

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 34

STATIONARY SOURCE NOTIFICATION REQUIREMENTS

Section 34-005 Definitions

The definitions in title 12 and title 29 and this section apply to this title. If the same term is defined in this section and title 12 or title 29, the definition in this section applies to this title.

Section 34-010 Applicability and Requirements

- (1) Except as provided in subsection (2), sections 34-010 and 34-035 through 34-038 apply to the following:
 - (a) New Sources. Owners or operators of proposed new sources not otherwise required to obtain a permit under title 37 or OAR chapter 340, division 218, must submit a notice of construction application before undertaking construction or operation of a new source that emits any regulated air pollutant.
 - (b) Existing Sources. Owners or operators of existing sources, including sources that have permits under title 37 or OAR chapter 340, division 218, must submit the appropriate applications before undertaking any of the following:
 - (A) Construction or modification that will cause an increase, on an hourly basis at full production, of any regulated air pollutant emissions;
 - (B) Replacement of a device or activity that emits any regulated air pollutants;
or
 - (C) Construction, modification, or replacement of any air pollution control device.
- (2) Sections 34-010 and 34-035 through 34-038 do not apply to the following sources:
 - (a) Sources for which the owners or operators are required to obtain a permit under title 37 or OAR chapter 340, division 218 for the construction or modification;
 - (b) Agricultural operations or equipment that is exempted by section 12-020;
 - (c) Heating equipment in or used in connection with residences used exclusively as dwellings for not more than four families;
 - (d) Other activities associated with residences used exclusively as dwellings for not more than four families, including, but not limited to barbecues, house painting, maintenance, and groundskeeping;

- (e) Portable sources, except modifications of portable sources that have permits under title 37 or OAR chapter 340, division 218 and are specified in subsection (1); and
 - (f) Categorically insignificant activities as defined in title 12 unless they are subject to NESHAP or NSPS requirements. This exemption applies to all categorically insignificant activities whether or not they are located at major or non-major sources.
- (3) Sections 34-010 through 34-038 apply to Title V sources under OAR 340-218-0190 but are called Notices of Approval.

Section 34-015 Request for Information

All owners or operators of stationary sources must provide any and all information and analysis, including an air quality analysis of the source, that LRAPA reasonably requires for the purpose of regulating stationary sources. LRAPA will provide the source with a written request to provide such information to LRAPA by a reasonable date. Such information may be required on a one-time, periodic, or continuous basis and may include, but is not limited to, information necessary to:

- (1) Issue a permit and ascertain compliance or noncompliance with the permit terms and conditions;
- (2) Ascertain applicability of any requirement;
- (3) Ascertain compliance or noncompliance with any applicable requirement; and
- (4) Determine whether a source's emissions may cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50; and
- (5) Incorporate monitoring, recordkeeping, reporting, and compliance certification requirements into a permit.

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

Section 34-016 Records; Maintaining and Reporting

- (1) When notified by LRAPA, any person owning or operating a source within the state must keep and maintain written records of the nature, type, and amounts of emissions from such source and other information LRAPA may require in order to determine whether the source is in compliance with applicable emission rules, limitations, or control measures.
- (2) The records must be prepared in the form of a report and submitted to LRAPA on an annual, semi-annual, or more frequent basis, as requested in writing by LRAPA. Submittals must be filed at the end of the first full period after the LRAPA's notification to such persons owning or operating a stationary air contaminant source of these recordkeeping requirements. Unless otherwise required by rule or permit, semi-annual

periods are January 1 to June 30, and July 1 to December 31. A more frequent basis for reporting may be required due to noncompliance or if necessary to protect human health or the environment.

- (3) The required reports must be completed on forms approved by LRAPA and submitted within 30 days after the end of the reporting period, unless otherwise authorized by permit.
- (4) When a due date for submittal falls on a weekend or holiday, the submittal is not due until the next succeeding business day.
- (5) All reports and certifications submitted to LRAPA under title 1 through title 51 must accurately reflect the monitoring, record keeping and other documentation held or performed by the owner or operator.
- (6) The owner or operator of any source required to obtain a permit under title 37 or OAR chapter 340, division 218 must retain records of all required monitoring data and supporting information for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application.

