle and liquid particles grouped into 2 categories "Coarse Particles" from 2.5 to 10 microns in diameter "Fine Particles" smaller than 2.5 microns in diameter	Power plants, steel mills, chemical plants, unpaved roads and parking lots, wood-burning stoves and fireplaces, automobiles and others.	Can get deep into your lungs or even enter your blood stream, and cause serious health problems; Increased respiratory symptoms, such as irritation of the airways, coughing, or difficulty breathing; aggravated asthma; development of chronic bronchitis; irregular heartbeat; nonfatal heart attacks; and premature death in people with heart or lung disease. Impairs visibility (haze).	Pollution control equipment and reduction of fuel combustion
Ozone (Smog) A colorless or bluish gas	Formed by a chemical reaction between volatile organic compounds (VOC) and nitrous oxides (NO_x) in the presence of sunlight. Motor vehicle exhaust industrial emissions, gasoline	Irritates and causes inflammation of the mucous membranes and lung airways; causes wheezing, coughing and pain when inhaling deeply; decreases lung capacity; aggravates lung and heart problems. Damages plants;	Pollution control equipment; reducing NO_x emissions from power plants and industrial combustion sources; introducing low-emission cars and trucks; using

[7] Ellis Robinson, *How Much Does Air Pollution Cost the U.S.?* Stanford Earth Matters (Sept. 19, 2019), https://earth.stanford.edu/news/how-much-does-air-pollution-cost-us#gs.zh6ypm (citing Tschofen, Azevedo, and Muller, *Fine Particulate Matter Damages and Value Added in the U.S. Economy*, Proceedings of the National Academy of Sciences (Sept. 9, 2019), https://doi.org/10.1073/pnas.1905030116).
[8] *Id.*

Pollutant	Major Man-Made Sources	Human Health & Welfare Effects	Control Methods
	storage and transport, solvents, paints and landfills.	reduces crop yield. Damages rubber, some textiles and dyes.	"cleaner" gasoline; use of low-VOC solvents.
Sulfur Dioxide A colorless, nonflammable gas	Formed when fuel containing sulfur, such as coal and oil, is burned; when gasoline is extracted from oil; or when metal is extracted from ore. Examples are petroleum refineries, cement manufacturing, metal processing facilities, locomotives, large ships, and fuel combustion in diesel engines.	Respiratory irritant. Aggravates lung and heart problems. In the presence of moisture and oxygen, sulfur dioxide converts to sulfuric acid which can damage marble, iron and steel; damage crops and natural vegetation. Impairs visibility. Precursor to acid rain.	Use of low-sulfur fuels, energy conservation (reduces power plant emissions), and pollution control equipment. Ultra Low Sulfur Diesel is being phased in during 2006 and will be mandatory in 2007.
Carbon Monoxide An odorless, colorless gas.	Formed when carbon in fuel is not burned completely;' a component of motor vehicle exhaust.	Reduces the ability of blood to deliver oxygen to vital tissues, effecting the cardiovascular and nervous system. Impairs vision, causes dizziness, and can lead to unconsciousness or death.	Transportation planning, vehicle emission testing and reduction, efficient combustion techniques, and energy conservation.
Nitrogen Dioxide A reddish-brown gas	Fuel combustion in motor vehicles and industrial sources. Motor vehicles; electric utilities, and other sources that burn fuel.	Respiratory irritant; aggravates lung and heart problems. Precursor to ozone and acid rain. Contributes to global warming, and nutrient overloading which deteriorates water quality. Causes brown discoloration of the atmosphere.	Exhaust gas recirculation in motor vehicles; reduction of combustion temperatures in industrial sources; energy conservation pollution control equipment.

Decades of research have shown that air pollutants such as ozone and particulate matter increase the amount and seriousness of lung and heart disease and other health problems. More investigation is needed to further understand the role poor air quality plays in causing detrimental effects to health and increased disease, especially in vulnerable populations. Children, the elderly, and people living in areas with high levels of air pollution are especially susceptible. (Research on Health Effects from Air Pollution | US EPA)

LRAPA is not aware of calculated public health costs saved from this rulemaking but refers to information available through the Oregon Health Authority that estimates the health burden costs from diseases exacerbated by air pollution (Table 3). According to OHA 2017 data and analysis, lower respiratory disease is the fifth leading cause of death for Oregonians.[9] A comprehensive 2002 study assessed the contribution of pollution to disease and found that 10-30% of asthma is attributable to outdoor air pollution (including both

[9] https://www.oregon.gov/OHA/PH/ABOUT/Documents/indicators/leadingcausesofdeath.pdf

industrial and non-industrial sources). In the early 2000s, the yearly fraction of asthma cases that could be attributed to environmental factors cost the US between $0.7 and $2.3 billion. These cost estimates account for direct medical costs and lost productivity due to asthma-related premature deaths.[10]

Table 3
2020 Public Health Costs from Diseases Exacerbated by Air Pollution[11]

Health Outcome	Description	Hospitalization Costs in Oregon	Emergency Department Visits in Oregon
Asthma	Estimates for adults and children	$7 million	$10 million
Cardiovascular disease	Estimates for adults only - hypertension, stroke, coronary heart disease, congestive heart failure, other	$971 million	$101 million

Information needed to quantify economic impact of health improvements

Oregon currently lacks the data necessary to quantify total potential health cost savings from environmental rules because of the lack of information about how many people are exposed to specific concentrations of industrial and commercial air contaminant emissions and the relative actual contribution of air contaminants to disease. Just as a lack of information about individual facility impacts and emission reduction outcomes prevent LRAPA from quantifying specific fiscal impacts to businesses, a lack of health information also prevents LRAPA from quantifying specific positive fiscal impacts from potential emission reductions. The health impact of reducing emissions depends on the specific chemicals that are being reduced, the health risks those chemicals influence, the relationship between exposure and health, and the extent to which emissions are reduced. Defining the economic impact of improved health further requires knowledge of the portion of cases that are related to air contaminant exposures, prevalence of health outcomes in the state, and the cost of medical treatment for each case.

Negative impacts on the public

The proposed rule changes could have negative economic effects on the public if facilities providing jobs and contributing to local economies were to curtail production or close in response to regulatory requirements. LRAPA recognizes that employment plays a key role in

[10] Landrigan PJ, Schechter CB, Lipton JM, Fahs MC, Schwartz J. Environmental pollutants and disease in American children: estimates of morbidity, mortality, and costs for lead poisoning, asthma, cancer, and developmental disabilities. Environ Health Perspect. 2002 Jul;110(7):721-8.

[11] https://www.oregon.gov/oha/PH/DISEASESCONDITIONS/CHRONICDISEASE/DATAREPORTS/Pages/Healthcare.aspx. OHA Chronic Health Disease Data includes only hospitalization costs and emergency department visit costs.

public health, and that negative economic impacts through job loss could occur despite proposed mitigation measures to allow business flexibility and decrease the chances of business closures or employee layoffs in direct response to regulations.

The proposed rule changes could affect the public directly if businesses change the price of goods and services to offset any increased or decreased costs to comply with the proposed rule changes. LRAPA expects any such price increases to be small but lacks available information to estimate potential increases accurately.

Impacts on the environmental services sector

The direct cost of complying with regulations can result in increased employment in the environmental services sector. For example, an environmental regulation could mean more jobs for those engaged in environmental consulting and pollution abatement. Further, it is possible that regulations may produce more labor-intensive production processes. Studies of national air quality regulations have shown positive effects on overall economic health. The Clean Air Act's public health safeguards encourage technology investments that can have positive economic effects on the public.

General impacts to businesses from environmental regulations

Although in the short-term, new environmental regulations can have some positive and negative impacts on employment in different sectors, studies indicate that those impacts are limited and that the overall effect of environmental regulations on reported job shift events are extremely minor compared to other factors, such as overall economic growth, business cycles, and changes in technology.[12]

A peer-reviewed study by economists at Resources for the Future, a nonpartisan Washington, D.C. think tank, examined the impact of environmental compliance costs on employment in four regulated industries (pulp and paper, refining, iron and steel, and plastics). They concluded that increased environmental spending generally does not cause a significant change in employment.[13] Another peer-reviewed study published in the Journal of Public Economics found no evidence that stringent local air quality regulation substantially reduced employment in the Los Angeles basin over a 13-year period of "sharply increased" regulation.

Documents relied on for fiscal and economic impact

Document title	Document location
DEQ AQ Permits Staff Report to EQC, November 18, 2022	https://www.oregon.gov/deq/rulemaking/Pages/aqpermits2022.aspx
DEQ Fiscal Impact Statement, Cleaner Air Oregon Rulemaking	https://www.oregon.gov/deq/rulemaking/Documents/AQPermits2022CAOfis.pdf

[12] http://econweb.ucsd.edu/~elib/berman_bui2001
[13] https://www.epa.gov/clean-air-act-overview/clean-air-act-and-economy#_edn10

Document title	Document location
DEQ Fiscal Impact Statement, Regional Haze Rulemaking	https://www.oregon.gov/deq/rulemaking/Documents/AQPermits2022RHfis.pdf
Health Effects « CAPCOA – California Air Pollution Control Officers Association	http://www.capcoa.org/health-effects/#:~:text=Health%20Effects%20%20%20Pollutant%20%20%20Symbol,and%20reductio%20...%20%208%20more%20rows%20
Research on Health Effects from Air Pollution	https://www.epa.gov/air-research/research-health-effects-air-pollution
Oregon Health Authority. Leading Causes of Death.	https://www.oregon.gov/OHA/PH/ABOUT/Documents/indicators/leadingcausesofdeath.pdf
Environmental pollutants and disease in American children: estimates of morbidity, mortality, and costs for lead poisoning, asthma, cancer, and developmental disabilities. Landrigan PJ, Schechter CB, Lipton JM, Fahs MC, Schwartz J.	Environmental Health Perspectives 2002 July; 110(7):721-8.
OHA Chronic Health Disease Data	https://www.oregon.gov/oha/PH/DISEASESCONDITIONS/CHRONICDISEASE/DATAREPORTS/Pages/Healthcare.aspx.
Environmental regulation and labor demand: evidence from the South Coast Air Basin. Eli Berman, Linda T.M. Bui	PII: S0047-2727(99)00101-2 (ucsd.edu)
Morgenstern, R. D., W. A. Pizer, and J. S. Shih. 2002, Jobs versus the Environment: An Industry-Level Perspective.	Journal of Environmental Economics and Management 43(3):412-436.
Ellis Robinson, *How Much Does Air Pollution Cost the U.S.?*	Stanford Earth Matters (Sept. 19, 2019) https://earth.stanford.edu/news/how-much-does-air-pollution-cost-us#gs.zh6ypm
Tschofen, Azevedo, and Muller, *Fine Particulate Matter Damages and Value Added in the U.S. Economy*	Proceedings of the National Academy of Sciences (Sept. 9, 2019) https://doi.org/10.1073/pnas.1905030116).
Meltzer, Parker, Lewis & DiNatal, University of Oregon, 2016. *Cost Components of Housing*.	https://www.oregon.gov/lcd/UP/Documents/UO-Cost_Components.pdf

Advisory committee fiscal review

LRAPA's standing Citizens Advisory Committee (CAC) was provided on-going updates of the rulemaking progress and provided guidance to staff during the entire process. The CAC did not formally conduct a fiscal review of the proposed rules, as of December 28, 2023.

DEQ appointed an advisory committee for both their corresponding rulemaking and the fiscal impact statement. The DEQ advisory committee met on May 2, 2022, to discuss the fiscal impact statement. DEQ made changes to the fiscal impact statement based on their comments.

As ORS 183.335 requires, DEQ asked for the committee's recommendations on:

- Whether the proposed rule changes would have a fiscal impact:
  - Most of the RAC members agreed that the rules would have a fiscal impact. Non-industry representatives shared they did not feel qualified or in the best position to assess or communicate from an industry perspective on cost impacts to businesses.
  - A member noted there would be significant fiscal impact to both small and large businesses.
  - Many members agreed that a positive fiscal impact would be reduced emissions and subsequent improved public health benefits to impacted communities.
  - A member commented for current small businesses that have a general or simple permit, replacing the Generic Plant Site Emission Limits (PSELs) with capacity may cause them to submit a new permit application for a permit, to do modeling, and perform a Best Available Technology[14] (BAT) analysis they did not need. The member expressed concern around the removal of Generic PSELs and the possible significant costs to businesses. The member requested DEQ to look more closely at the impacts to small businesses.
  - Another member emphasized the fiscal assessment does not fully consider the increase to costs it would take to maintain a permit issuance service level. In addition to offering modeling support for small businesses, DEQ may have increased permit writing work from the increased number of permit modifications and setting site specific PSELs for all the permits. They added that getting rid of Generic PSELs will require more work on a permit-to-permit basis and there will be a lot of back and forth between the source and permit writers. The member concluded by noting how important it is for DEQ to anticipate how much time this will take of technical permit staff.

[14] During Rules Advisory Committee meetings, Best Available Technology (BAT) was discussed. DEQ has changed that concept to Minor Source Emission Reduction Technology (MSERT). The Minor New Source Review program that included MSERT has been omitted from this proposed rulemaking package.

- A member commented DEQ is not prohibited from assessing the financial benefits of improving air quality for the good of public health. They added the benefit of removing Generic PSELs is to bring specificity in, and both DEQ and sources need to work with the costs associated with the goal of air regulation, which is to improve the quality of air.
- A member noted the permit application will now include a NAAQS and BAT analysis and questioned whether the permit application fee includes these additional costs. They emphasized that it can be costly for businesses to hire on consultants to conduct analysis.

- The extent of the fiscal impact:
  - A member noted there would be significant impact on small businesses whether its due to the cost of consulting, preparing applications, fees, or BAT analysis.
  - Another member commented that anything that changes the amount of pollution will have a fiscal impact. They added the impact on public health is a huge cost to taxpayers, yet the fiscal impact spends more time looking at the costs of changes to the regulated sources. They suggested DEQ have better data on these costs. The members shared the rules are an important precursor to reducing emissions, however, they wish the rules went further to guarantee reduced emissions.
  - A member commented there would be substantial impact to both small and large businesses. One major fiscal impact is the rules will delay costs because of the significant additional time required to go through basic permitting efforts. Sources may question expanding its workforce in Oregon and to increase production elsewhere. The member noted the best indicator of the health of a community is the state of the manufacturing sector, which will be directly impacted with these changes.
  - A member remarked this rulemaking will create a more transparent and health-protective permitting system in Oregon. The member added there most likely will be a learning curve and adjustment period, and this transitory phase of a new system can require more work and time.
  - Another member emphasized they do not view this as a small rulemaking, nor will the fiscal impact be minor.
  - A member noted these changes have been decades in the making and they anticipate a large fiscal impact.

- Whether the proposed rule changes would have a significant adverse impact on small businesses; if so, then how DEQ can comply with ORS 183.540 to reduce that impact:
  - Several RAC members opted out in providing a response to this question.
  - Some members agreed that the rules do have the potential to have significant adverse impact on both small and large businesses.
  - A member shared one way adverse impact can be mitigated is for DEQ to clarify when modification and fees will be applied and in what circumstances.
  - Another member commented that few things can be done to mitigate for adverse impacts. They agreed DEQ must be clear on the fees not charged to small businesses, so they don't get charged modeling fees or BAT assessment fees.

- A couple of members agreed one way to mitigate adverse impact is to not have BAT analysis apply to a small source whose emissions are less than the Significant Emission Rate. If the small sources are required to do a BAT analysis, provide them with additional time to complete this task
- Regarding how to mitigate adverse impacts, a member shared modeling support from DEQ can go a long way in terms of costs for small businesses.

Impacts on racial equity

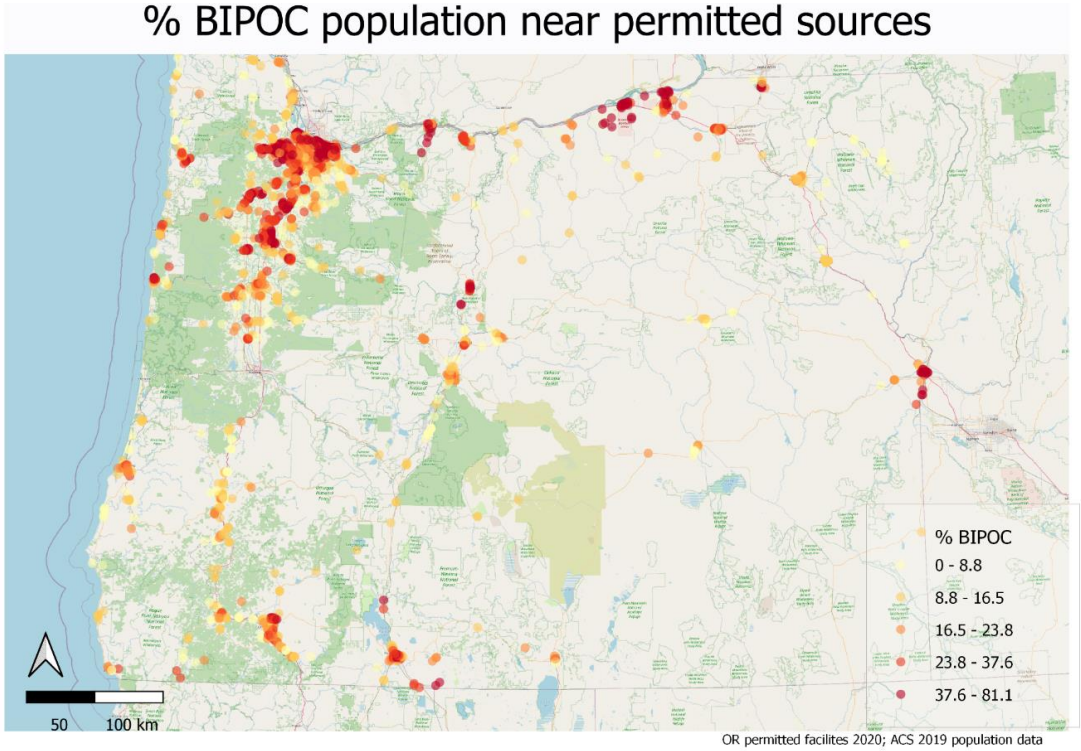
HB 2993 does not apply to LRAPA since LRAPA is not a state agency. However, LRAPA expects similar impacts on racial equity in Lane County as did DEQ in all other areas of the state as described below:

As required under HB 2993, Section 2, DEQ expected this proposed rulemaking may have a slight favorable impact on racial equity: the fair, just and unbiased treatment of people of different races, and environmental justice in Oregon. Adoption of the proposed rulemaking will impact racial equity and environmental justice by providing more precise permit limits that more accurately reflect facility operation, rather than generic limits, giving the public more exact information. The proposed rulemaking could also potentially require emission reductions if the National Ambient Air Quality Standards are exceeded, either through the installation of pollution control equipment or through federally enforceable limits on emissions. This would favorably impact those living close by to a facility, which often include Black, Indigenous, and People of Color communities.