Section 34-017 Enforcement; Credible Evidence

Notwithstanding any other provisions contained in any applicable requirement, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any such applicable requirements.

Section 34-020 Information Exempt from Disclosure

- (1) Pursuant to the provisions of ORS 192.311 to 192.478, all information submitted to LRAPA under title 34 is subject to inspection upon request by any person unless such information is determined to be exempt from disclosure pursuant to subsections (2) or (3).
- (2) If an owner or operator claims that any writing, as that term is defined in ORS 192.311, is confidential or otherwise exempt from disclosure, in whole or in part, the owner or operator must comply with the following procedures:
 - (a) The writing must be clearly marked with a request for exemption from disclosure. For a multi-page writing, each page must be so marked.
 - (b) The owner or operator must state the specific statutory provision under which it claims exemption from disclosure and explain why the writing meets the requirements of that provision.
 - (c) For writings that contain both exempt and non-exempt material, the proposed exempt material must be clearly distinguishable from the non-exempt material. If possible, the exempt material must be arranged so that it is placed on separate pages from the non-exempt material.

- (3) For a writing to be considered exempt from disclosure as a “trade secret,” it must meet all of the following criteria:
 - (a) The information cannot be patented;
 - (b) It must be known only to a limited number of individuals within a commercial concern who have made efforts to maintain the secrecy of the information;
 - (c) It must be information which derives actual or potential economic value from not being disclosed to other persons;
 - (d) It must give its users the chance to obtain a business advantage over competitors not having the information; and
 - (e) It must not be emissions data.

Registration

Section 34-025 Registration in General

- (1) Any air contaminant source which is not subject to the Air Contaminant Discharge Permits, title 37, or the Oregon Title V Operating Permits, OAR chapter 340, division 218, must register with LRAPA upon request pursuant to subsections 34-030(1) through (4).
- (2) The following sources that are certified through an LRAPA approved environmental certification program, as provided in subsection (3), and that is subject to an area source NESHAP may register with LRAPA pursuant to section 34-030 in lieu of obtaining a permit otherwise required by section 37-0020, unless LRAPA determines that the source has not complied with the requirements of the environmental certification program. A source registered under this section must pay fees as provided in subsection (4), is subject to termination of its registration for failure to pay fees as provided in paragraph (4)(a) and must keep records as provided in subsection (5).
 - (a) Motor vehicle surface coating operations.
 - (b) Dry cleaners using perchloroethylene.
- (3) Approved environmental certification program. To be approved, the environmental certification program must, at a minimum, require certified sources to comply with all applicable state and federal rules and regulations and require additional measures to increase environmental protection.
- (4) Fees. In order to obtain and maintain registration, owners and operators of sources registered pursuant to subsection (2) must pay the applicable fees in title 37 Table 2 by March 1 of each year:

- (a) Failure to pay fees. Registration is automatically terminated upon failure to pay annual fees within 90 days of invoice by LRAPA, unless prior arrangements for payment have been approved in writing by LRAPA.
- (5) Recordkeeping. In order to maintain registration, owners and operators of sources registered pursuant to subsection (2) must maintain records required by the approved environmental performance program under subsection (3). The records must be kept on site and in a form suitable and readily available for expeditious inspection and review.
- (6) The owner or operator of an air contaminant source that is subject to a federal NSPS in 40 CFR part 60 or NESHAP in 40 CFR part 63 and that is not located at a source that is required to obtain a permit under title 37 (Air Contaminant Discharge Permits) or OAR chapter 340, division 218 (Oregon Title V Operating Permits), must register and maintain registration with LRAPA pursuant to section 34-030 if requested in writing by LRAPA (or by EPA at LRAPA's request).
- (7) Revocation. LRAPA may revoke a registration if a source fails to meet any requirement in 34-030.

Section 34-030 Registration Requirements and Re-Registration and Maintaining Registration

- (1) Registration pursuant to section 34-025 must be completed within 30 days following the mailing date of the request by LRAPA.
- (2) Registration must be made on forms furnished by LRAPA and completed by the owner, lessee of the source, or agent. If a form is not available from LRAPA, the registrant may provide the information using a format approved by LRAPA.
- (3) In order to obtain registration pursuant to subsection 34-025(1), the following information must be reported by registrants:
 - (a) Name, address, and nature of business;
 - (b) Name of local person responsible for compliance with these rules;
 - (c) Name of person authorized to receive requests for data and information;
 - (d) A description of the production processes and a related flow chart;
 - (e) A plot plan showing the location and height of all air contaminant sources (the plot plan must also indicate the nearest residential or commercial property);
 - (f) Type and quantity of fuels used;
 - (g) Amount, nature, and duration of air contaminant emissions;
 - (h) Estimated efficiency of air pollution control devices under present or anticipated

operating conditions; and

- (i) Any other information requested by LRAPA.
- (4) In order to obtain registration pursuant to subsection 34-025(2) the following information must be submitted by a registrant:
- (a) Name, address, and nature of business;
 - (b) Name of local person responsible for compliance with these rules;
 - (c) Name of person authorized to receive requests for data and information;
 - (d) Information demonstrating that the air contaminant source is operating in compliance with all applicable state and federal rules and regulations, as requested by LRAPA;
 - (e) Information demonstrating that the source is certified through an approved environmental certification program;
 - (f) A signed statement that the submitted information is true, accurate, and complete. This signed statement must state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete; and
 - (g) Any other information requested by LRAPA.
- (5) In order to obtain registration pursuant to subsection 34-025(6), the following information must be submitted by a registrant:
- (a) Name, address and nature of business or institution;
 - (b) Name of local person responsible for compliance with these rules;
 - (c) Name of person authorized to receive requests for data and information;
 - (d) A description of the air contaminant source subject to regulation;
 - (e) Identification of the applicable regulation;
 - (f) Confirmation that approval to construct and operate the air contaminant source was obtained in accordance with sections 34-010 and 34-035 through 34-038;
 - (g) Confirmation that the air contaminant source is operating in compliance with all applicable state rules and regulations, including but not limited to section 32-010 (visible air contaminant limitations) and section 32-020 or 32-030 (grain loading standards);
 - (h) Confirmation that the air contaminant source is operating in compliance with all

applicable federal rules and regulations, including but not limited to 40 CFR part 60 and part 63 standards and work practice requirements, such as routine tune-up for boilers; and

- (i) Any other information requested by LRAPA.
- (6) In order to re-register or maintain registration, a person responsible for an air contaminant source must reaffirm in writing, by March 1st each year, the correctness and current status of the information furnished to LRAPA.
- (7) Any changes in any of the factual data reported under subsection (3) or (4) must be reported to LRAPA, at which time re-registration may be required on forms furnished by LRAPA.
- (8) In order to re-register, a person must not have had their registration terminated or revoked within the last three (3) years, unless the air contaminant source has changed ownership since termination or revocation, in which case the person must not have had their registration terminated or revoked since the change in ownership.
- (9) If a registered air contaminant source is sold or transferred, the sale or transfer must be reported to LRAPA by either the former owner or the new owner within 30 days of the date of sale or transfer. The new owner of the registered air contaminant source must register the air contaminant source within 30 days of the date of sale or transfer in accordance with subsections (2) and (4).