Because DEQ does not know which sources may be required to install pollution control devices, DEQ cannot identify whether members of any racial groups living nearby are likely to be most concerned and affected by the issues addressed in the rule. As mentioned above, shut down of a business that cannot afford to comply with the proposed rules would be an unintended adverse consequence on racial equity if Black, Indigenous, and People of Color worked for that business. Conversely, decreased emissions of pollutants from facilities in proximity to such communities would be a positive consequence on racial equity.

The following map shows areas in the state where air quality permitted sources are located within one kilometer of populations of people who are Black, Indigenous, and People of Color.[15] Many permitted sources are located in areas with more than 37% of the BIPOC community. The average % BIPOC population in the state is 25%. The two darker colored circles are both significantly above statewide average.

[15] Sources in Lane County are not included in the map.



This proposed rulemaking is not expected to impact one group of people differently than others because potential emission reductions could be realized anywhere in the state, depending on the business and its emissions.

LRAPA aims to achieve meaningful public involvement by providing interpretation services for the public hearing as needed and accepting comments in languages other than English. The agency is committed to assessing and addressing any unintended consequences of this rule change to achieve environmental justice.

Housing cost

As ORS 183.534 requires, LRAPA evaluated whether the proposed rule changes would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel. A memorandum[16] pertaining to a study conducted by the University of Oregon to support Oregon Department of Land Conservation and Development rulemaking describes the major factors influencing the cost of residential housing construction. Cost components include land, material and labor and regulatory costs such as permits, compliance with zoning requirements and system development charges.

LRAPA acknowledges the proposed rule changes have the potential to affect housing development costs because some of the large businesses regulated by the proposed rule changes are in the lumber products industry or otherwise produce building materials. LRAPA would not expect any increase in regulatory compliance costs for the lumber or building materials industry, over current compliance costs, to be significant enough to affect the cost of building materials. LRAPA does not expect the proposed rule changes to have any effect on the major cost components of residential construction such as cost of land, labor, or permitting or zoning regulations.

[16] University of Oregon, 2016. Cost Components of Housing. https://www.oregon.gov/lcd/UP/Documents/UO-Cost_Components.pdf accessed on 05/07/21.

Federal relationship

ORS 183.332, ORS 468A.327 and OAR 340-011-0029 require DEQ, and in some cases LRAPA, to attempt to adopt rules that correspond with existing equivalent federal laws and rules unless there are reasons not to do so. This section complies with those statutes and rules to clearly identify the relationship between the proposed rule changes and applicable federal requirements.

The following proposed rules would adopt federal requirements.

- Add 1-bromopropane (1-BP) to the state list of Hazardous Air Pollutants to make it consistent with its listing under Section 112 of the Clean Air Act, as recently added by the EPA.

The following proposed rule changes are not different from or in addition to federal requirements:

- Prohibit issuance of construction approvals to all sources and permits to any new or modified source that will cause an exceedance of a National Ambient Air Quality Standard outside of its property boundary.
- Clarify LRAPA's ability to require and use modeling in addition to monitoring (by LRAPA or sources) for NAAQS exceedance verification.
- Clarify that permittees must comply with all conditions in their permit.
- Require more complete applications at permit renewal to ensure LRAPA staff have sufficient information to process the renewal applications.
- Require additional information to be submitted by a certain date with an opportunity to request more time if needed rather than allowing 90 days for all submittals.
- Require that sources must construct or modify in accordance with approved plans submitted with their applications.
- Eliminate provisions that currently allow sources to operate without using pollution control devices for 48-hours under the excess emission rules.

The following categories of LRAPA's proposed changes contain rules that are "in addition to federal requirements."

Eliminate Generic Plant Site Emission Limits, which currently often allow greater emissions than a facility is physically capable of emitting.	
The proposed change to the use of Generic PSEL gives LRAPA the option to permit at capacity or potential to emit instead of Generic PSELs. Permitting at capacity or potential to emit instead of Generic PSELs creates permits that more accurately reflect actual emissions.	
In addition to federal requirements?	**What alternatives did LRAPA consider, if any?**
EPA's Major New Source Review regulations provide the option to use Plantwide Applicability Limits that are	LRAPA considered keeping Generic PSELs for sources on Basic and General permits. LRAPA did not pursue this alternative

similar to Plant Site Emission Limits. EPA regulations for minor stationary sources do not include Plant Site Emission Limits. EPA guidance provides flexibility to states to design programs to regulate the operation of minor sources.	because many of these permits do not contain any PSELs at all. For those General permits that have Generic PSELs, LRAPA will calculate source specific PSELs for the highest emitting source on that General permit and use them for all sources on that General permit.
Clarify and update the Notice of Intent to Construct rules.	
The proposed rule changes will promote consistent construction approval through the Notice of Intent to Construct/Notice of Approval (NC/NOA) process for all sources, both sources permitted through Air Contaminant Discharge Permits (ACDPs) or Title V permits, and also for unpermitted sources. Several resource intensive issues have been identified with the NC rules and how they have been interpreted or implemented. The main issue is that the rules are not clear on what type of construction/modification qualifies for a Type 1 or a Type 2 NC.	
In addition to federal requirements?	**What alternatives did LRAPA consider, if any?**
Federal law requires states to have both a major and a minor New Source Review program. The requirements for the federal major New Source Review program are very prescriptive. States have more flexibility in designing a state minor New Source Review program if the state demonstrates that it will protect air quality. The requirements for a state minor New Source Review program are not included in EPA's rules.	The Notice of Intent to Construct/Notice of Approval rules, along with the Air Contaminant Discharge Permit Program, are parts of LRAPA's minor New Source Review program. LRAPA considered not making the proposed rule changes but LRAPA has identified circumstances where the interpretation and implementation of NC rules have been inconsistent or need clarification. Consistent construction approval through the Notice of Intent to Construct/Notice of Approval process for sources permitted through Air Contaminant Discharge Permits and Title V permits, as well as new sources not otherwise required to obtain a permit is an important part of LRAPA's minor New Source Review program.
Change permit type if sources are on the wrong permit.	
LRAPA proposes to use the existing criteria to evaluate whether a source should be on a Simple or a Standard permit for all permit types: General, Basic, Simple or Standard. This would also ensure that the source receives the correct amount of oversight, both when the permit is written and when the source is inspected.	
In addition to federal requirements?	**What alternatives did LRAPA consider, if any?**
EPA regulations require state pre-	LRAPA considered not clarifying the rules

construction permitting programs to assure that national ambient air quality standards are achieved. EPA guidance provides flexibility to states to design programs to regulate the operation of minor sources.	that allow moving sources to a different type of permit. LRAPA wants to permit sources on the correct type of permit to ensure that the correct amount of oversight is provided for that source. Without this clarification, a source could stay on a Standard permit when a Simple permit may be more appropriate. The difference in fees between a Standard and a Simple permit is significant.
Clarify that an air quality analysis is required in applications for new sources and when requested by LRAPA, for renewal and modification applications to ensure compliance with the National Ambient Air Quality Standards.	
The authority to require an air quality analysis is included in the existing rules. The existing rules do not contain the requirement to submit an air quality analysis with a permit application.	
In addition to federal requirements?	**What alternatives did LRAPA consider, if any?**
EPA regulations require state pre-construction permitting programs to include procedures that address air quality data and air quality modeling used to meet Clean Air Act permitting requirements. EPA guidance provides flexibility to states to design programs to regulate the operation of minor sources.	LRAPA considered not clarifying that an air quality analysis is required in applications. Without this clarification, applicants may not know that an air quality analysis is required and therefore, may submit an incomplete application, delaying issuance of the permit. If the source is on a tight timeline for their permit, this delay could be avoided with this clarification. In addition, this clarification will help LRAPA demonstrate that its permitting program is protective of the National Ambient Air Quality Standards.
Extend permit terms for Simple permits but allow for needed permit modifications. This will better allocate LRAPA resources to work on more significant permitting issues.	
The proposed rule changes provide extended permit terms from 5 years to 10 years for Simple permits to streamline the permitting process but allow for permit modifications when needed. In some cases, permits must be updated because of changes proposed by the source or because rules have changed. LRAPA must have the ability to change the permit for these reasons.	
In addition to federal requirements?	**What alternatives did LRAPA consider,**