Notice of Construction and Approval of Plans

Section 34-035 Types of Construction/Modification Changes

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

- (1) Type 1 changes include construction or modification for which the owner or operator is not required to obtain a permit or permit modification under title 37, and where the changes meet the criteria in either paragraph (a) or (b):
 - (a) The construction or modification would:
 - (A) Have emissions from any new, modified, or replaced device or activity, or any combination of devices or activities, of less than or equal to the de minimis levels defined in title 12;
 - (B) Not result in an increase of emissions from the source above any PSEL;
 - (C) Not result in an increase of emissions from the source above the netting

- basis by more than or equal to the SER;
- (D) Not be used to establish a federally enforceable limit on the potential to emit; and
 - (E) Not require a TACT determination under section 32-005 or a MACT determination under section 44-040; or
- (b) The construction or modification is one of the following:
- (A) Stationary internal combustion engines having a rated capacity <60 horsepower output;
 - (B) Emergency stationary internal combustion Tier 4 certified engines having a rated capacity <670 horsepower (500 kilowatts) output;
 - (C) Hand-held sanding equipment;
 - (D) Portable vacuum blasting equipment using steel shot and vented to a fabric filter;
 - (E) Shot peening operations, provided that no surface material is removed;
 - (F) Replacement of equipment that is used to control processes, such as temperature, air pressure, water pressure, electrical current, flow rate, etc.;
 - (G) Equipment and instrumentation used for quality control/assurance or inspection purposes;
 - (H) Vacuum pumps;
 - (I) Equipment used for extrusion, compression molding, and injection molding of plastics, provided that the VOC content of all mold release products or lubricants is <1% by weight;
 - (J) Injection or blow-molding equipment for rubber or plastics, provided that no blowing agent other than compressed air, water, or carbon dioxide is used;
 - (K) Presses or molds used for curing, post-curing, or forming composite products and plastic products, provided that the blowing agent contains no VOC or chlorinated compounds;
 - (L) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives;
 - (M) Dredging wet spoils handling and placement;
 - (N) Graphic label and/or box labeling operations where the inks are applied by

- hand stamping or hand rolling;
- (O) Ultraviolet disinfection processes;
 - (P) The cleaning and/or deburring of metal products where all tumblers are used without abrasive blasting;
 - (Q) Ozone generators and ozonation equipment;
 - (R) Emissions from the storage and application of road salt (calcium chloride or sodium chloride);
 - (S) Process emissions from sources which are located at private, public, or vocational education institutions, where the emissions are primarily the result of teaching and training exercises, and the institution is not engaged in the manufacture of products for commercial sale;
 - (T) Degreasing units which exclusively use caustics (e.g., potassium hydroxide and sodium hydroxide);
 - (U) Equipment used for hydraulic or hydrostatic testing with water-based hydraulic fluids;
 - (V) Storage tanks, reservoirs, pumping and handling equipment, and control equipment used to exclusively vent such equipment of any size, limited to soaps, lubricants, hydraulic fluid, vegetable oil, grease, animal fat, aqueous salt solutions or other materials and processes using appropriate lids and covers where there is no generation of objectionable odor or airborne particulate matter or toxic air pollutants listed in OAR chapter 340, division 247;
 - (W) Operation, loading and unloading storage of butane, propane, or liquefied petroleum gas with a vessel capacity less than 40,000 gallons where annual emissions are less than or equal to the de minimis levels;
 - (X) Tanks, vessels and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases and acids;
 - (Y) Ultraviolet curing processes, to the extent that toxic air contaminants as defined in OAR chapter 340, division 247 are not emitted;
 - (Z) Contaminant detectors, sampling devices and recorders;
 - (AA) Environmental chambers and humidity chambers using only gases that are not toxic air contaminants listed in OAR chapter 340, division 247;
 - (BB) Lithographic printing equipment which uses laser printing;