	if any?
EPA regulations require state pre-construction permitting programs to include procedures that address air quality data and air quality modeling used to meet Clean Air Act permitting requirements. EPA guidance provides flexibility to states to design programs to regulate the operation of minor sources.	No other alternatives were considered by LRAPA.
Expand the use of short-term activity permits for temporary operations in addition to unexpected and emergency activities.	
Short-term activity permits are currently allowed for only unexpected and emergency activities. These permits expire in 60 days and are not allowed to be renewed. Currently LRAPA allows these types of planned operations under a Stipulated and Final Order, a tool under LRAPA's formal enforcement actions. These activities are not allowed under existing permits but are not technically considered enforcement actions because the business asks permission to perform these types of activities. In addition, it is resource intensive for LRAPA to develop Stipulated and Final Orders.	
In addition to federal requirements?	**What alternatives did LRAPA consider, if any?**
EPA does not issue short-term activity permits. State permitting and enforcement programs under the SIP follow guidance to states addressing excess emissions during periods of startup, shutdown, and malfunction.	LRAPA did not consider other alternatives. The proposed changes provide flexibility for both businesses and LRAPA by providing a mechanism to allow short-term temporary operations that are not covered by the permit.
Provide a petition process to allow requests that additional industrial categories be approved to have general permits, rather than source-specific permits.	
In addition to federal requirements?	**What alternatives did LRAPA consider, if any?**
EPA does not issue air quality general permits.	LRAPA considered not allowing a petition process to allow for additional industrial categories for general permits. General permits were created to achieve efficiency in permit processing and to facilitate LRAPA's implementation of federal standards that apply to area sources of hazardous air pollutants (National Emission Standards for Hazardous Air Pollutants). This allows a source to avoid the higher cost of a Simple or Standard permit yet allows for LRAPA oversight.

Land use

Land-use considerations

In adopting new or amended rules, ORS 197.180 and OAR 340-018-0070 require DEQ to determine whether the proposed rule changes significantly affect land use. If so, DEQ must explain how the proposed rule changes comply with statewide land-use planning goals and local acknowledged comprehensive plans.

Under OAR 660-030-0005 and OAR 340 Division 18, DEQ considers that rules affect land use if:

- The statewide land use planning goals specifically refer to the rule or program, or
- The rule or program is reasonably expected to have significant effects on:
- Resources, objects, or areas identified in the statewide planning goals, or
- Present or future land uses identified in acknowledge comprehensive plans

DEQ determined whether the proposed rule changes involve programs or actions that affect land use by reviewing its Statewide Agency Coordination plan. The plan describes the programs that DEQ determined significantly affect land use. DEQ considers that its programs specifically relate to the following statewide goals:

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

Statewide goals also specifically reference the following DEQ programs:

- Nonpoint source discharge water quality program – Goal 16
- Water quality and sewage disposal systems – Goal 16
- Water quality permits and oil spill regulations – Goal 19

Determination

LRAPA with help of DEQ determined that these proposed rules do not affect land use under OAR 340-018-0030 or DEQ's State Agency Coordination Program.

LRAPA Board and EQC Prior Involvement

LRAPA notified the Board about DEQ's corresponding rulemakings and that LRAPA's version of the rules would be forthcoming at a future Board meeting.

The EQC last approved LRAPA's rules that incorporated the certain Cleaner Air Oregon program elements into LRAPA's Rules and Regulations at the May 19, 2019 EQC meeting.

Advisory Committee

Background

LRAPA has a standing Citizens Advisory Committee (CAC) that meets most months, LRAPA consulted the CAC for this rulemaking and presented an overview of the changes to the committee at their meeting on November 28, 2023.
Weblink: Public Oversight | Lane Regional Air Protection Agency (lrapa.org)
https://www.lrapa.org/air-quality-protection/about-lrapa/public-oversight/

The committee members were:

LRAPA Air Quality Permitting Rules – Citizens Advisory Committee (CAC)	
Name	**Representing**
Jim Daniels, Chair	Industry
Kelly Wood, Vice-Chair	Industry
Peter Dragovich	Planning
Paul Metzler	General Public
Teresa Roark	Public Health
Evelina Davidova-Kamis (absent)	Industry
Jeffery Carman (absent)	Agriculture
Mysti Frost (absent)	General Public
Chris Cline (absent)	Fire Suppression

Meeting notifications

To notify people about the advisory committee's activities, LRAPA:

- Sent a one-time notice to General News & Updates subscribers of our email listserv of meeting content.
- Added advisory committee announcements to LRAPA's calendar of public meetings at LRAPA Calendar

Committee discussions

Below is an excerpt from the November 28, 2023, CAC meeting discussion on the proposed rules:

- The CAC had several mostly clarifying questions, most of which were answered by LRAPA staff at the meeting.
- One CAC member requested the ability to review the public comments on the proposed rules and LRAPA's responses to those comments before the rules are sent to the Board for approval. LRAPA responded that staff would consider the logistics of accommodating the CAC member's request and get back to them on that aspect.
- One CAC member suggested that the proposal to require comprehensive air permit applications as part of routine renewals might require more work and could result in additional confusion when LRAPA permit writers and inspectors compare the new comprehensive renewal with the previous renewal application.
- The CAC appreciated the opportunity to receive a high-level review of the draft rules and were interested in reviewing the proposed rules.

Public Engagement

Public notice

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

- Notifying the DEQ and EPA by E-mail;
- Emailing: Send email to list of those who subscribe to our Public Notices category on our email listserv https://www.lrapa.org/air-quality-protection/public-calendar/sign-up-for-updates/
- Posting on the LRAPA event calendar: LRAPA Calendar

Public hearings

How to comment on this rulemaking proposal

LRAPA is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking. A person can submit comments through an online web page, by regular mail or at the public hearing.

Comment deadline

LRAPA will only consider comments on the proposed rules that LRAPA staff receives by 5:00 p.m., on April 10, 2024 in writing and oral comment will be received at the public hearing on April 11, 2024 at 12:30 p.m., written comments can be emailed to rules@lrapa.org

Submit comment email

Any person can submit a written comment to this email: rules@lrapa.org

Note for public university students:

ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student you may omit your email address when you complete the online form to submit a comment.

By mail

Lane Regional Air Protection Agency (LRAPA)
Attn: Max Hueftle
1010 Main Street
Springfield, OR 97477

At hearing

April 11, 2024 at 12:30P.M.

Public Hearing

LRAPA plans to hold one public hearing.

The public hearing is online and by teleconference only.

Anyone can attend a hearing by webinar or teleconference.

Date: April 11, 2024
Start time: 12:30PM
Street address:1010 Main Street
Room: Large LRAPA Conference Room
City: Springfield, Oregon 97477
Teleconference phone number: +1 253 215 8782
Webinar link: https://us02web.zoom.us/j/82551664224

LRAPA will consider all comments and testimony received before the closing of the public hearing. LRAPA will summarize all comments and respond to comments in the Environmental Quality Commission staff report.

Accessibility Information

It is the policy of LRAPA to not discriminate on the basis of race, color, national origin, age, sex, disability, sexual orientation, or marital status in administration of its programs or activities, and, LRAPA does not intimidate or retaliate against any individual or group because they have exercised rights protected by 40 C.F.R Parts 5 and 7 or for the purpose of interfering with such rights.

LRAPA is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implanted by 40 C.F.R. Parts 5 and 7 (Non-discrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency), including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1973, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972 (hereinafter referred to collectively as the federal non-discrimination statutes).

LRAPA is committed to providing meaningful opportunities for public involvement in its proceedings. LRAPA strives to ensure that information and services are accessible to everyone, regardless of race, color, national origin, income, disability, or language proficiency. If assistance is needed accessing this document or participating in the public processes, please contact LRAPA Non-Discrimination Coordinator at (541) 736-1056 or

info@lrapa.org. Language interpretation, translation, alternative formats, or other reasonable accommodations are available upon request. Please allow at least 5 business days to respond to a request. More information is available on LRAPA's nondiscrimination policy.

Supporting documents

Attachment A – Proposed revisions to LRAPA Air Quality Permitting Rules (redline version).
Attachment B – Crosswalk summary of proposed revisions to LRAPA Air Quality Permitting Rules.
Attachment C – LRAPA 2023 roadmap of significant/substantial proposed rule changes for the Citizens Advisory Committee (CAC) and Board of Directors.

LRAPA 2023 roadmap of significant/substantial proposed rule changes for the Citizen's Advisory Committee (CAC) and Board of Directors

Under the "Purpose" column, the following definitions apply:

- "[**Stringency**]" – means the proposed change is required because the DEQ and/or EPA corresponding rule has been determined to be more stringent than the existing LRAPA rule.
- "[**Consistency**]" – means the proposed change is consistent with the corresponding DEQ rule and/or EPA regulation change.
- "[**Other**]" – means the proposed change is different or equivalent to the corresponding DEQ rule change.

Rule Item Number	LRAPA title/ section	Description	Significant/Substantial Proposed Rule Changes	Purpose
1.	**32-010**	Visible Emissions Limitations (opacity) – change in the method of measurement.	LRAPA proposes to go from a 3-minute aggregate to a 6-minute average for determining opacity compliance observation periods. This is considered a "neutral" change without a fluctuation of stringency as both opacity compliance methods are determined to be as stringent as the other, on an overall basis. This change would make LRAPA's opacity compliance determination method the same as DEQ's. LRAPA would go from EPA Method 203B to the more common EPA Method 9 for determining opacity.	LRAPA proposes to use a 6-minute average as the more common way to determine compliance with the visible air contaminant limitations in title 32. **[Consistency]** Past LRAPA inspectors preferred to retain the 3-minute aggregate basis of the standard, especially for reading opacity on batch processes. So, in 2015, LRAPA located a standard that allowed for the data reduction procedures needed to verify compliance with the 3-minute aggregate basis for the standard; EPA Method 203B contains data reduction procedures to measure 3-minute aggregate periods. In their 2015 rulemaking, DEQ gave the following reasons for changing the time basis for the opacity standard: • *"An opacity standard based on a 6-minute average is no more or less stringent than a standard based on an aggregate of 3 minutes in any hour. Theoretically, either basis could be more stringent than the other, but practically, sources do not typically have intermittent puffs of smoke. If there is an upset that lasts longer than 3 minutes, it usually lasts longer than 6 minutes, as well.*

Rule Item Number	LRAPA title/ section	Description	Significant/Substantial Proposed Rule Changes	Purpose

				• *Other reasons for changing to a 6 minute average include:*
				  • *EPA method 9 results are reported as 6-minute averages.*
				  • *The 3-minute standard adds more cost to data acquisition systems for continuous opacity monitoring systems. Many of the COMS are designed for 6-minute averages, so they have to be modified to record and report data for the 3-minute standard.*
				Compliance with a 6 minute average can be determined with 24 readings (6-minute observation period); whereas, compliance with the 3-minute standard may require as many as 240 readings (60 minute observation period). In addition, it is DEQ's policy that the inspector observes the source for at least 6 minutes before making a compliance determination."

2.	**34-035**	Type 1 Construction Changes	LRAPA is proposing to change the Type 1 Construction Change regulations to match changes adopted in DEQ's 2022 rules.	Rule changes are intended to provide more clarity and streamlining by adding a list of changes that qualify as Type 1 changes. **[Consistency]**
3.	**34-035 and 34-036**	Type 2 Construction Changes	LRAPA is proposing to change the Type 2 Construction Change regulations to more closely match changes adopted in DEQ's 2022 rules.	Rule changes are intended to provide more clarity. **[Consistency]**
4.	**36-020**	All Other Excess Emissions	LRAPA is proposing to match DEQ's language in their corresponding rules that were revised in 2022 that require a source to cease operations in certain excess emissions situations. This would eliminate provisions that currently allow sources to operate without using pollution control devices for 48 hours under the excess emission rules. Venting uncontrolled emissions for 48 hours or more can cause harmful impacts to the neighboring	The proposed rule changes would: • Not allow 48 hours of operation without a control device; • Reduce emissions to the greatest extent practicable; • Only allow continued operation of process equipment unless immediate shutdown would result in physical damage to the equipment or facility, cause injury to employees, or result in emissions associated with shutdown and the

Rule Item Number	LRAPA title/ section	Description	Significant/Substantial Proposed Rule Changes	Purpose
			community, especially if the emissions contain toxic air contaminants.	subsequent startup that would exceed those emissions resulting from continued operation; or • Cease operation of the equipment or facility until the condition causing the excess emissions has been corrected or brought under control. **[Consistency]**
5.	**36-040**	Emergency as and Affirmative Defense for Title V Permitted Sources	Remove the entire section.	EPA removed the "emergency" affirmative defense provisions from the EPA's title V operating permit program regulations effective August 21, 2023. **[Stringency]**
6.	**37-0030**	Definitions of "Moderate technical modification" and "Simple technical modification".	Add the word "complex" in the definition of "moderate technical modification", and add the phrase "incorporating simple NSPS and NESHAP requirements" in the definition of "simple technical modification".	Allow greater flexibility to process certain changes under the simple technical modification process for NSPS and NESHAPs that are relatively straightforward to include their requirements, while still retaining the ability to process more complicated NSPS and NESHAP requirements under the moderate technical modification process. **[Other]**
7.	**37-0040**	Application Requirements	LRAPA is proposing to match DEQ's language in their corresponding rules that were revised in 2022 that require a source to provide a full application at renewal in lieu of one that simply says, "no change since last renewal". Many businesses take advantage of this streamlined renewal application option even though many changes have taken place since the last permit was issued. In these instances, LRAPA must try to renew the permit with incomplete information. The intent was to streamline the renewal process but in fact, it makes permit renewals more difficult.	The proposed rule changes will require submittal of more complete applications (electronic submittals) for Standard ACDP and Title V permit renewals. This reduces the time needed for permit writers to search for old application forms to determine what existing equipment and operations are at each facility and requires the sources to make sure the application reflects current operations and equipment. **[Consistency]**
8.	**37-0056(4)(c)**	Basic ACDP Permit Content	The proposed rule allows sources on Basic ACDPs to use a limitation on hours of operation as well as a limit on production. DEQ rules only allow one or the other.	LRAPA prefers the flexibility to allow sources that qualify for a Basic ACDP to have a restriction on the hours of operation and/or a restriction on production. This would reduce the need for some sources on Basic ACDPs to obtain a higher cost permit without any environmental benefit. **[Other]**
9.	**37-0090(3)**	CAO Annual Fees and Specific Activity Fees	Include Table 2, part 3 CAO annual fees and Table 3 CAO specific activity fees in the four (4) percent	DEQ is planning to increase their corresponding CAO fees by three (3) percent in 2024. **[Consistency and Other]**

Rule Item Number	LRAPA title/ section	Description	Significant/Substantial Proposed Rule Changes	Purpose
			annual fee increase that applies to parts 1, 2 and 4 each year on July 1st.	
10.	**37-8020, Part 4.**	Specific Activity Fees for ACDPs	LRAPA proposes to add a fee for Type 2 Notices of Intent to Construct (Type 2 NCs) to match the fee DEQ adopted several years ago.	LRAPA currently reviews Type 1 and Type 2 NCs without charging a fee. To be consistent with DEQ and to allow fees for the work LRAPA does to review Type 2 NCs, LRAPA is proposing to adopt a $720 fee for Type 2 NCs. **[Consistency]**
11.	**42-0040**	Generic Annual PSEL	LRAPA proposes to remove the option for sources to request and obtain Plant Site Emission Limits (PSELs) that are set at a generic PSEL level. This is identical to the change adopted into DEQ's rules in 2022 that became effective March 1, 2023, and for which LRAPA has been implementing since they were effective.	The current Generic PSEL rules often allow greater emissions than a facility is physically capable of emitting and is incompatible with requirements to protect short term air quality standards. The proposed rule change to eliminate the use of Generic PSELs gives LRAPA the option to permit sources at capacity or potential to emit instead of Generic PSELs. Without the extra "cushion" of the Generic PSEL, LRAPA can require evaluation of increases that are less than the Significant Emission Rates and apply its existing rules to require modeling information. **[Stringency]**
12.	**Numerous Sections and Titles Throughout**	Short-term National Ambient Air Quality Standards (NAAQS) compliance	LRAPA is proposing to adopt regulations similar to those adopted into DEQ's rules in 2022 that require sources in certain situations to show that they do not cause or contribute to an exceedance of any short-term NAAQS (e.g., $PM_{2.5}$, NO_X and SO_2).	DEQ now requires certain new and modified sources to demonstrate compliance with the short-term NAAQS. LRAPA must do the same to be at least as stringent. Current rules do not require sources to verify that the short-term NAAQS are protected when a source applies for a Type 2 and Type 3 Notice of Intent to Construct for new or replaced equipment. The proposed rule changes require that an air quality analysis be included in the permit application for a new source. The air quality analysis is required with renewal or modification applications when requested by LRAPA. LRAPA may consider criteria, including but not limited to annual PSELs for NO_X, SO_2 and $PM_{2.5}$, along with environmental justice criteria (population density, minority population, low-income population, < 5 years of age population, over 64 years population, linguistic isolation

Rule Item Number	LRAPA title/ section	Description	Significant/Substantial Proposed Rule Changes	Purpose
				population, less than high school degree population weighted equally) when determining the requirement for an existing source to submit an air quality analysis. **[Stringency]**

Max
11/06/23

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LRAPA BOARD OF DIRECTORS
AGENDA ITEM SUMMARY

Preview of Appointments to Boards and Committees and Election of 2024 Officers

Meeting Date: January 11, 2024
Department: Director's Office

Agenda Item No. 12
Staff Contact: Heather Gravelle – Heather@lrapa.org
Contact Telephone: 736-1056 x245

ISSUE STATEMENT AND SUMMARY

A number of appointments and election decisions are made by the LRAPA Board early each year during the February meeting. The upcoming appointments and elections are previewed here to allow board members additional time to consider these decisions.

BACKGROUND

The LRAPA Board appoints members of the Citizens Advisory Committee and Budget Committee as vacancies occur or terms expire. In addition, the LRAPA Board elects a Board chair and vice-chair each year, usually at the February meeting.