- (CC) Equipment used exclusively for conveying and storage of plastic pellets that don't break down or degrade and are only used for indoor manufacturing;
 - (DD) Gas cabinets using only gasses that are not regulated air pollutants;
 - (EE) Salt baths using nonvolatile salts and not used in operations which result in air emissions;
 - (FF) Paper shredding and carpet and paper shearing, fabric brushing and sueding as well as associated conveying systems, baling equipment, and control equipment venting such equipment. This exemption does not include carpet and fabric recycling operations;
 - (GG) Hammermills used exclusively to process aluminum and/or tin cans, and control equipment exclusively venting such equipment;
 - (HH) Drop hammers or hydraulic presses for forging or metal working; or
 - (II) Concrete application, and installation.
- (2) Type 2 changes include construction or modification for which the owner or operator is not required to obtain a permit or permit modification under title 37, and where the construction or modification would:
- (a) Have emissions from any new, modified, or replaced device or activity, or any combination of devices or activities, of less than the SER defined in title 12;
 - (b) Not result in an increase of emissions from the source above any PSEL;
 - (c) Not result in an increase of emissions from the source above the netting basis by more than or equal to the SER;
 - (d) Not be used to establish a federally enforceable limit on the potential to emit;
 - (e) Be used to establish a state-only enforceable limit on the potential to emit;
 - (f) Not require a TACT determination under 32-008 or a MACT determination under 44-130; and
 - (g) Not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50 for a new or replaced device or activity.
- (3) Type 3 changes include construction or modification where the construction or modification would:
- (a) Have emissions from any new, modified, or replaced device or activity, or any combination of devices or activities, of more than or equal to the SER defined in title 12;

- (b) Result in an increase of emissions from the source above any PSEL before applying unassigned emissions or emissions reduction credits available to the source but less than the SER after applying unassigned emissions or emissions reduction credits available to the source;
 - (c) Be used to establish a federally enforceable limit on the potential to emit;
 - (d) Require a TACT determination under 32-008 or a MACT determination under 44-130; or
 - (e) Not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50 for a new or replaced device or activity.
- (4) Type 4 changes include construction or modification subject to New Source Review under title 38.

Section 34-036 Notice to Construct Application

- (1) An application for any type of change must meet the requirements of the rules that were in effect on the date the complete application was submitted.
- (2) Any person proposing a Type 1 or 2 change must submit a notice of construction application using electronic forms provided by LRAPA, unless otherwise approved in writing by LRAPA, before undertaking such construction or modification. The notice of construction application must include the following information, as applicable, for present or anticipated operating conditions:
 - (a) Name, address, tax lot, and nature of business;
 - (b) Name of local person responsible for compliance with these rules;
 - (c) Name of person authorized to receive requests for data and information;
 - (d) The type of construction or modification as defined in section 34-035;
 - (e) A description of the proposed construction or modification;
 - (f) A description of the production processes and a related flow chart for the proposed construction or modification;
 - (g) A plot plan showing the location and height of the proposed construction or modification, and the nearest residential and commercial properties;
 - (h) Production, throughput, or material usage;
 - (i) Type and quantity of fuels used;
 - (j) The amount, nature and duration of regulated pollutant emissions from the proposed construction or modification and any proposed change in emissions with

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

- (k) Plans and specifications for air pollution control devices and facilities and their relationship to the production process, including estimated efficiency of air pollution control devices;
 - (l) Any information on pollution prevention measures and cross-media impacts desired to be considered in determining applicable control requirements and evaluating compliance methods;
 - (m) A list of any requirements applicable to the construction or modification;
 - (n) Where the operation or maintenance of air pollution control devices and emission reduction processes can be adjusted or varied from the highest reasonable efficiency and effectiveness, information necessary for LRAPA to establish operational and maintenance requirements under subsections 32-007(1) and (2);
 - (o) Amount and method of refuse disposal;
 - (p) Land Use Compatibility Statement(s), when required by the local planning agency.
 - (A) Signed by the applicable local planning jurisdictions(s), determining that construction or modification is compatible with the applicable local planning jurisdiction's acknowledged comprehensive plan. If LRAPA receives a LUCS which states that the proposed action is incompatible with the acknowledged comprehensive plan, LRAPA will notify the applicant that the application cannot be processed; or
 - (B) If the local planning jurisdiction declines to provide a LUCS determination in response to a request for a LUCS, the owner or operator must provide LRAPA with its own analysis to demonstrate that the proposed action complies with all applicable statewide planning goals;
 - (q) Anticipated date of the commencement of construction (i.e., breaking ground); and
 - (r) Anticipated date of construction or modification completion.
- (3) In addition, any person proposing a Type 2 or Type 3 change for a new or replaced device or activity must also submit an air quality analysis for any pollutants that are emitted above the de minimis emission level demonstrating that the emissions, including reductions due to air pollution control devices or permitted limits on production capacity, from the individual device or activity will not cause or contribute to a new exceedance of a National Ambient Air Quality Standard adopted under title 50.
- (4) Any person proposing a Type 3 change must:

- (a) Submit an application for either a new or modified Basic ACDP, a Construction ACDP, a new or modified Simple ACDP, or a new or modified Standard ACDP, whichever is appropriate; or
 - (b) If the owner or operator of a source assigned to a General ACDP still qualifies for the General ACDP after the Type 3 change is approved, submit the information required in subsection 34-036(2).
- (5) Any person proposing a Type 4 change must comply with title 38 and must submit an application for either a Construction ACDP, or a new or modified Standard ACDP, whichever is appropriate.
- (6) Additional information. If LRAPA determines that additional information or corrections are needed for consideration of any type of proposed construction or modification, LRAPA will provide the applicant with a written request to provide such information by a reasonable date.
- (7) If LRAPA determines it is not able to approve the applicant's submittal, or if the applicant does not timely provide additional information or corrections requested by LRAPA under subsection (6), then in addition to any other remedies available, LRAPA may:
- (a) Return the application;
 - (b) Retain any applicable fees; and
 - (c) Issue a proposed denial of the application.
- (8) A person who has submitted an application under this rule must notify LRAPA of any corrections and revisions to the plans and specifications that would impact emissions upon becoming aware of the changes. If the correction or revision changes the type of Notice of Construction, the person must submit the appropriate application.
- (9) Where a permit issued in accordance with title 37 or OAR chapter 340, division 218 includes construction approval for future changes for operational flexibility, the notice requirements in this rule are waived for the approved changes.

Section 34-037 Construction Approval

- (1) Approval to Construct:
- (a) For Type 1 changes:
 - (A) Under paragraph 34-035(1)(b), the owner or operator of a source may proceed with the construction or modification immediately after notifying LRAPA.
 - (B) Under paragraph 34-035(1)(a), the owner or operator of a source may

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

- (b) For Type 2 changes, the owner or operator of a source may proceed with the construction or modification 60 calendar days after LRAPA receives the complete notice application required in section 34-036 or on the date that LRAPA approves the proposed construction or modification in writing, whichever is sooner, unless LRAPA notifies the owner or operator in writing that the proposed construction or modification does not qualify as a Type 2 change.
 - (c) For Type 3 changes, the owner or operator of a source must obtain either:
 - (A) A new or modified Basic ACDP, Construction ACDP, a new or modified Simple ACDP, or a new or modified Standard ACDP, whichever is appropriate, in accordance with title 37 before proceeding with the construction or modification; or
 - (B) A new Simple or Standard ACDP, whichever is appropriate, in accordance with title 37 before proceeding with the construction or modification if the source no longer qualifies for its assigned General ACDP(s).
 - (d) For Type 4 changes, the owner or operator of a source must obtain either a Construction ACDP or a new or modified Standard ACDP in accordance with title 37 before proceeding with the construction or modification.
- (2) Upon LRAPA approval, the owner or operator of a source must construct or modify and operate the source in accordance with the approved plans and specifications, including any corrections or revisions approved by LRAPA, previously submitted in the application required under section 34-036.
 - (3) Approval to construct or modify does not relieve the owner or operator of a source of the obligation of complying with applicable requirements.
 - (4) The owner or operator of a source that receives approval to construct or modify must commence construction within 18 months of approval, or other date approved in writing by LRAPA.
 - (a) Construction or modification approval terminates and is invalid for the following reasons:
 - (A) Construction or modification is not commenced within 18 months after LRAPA issues such approval, by an alternative deadline established by LRAPA under this section, or by the deadline approved by LRAPA in an