CITIZEN ADVISORY COMMITTEE

The LRAPA Board periodically appoints or reappoints people to the Advisory Committee. Three-year terms are staggered to ensure continuity of committee activities. The Advisory Committee consists of at least seven and not more than fifteen members representing several areas of interest specified in Oregon statutes and LRAPA rules.

The following members terms expire in 2024. They will be given the opportunity to reapply.

- VACANT – Agricultural
- Jim Daniels, Heavy Industry – Term expires in April 2024
- Kelly Wood, Industry – Term expires in August 2024
- Evelina Davidova-Kamis, Industry – Term expired July 2023
- Paul Metzler, General Public – Term expires in March 2024

BUDGET COMMITTEE

The LRAPA Budget Committee consists of 18 members: the nine members of the LRAPA Board of Directors plus nine other community members. Budget committee members are recruited individually by

board members who nominate them for appointment by the Board. Budget committee members are appointed to 3-year terms and can be reappointed for subsequent terms. Budget Committee seats that are vacant or will expire in 2024 will require appointments or reappointments in February in preparation for budget meetings in March-May. **Budget committee members are only required to attend the March, April, and, if needed, May meetings.**

The following are confirmed Budget Committee members, waiting for conformation, and vacant positions that need to have members appointed during the February Board meeting.

Available for FY 24/25	Term ends	Budget Committee Appointee	Board Member	Jurisdiction
Not yet confirmed	February 2025	**Steve Schmunk - Vice Chair**	**Joe Pishioneri**	**Springfield**
Not yet confirmed	February 2025	**Ruth Linoz**	**Jared Hensley**	**Springfield**
Not yet confirmed	February 2025	**Dawn Kinyon**	**Bryan Cutchen**	**Oakridge**
Not yet confirmed	February 2024	**Lisa Arkin**	**Matt Keating**	**Eugene**
Not yet confirmed	February 2023	**Adam Rue - Chair**	**Howard Saxion**	**Eugene**
		VACANT	**Michael Johnston**	**Eugene**
		VACANT	**Dylan Plummer**	**Eugene**
Not yet confirmed	Resigned due to Springfield City Council position	**Michelle Webber**	**David Loveall**	**Lane County**
Not yet confirmed	February 2026	**Robert Ball**	**Mike Fleck**	**Cottage Grove**

BOARD OF DIRECTORS

Although it is not mandatory, the LRAPA board has traditionally rotated the chair and vice-chair positions among the local participants represented on the board. If you wish to continue the rotation, the attached list shows the officers since the agency was formed in 1968. The previous year's vice-chair traditionally becomes the chair for the current year. Historically, the Board has also re-appointed the current chair for another year, as has been done several times in the past.

During the year, the vice-chair participates in agenda review sessions before monthly board meetings

with the board chair and the director. This keeps the vice-chair informed about what is happening with the board and the director and makes it easier for them to lead meetings if the chair is absent. It is also helpful in the transition from year to year when the vice-chair for one year will likely be elected to the office of chair the following year.

The following Board members terms expiration dates.

Eugene

- Matt Keating – ex officio
- Howard Saxion – June 2026
- Michael Johnston – July 2026
- Dylan Plummer – July 2026

Springfield

- Joe Pishioneri – ex officio
- Jared Hensley – September 2026

Cottage Grove

- Mike Fleck – ex officio

Oakridge

- Bryan Cutchen – ex officio

Lane County

- David Loveall – ex officio

BOARD ACTION

This background summary is for information and to facilitate discussion in preparation for the February decision making.

STAFF RECOMMENDATION - None at this time.

Year	Chair/Jurisdiction	Vice-Chair/Jurisdiction
2023	Bryan Cutchen/Oakridge Mayor	Howard Saxion/Eugene
2022	Joe Pishioneri/Springfield City Councilor	Jeannine Parisi/Eugene
2021	Joe Pishioneri/Springfield City Councilor	Kathy Holston/Oakridge City Mayor
2020	Joe Pishioneri/Springfield City Councilor	Kathy Holston/Oakridge City Mayor

2019	Mike Fleck/Cottage Grove	Joe Pishioneri/Springfield
2018	Jay Bozievich/Lane County	Mike Fleck/Cottage Grove
2017	Jeannine Parisi/Eugene	Jay Bozievich/Lane County
2016	Jeannine Parisi/Eugene	Jay Bozievich/Lane County
2015	Mike Fleck/Cottage Grove	Jeannine Parisi/Eugene
2014	Mike Fleck/At-Large (CG)	Jeannine Parisi/Eugene
2013	Bill Brommelsiek/At-Large	Mike Fleck/ At-Large
2012	Bill Brommelsiek/At-Large	Mike Fleck/Cottage Grove
2011	David Monk/Eugene	Bill Brommelsiek/At-Large
2010	Glenn Fortune/Oakridge	David Monk/Eugene
2009	Bill Carpenter/At-Large (Springfield)	Glenn Fortune/Oakridge
2008	David Monk/Eugene	Bill Carpenter/At-Large (Springfield)
2007	Faye Stewart/Lane County	Earl Koenig/Eugene
2006	Dave Ralston/Springfield	Faye Stewart/Lane County
2005	Dave Ralston/Springfield	Gary Rayor/Eugene
2004	Shannon McCarthy/Eugene	Dave Ralston/Springfield
2003	Pete Sorenson/Lane County	Shannon McCarthy/Eugene
2002	Carol Tannenbaum/At-Large	Pete Sorenson/Lane County
2001	Betty Taylor/Eugene	Carol Tannenbaum/At-Large
2000	Betty Taylor/Eugene	Pat Patterson/Cottage Grove
1999	Al Johnson/Eugene	Betty Taylor/Eugene
1998	Al Johnson/Eugene	Gary Whitney/At-Large
1997	Al Johnson/Eugene	Maureen Maine/Springfield
1996	Pat Patterson/Cottage Grove	Al Johnson/Eugene
1994	Steve Dodrill/Eugene	Terry Callahan/Oakridge
1993	Terry Callahan/Oakridge	Steve Dodrill/Eugene

1992	George Wojcik/Springfield	Terry Callahan/Oakridge
1991	George Wojcik/Springfield	Darrell Williams/Cottage Grove
1990	Emily Schue/Eugene	Chris Larson/Springfield
1989	Ellie Dumdi/Lane County	Emily Schue/Eugene
1988	Rich Gorman/Springfield	Ellie Dumdi/Lane County
1987	Betty Horvath/Cottage Grove	Rich Gorman/Springfield
1986	Emily Schue/Eugene	Betty Horvath/Cottage Grove
1985	Richard Hansen/Eugene	John Lively/At-Large
1984	Bill Rogers/Lane County	Richard Hansen/Eugene
1983	Sandra Rennie/Springfield	Bill Rogers/Lane County
1982	Bill Whiteman/Cottage Grove	Sandra Rennie/Springfield
1981	Bill Hamel/Eugene	Bill Whiteman/Cottage Grove
1980	Otto t'Hooft/Lane County	Bill Hamel/Eugene
1979	Bob Adams/Springfield	Otto t'Hooft/Lane County
1978	Jack Delay/Eugene	Keith Bates/Springfield
1977	Bob Adams/Springfield	Jack Delay/Eugene
1976	Nancy Hayward/Lane County	Bob Adams/Springfield
1975	Gus Keller/Eugene	Bob Wood/Lane County
1974	Nancy Hayward/Lane County	Gus Keller/Eugene
1973	Nancy Hayward/Lane County	Darwin Courtwright/Springfield
1972	Wickes Beal/Eugene	Nancy Hayward/Lane County
1971	Wickes Beal/Eugene	Darwin Courtwright/Springfield
1970	Orlo Bagley/Cottage Grove	Wickes Beal/Eugene
1969	Frank Elliott/Lane County	Darwin Courtwright/Springfield
1968	Frank Elliott/Lane County	Bruce Lassen/Eugene

LRAPA
Lane Regional Air Protection Agency

30 YEARS

CERTIFICATE OF APPRECIATION

THIS IS TO ACKNOWLEDGE
AND HONOR

Lance Giles

for 30 years of dedicated service to the Lane Regional Air Protection Agency. Your commitment and contributions have significantly advanced LRAPA's mission and goals. We deeply appreciate and commend your unwavering dedication to the agency.

BRYAN CUTCHEN
LRAPA Chair

SUSANNAH SBRAGIA
Interim Executive Director

LRAPA BOARD OF DIRECTORS AGENDA ITEM SUMMARY

LRAPA
Lane Regional Air Protection Agency

Director's Report for November and December 2023

Meeting Date: January 11, 2024
Department: Director's Office
www.lrapa.org

Agenda Item No. 14
Staff Contact: Susannah Sbragia
541-736-1056 ext. 209

DECEMBER 2023 AQI CHARTS AND STATS:

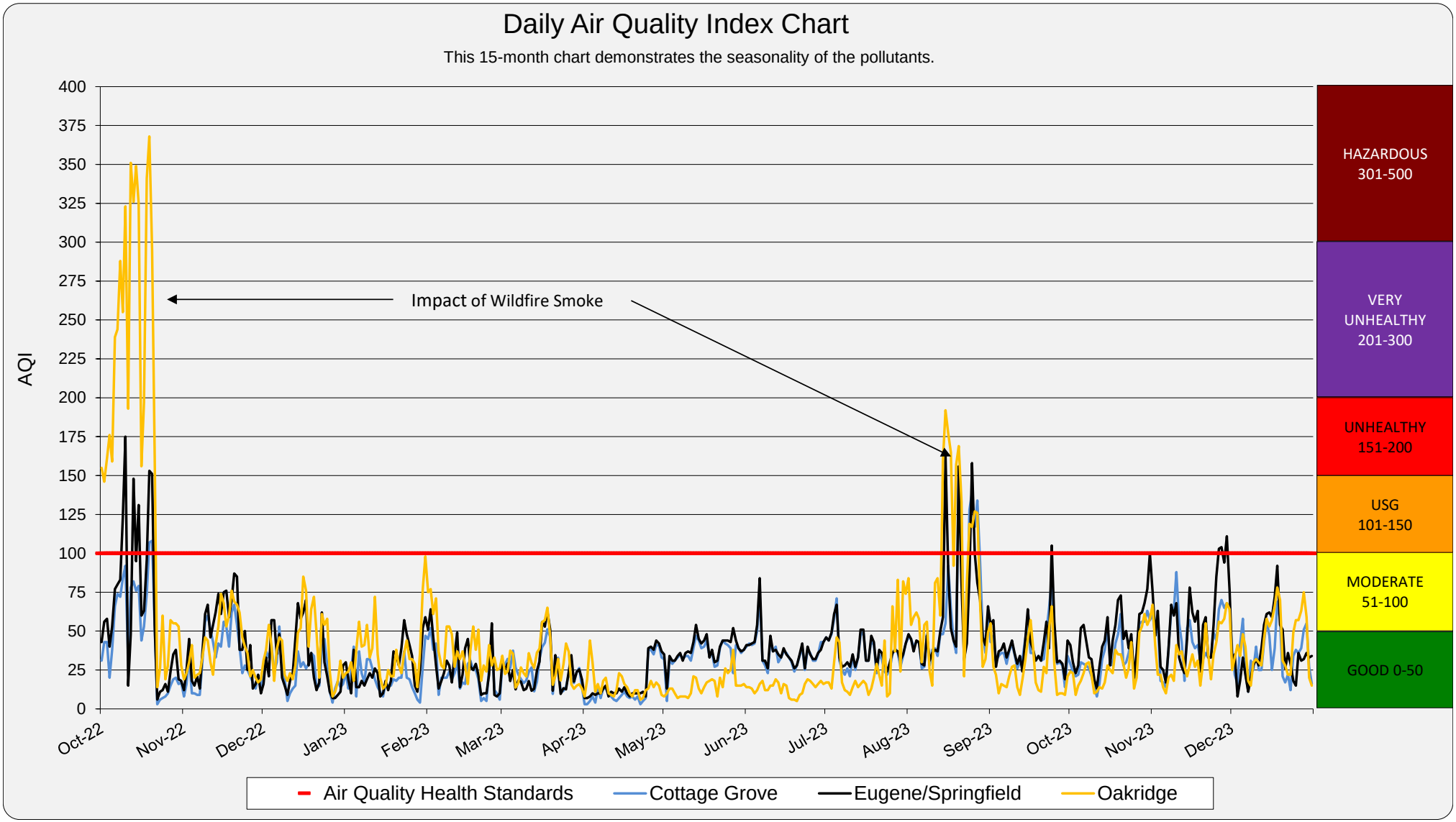
Site	Date	Max AQI	Pollutant
Eug/Spfld	18-Dec-23	92	PM
Oak	18-Dec-23	78	PM
CottGrv	18-Dec-23	69	PM

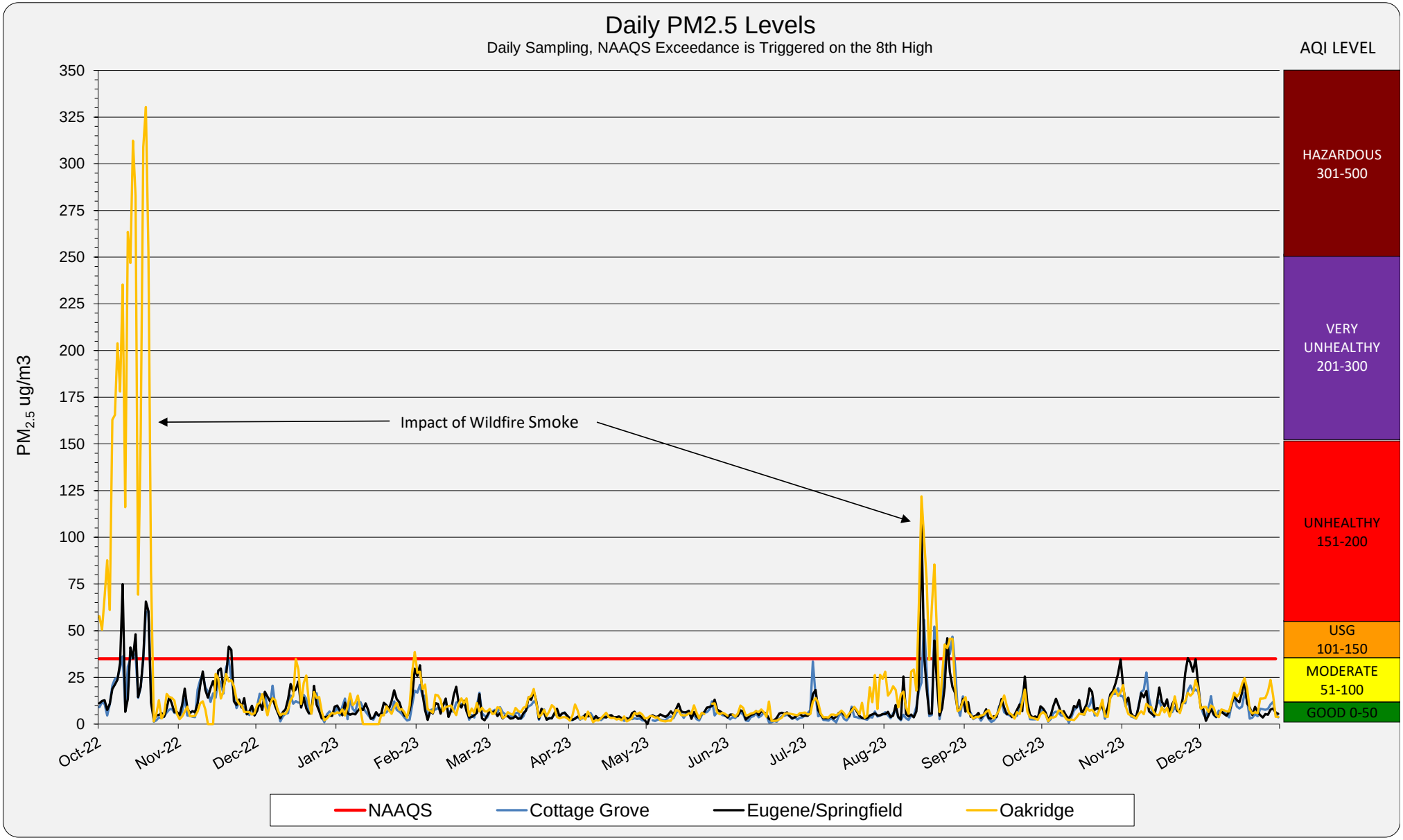
AQI	Eug/Spfld	Oak	CottGrv	AQI Range	PM2.5 Range, ug/m3
Good	23	20	25	0-50	0-12
Moderate	8	11	6	51-100	12.1-35.4
USG	0	0	0	101-150	35.5-55.4
Unhealthy	0	0	0	151-200	55.5-150.4
Very Unhealthy	0	0	0	201-300	150.5-250.4
Hazardous	0	0	0	301-500	250.5-500

Attachment No. 1: Air Quality Index (AQI) charts for Lane County (December 2023)
Attachment No. 2: PM2.5 index charts for Lane County (December 2023)

Daily Air Quality Index Chart

This 15-month chart demonstrates the seasonality of the pollutants.




Daily PM2.5 Levels
Daily Sampling, NAAQS Exceedance is Triggered on the 8th High
AQI LEVEL
HAZARDOUS 301-500
VERY UNHEALTHY 201-300
UNHEALTHY 151-200
USG 101-150
MODERATE 51-100
GOOD 0-50
PM2.5 ug/m3
350
325
300
275
250
225
200
175
150
125
100
75
50
25
0
Impact of Wildfire Smoke
Oct-22
Nov-22
Dec-22
Jan-23
Feb-23
Mar-23
Apr-23
May-23
Jun-23
Jul-23
Aug-23
Sep-23
Oct-23
Nov-23
Dec-23
NAAQS
Cottage Grove
Eugene/Springfield
Oakridge

COMPLAINTS RECEIVED: 11/1/2023 to 12/31/2023 (Total 81)

Smoke complaints: 52
34 - Outdoor Burning
2 – Slash Burning
15 - Home Wood Heating
1 – Unknown Smoke
Industry: 13
9 - International Paper (2 confirmed, 6 under investigation)
1 – 9 Wood
1 – JH Baxter
1 – Kingsford Manufacturing
1 – Sierra Pacific Industries - Seneca
Miscellaneous complaints: 16
13 - Unknown Odor
1 – Asbestos
1 – Auto Paint Fumes
1 – Obsidian Integration
81 Total

Calendar year 2023 compares to previous years:

Year	2018	2019	2020	2021	2022	*2023
Dust	26	15	17	26	12	7
Ag Burning / Spraying	0	6	2	7	2	3
General Air Quality	6	12	4	8	1	25
Home Wood Heating	126	128	74	57	67	52
Industry	50	170	100	336	198	97
Outdoor Burning	351	402	423	243	292	254
Slash Burning	24	16	12	10	6	12
Miscellaneous	66	67	59	40	102	72
Unknown	29	39	74	71	45	65
Total	**678**	**855**	**765**	**798**	**725**	**587**

*** Year-To-Date**

NEW/OPEN ENFORCEMENT ACTIONS STATUS REPORT
11/1/2023 to 12/31/2023

NEW: 11/01/2023 -- 12/31/2023

1. **OPFEL, DANIEL; 24-HOUR FLOOR PROS (EUGENE) 3967 MIRROR POND WAY**

   A. Violation: Failure to obtain an asbestos survey from an accredited asbestos inspector prior to conducting the renovation of a facility; conducting an asbestos abatement without possessing a current asbestos abatement contractor's license or workers certification; performing an air clearance without a NIOSH 582, or equivalent, certification and without being financially independent from the person(s) performing the asbestos abatement project.
   B. Initial Action Taken: NON #3894 issued 12/14/2023
   C. Subsequent Action: NCP #2023-3894 ($11,200) issued 12/14/2023
   D. Resolution: PENDING

2. **CARTER, LARRY; VERNON VENSON (SPRINGFIELD) 1419 ANDERSON LANE**

   A. Violation: Allowing for the outdoor burning of prohibited materials (pressure treated wood, railroad ties, plastics, clothing, drywall, metal, etc.)
   B. Initial Action Taken: NON #3895 issued 12/14/2023
   C. Subsequent Action: NCP #2023-3895 ($550) issued 12/18/2023
   D. Resolution: PENDING

3. **PEACE HEALTHER SACRED HEART AT RIVERBEND (SPRINGFIELD) 3333 RIVERBEND DRIVE**

   A. Violation: Failed to keep records in accordance with condition 23.e. and 40 CFR 60.48c(c) for the following units: EU-2 (Mohican Boilers 33.6 MMBtu/hour).
   B. Initial Action Taken: NON #3896 issued 12/08/2023
   C. Subsequent Action: NONE
   D. Resolution: CASE CLOSED on 12/08/2023

Calendar year 2023 compared to previous years:

Year	2018	2019	2020	2021	2022	*2023
Notices of Non-compliance and Warnings	41	55	15	21	24	19
Notices of Violation with Civil Penalties	43	37	26	17	24	15

* *Year-To-Date.*

ENFORCEMENT: 11/01/2023 to 12/31/2023

Category of Violation	New	Follow-Up Action	Pending	Closed	Total
Asbestos	1	-	3	-	**4**
Industrial	1	-	3	1	**5**
Outdoor Burning	1	-	1	-	**2**
Fugitive Dust	-	-	-	-	**-**
Home Wood Heating	-	-	-	-	**-**
Totals	**3**	**-**	**7**	**1**	**11**

The complete enforcement report document is published on LRAPA's Publication Reports and Factsheets webpage.

OUTDOOR BURNING LETTER PERMITS: 11/01/2023 TO 12/31/2023

Letter Permit (OBLP) issued.

1. Robin Heide, Veneta, to burn 15 cubic yards of Land Clearing debris.
2. Joshua Frazier, Florence, to burn 10 cubic yards of Commercial debris.

ASBESTOS ABATEMENT: 11/01/2023 to 12/31/2023

During November and December, LRAPA received 55 notices of asbestos removal projects, two of which were schools (North Eugene High School and Elmira High School).

Calendar year 2023 compares to previous years:

Year	2018	2019	2020	2021	2022	*2023
Total Asbestos Abatement Notices	428	488	439	408	465	466
School Asbestos Abatement Notices (NESHAP)	24	16	25	20	16	17
Number of Asbestos Abatements Inspected	770	94	93	104	115	91

* *Year-To-Date.*

PERMITTING (TITLE V AND ACDP):

- Currently 14 sources, Title V permits
- Currently approximately 275 sources, Air Contaminant Discharge Permits (ACDPs)

Permit activities:

Category of Permit Activity	Title V	ACDP	Registration	Total Active
New	1	6	-	7
Renewals	5	14	-	19
Modifications	1	7	-	8
Constructions	-	1	-	1
Registrations	-	-	-	-
Terminated Permits	-	-	-	-
Total Issued Permits Year-to-date	**10**	**50**	**-**	**60**

Permits placed on public notice:

Source Name	Reason for Public Notice	Type of Permit
LaFarge	Renewal	ACDP
Emergency Generators	General Attachment	New ACDP

Permit backlog:

Permit Type	Total Number of Permits by Type	Number of Permits Extended Administratively	Percentage of Total (%)
Title V	13	1	8%
Standard	27	3	11%
Simple	28	5	18%
Total	**68**	**9**	**12%**

PUBLIC AFFAIRS, MONTHLY SUMMARY

Smoke management from wood stoves, outdoor burning, and wildfires:
Over the months of November and December, a few stagnant air episodes resulted in the need to issue 14 yellow and 2 red daily home wood heating advisories in Eugene, and 4 yellow home wood heating advisories in Oakridge. Media outlets in the Eugene/Springfield market published LRAPA's press release on the Red days and connected their audiences with Home Wood Heating information and resources provided by LRAPA.

Public outreach efforts and events:

- November 13, 2023 – Oakridge Air semi-annual partner meeting
- November 13, 2023 – J.H. Baxter public meeting hosted by DEQ and EPA

Media interest and outreach:

Media Contacts

DATE	MEDIA	REPORTER	TOPIC
11/1/2023	KVAL	Billy Spotz	EJG2G Grant Awarded to LRAPA
11/22/2023	KMTR	Clare Brennan	Home Wood Heating program

Press Releases

11-27-2023	LRAPA issues red home wood heating advisory and Air Quality Advisory for the Southern Willamette Valley

AGENCY GOALS AND UPDATES:

General Updates:

- A new employee starts on January 16, 2024, Qiyu Liu, as an Environmental Engineer pending completion of his background check.
- Managers are preparing a Legislature ask for support additional staffing and a one-time funding request to support upgrading operations database software. A draft is due to DEQ by January 12, 2024

Goal: Update LRAPA Internal Policies and Procedures to include the list below

- Adjust workflows to meet LRAPA's needs of updating/creating processes and procedures for Agency responsibilities. The outcome of these adjustments to job duties has allowed for a full-time Permit and Policy coordinator to help more efficiently meet agency responsibilities. This position also fulfills EPA interests of two staff dedicated to our non-discrimination policies. We are in the process of prioritizing the policies to update and improve with the goal of gained effectiveness and efficiency.
- The team has been evaluating software options for the operation database used to record air quality complaints, inspections, and permit documentation to help streamline workflow and a system to create more efficient and more detailed reporting options.

Goal: Update Budget and Forecasting Process

- The updating of Caselle software and Express Bill pay has been a slow process and still requires more training to complete and build our processes within our new system. This change will provide a lot more data that the old software could not provide.
- The forecasting models will be presented at the February board meeting.

Goal: Community Engagement and External Relationships

- The winter months are slower for activities, but the team has continued to look at community activities to participate in 2024, as well as digital outreach media campaigns to initiate.
- The Interim Director and Public Affairs Manager have reached out to the city and county partners to meet with them and better understand how LRAPA can support them. Meetings will be starting in January 2024.

Goal: Succession Planning and Training of LRAPA Staff

- The management team is preparing a plan that adds staff training to include cross-training, this is an effort to build a secession plan. Considering the small size of the agency it is vital to prepare for the retirement of key staff within the next 5 years to not lose any understanding of important workflows, processes, and responsibilities.
- The team is working on a strategic plan and order of priorities of staff needs.

TENTATIVE UPCOMING LRAPA BOARD AGENDA ITEMS

This schedule outline is a preview of upcoming agenda items, and we will update it as the time frames for additional issues become firmer.

February 2024:

- Elect Board Chair and Vice-Chair
- Budget Committee Meeting Supplemental Budget FY24
- Appoint new Budget Committee members and Budget Officer
- Budget Forecasting Models
- Budget Update QR 2
- Work Session: Board Goals

March 2024

- Budget Committee Meeting
- Supplemental Budget FY24
- Title 47 Outdoor Burning Rules Public Hearing
- Approve Board Goals

April 2024

- Budget Committee Meeting
- LRAPA Air Quality Permitting Rules Public Hearing
- Dashboard Report

May 2024

- Approve FY25 Budget
- Oakridge Air Status Report