- extension under paragraph (b);
 - (B) Construction or modification is discontinued for a period of 18 months or more; or
 - (C) Construction or modification is not completed within 18 months of the anticipated date of construction completion included in the application.
- (b) The owner or operator may submit a request to extend the construction or modification commencement deadline by submitting a written, detailed explanation of why the source could not commence construction or modification within the initial 18-month period. LRAPA may grant, for good cause, one 18-month construction or modification approval extension.
- (5) Notice of Completion. Unless otherwise specified in the Construction ACDP or approval, the owner or operator of a source must notify LRAPA in writing that the construction or modification has been completed using a form furnished by LRAPA. Unless otherwise specified, the notice is due 30 days after completing the construction or modification. The notice of completion must include the following:
- (a) The date of completion of construction or modification; and
 - (b) Whether the construction or modification was completed in accordance with approved plans, specifications and any corrections or revisions thereto under section 34-016, such as but not limited to:
 - (A) Make, model, and identification name or number of the constructed device or activity, or any combination of devices or activities;
 - (B) Location of the constructed device or activity, or any combination of devices or activities;
 - (C) Exhaust parameters (e.g., stack height, diameter, temperature, flowrate, volume or area source dimensions); and
 - (c) The date the stationary source, device, activity, or air pollution control device was or will be put in operation.
- (6) Order Prohibiting Construction or Modification. If at any time, LRAPA determines that the proposed construction is not in accordance with applicable statutes, rules, regulations, and orders, LRAPA will issue an order prohibiting the construction or modification. The order prohibiting construction or modification will be forwarded to the owner or operator of the source by certified mail.
- (7) Hearing. An owner or operator of a source against whom an order prohibiting construction or modification is directed may request a contested case hearing within 20 days from the date of mailing the order. The request must be in writing, state the grounds for hearing, and be mailed to the Director of LRAPA. The hearing will be conducted

pursuant to the applicable provisions in title 14.

Section 34-038 Approval to Operate

- (1) The approval to construct does not provide approval to operate the constructed, modified, or replaced stationary source or air pollution control device unless otherwise allowed by subsection (2) or (3) or under the applicable ACDP (title 37) or Oregon Title V Operating Permit programs (OAR chapter 340, division 218).
- (2) Type 1 and 2 changes:
 - (a) For sources that are not required to obtain a permit in accordance with section 37-0020, Type 1 and 2 changes may be operated without further approval subject to the conditions of LRAPA's approval to construct provided in accordance with section 34-037.
 - (A) Approval to operate does not relieve the owner of the obligation of complying with applicable requirements that may include but are not limited to the general opacity standards in section 32-010 and general particulate matter standards in sections 32-015 and 32-030.
 - (B) If required by LRAPA as a condition of the approval to construct or at any other time in accordance with section 35-0120, the owner or operator must conduct testing or monitoring to verify compliance with applicable requirements. All required testing must be performed in accordance with section 35-0140.
 - (C) The owner or operator must register the air contaminant source with LRAPA if required as a condition of the approval to construct or at any other time in accordance with section 34-030.
 - (b) For sources currently operating under an ACDP, Type 1 and 2 changes may be operated without further approval unless the ACDP specifically prohibits the operation.
 - (c) For sources currently operating under an LRAPA Title V Operating Permit, Type 1 and 2 changes may only be operated in accordance with OAR 340-218-0190(2).
- (3) Type 3 and 4 changes:
 - (a) For new sources, or sources that have not been required to obtain a permit, Type 3 changes require the owner or operator to obtain a Construction, Basic, General, Simple, or Standard ACDP, whichever is appropriate, before operation of the approved changes.
 - (b) For sources currently operating under a General ACDP, a Type 3 change may be operated under the assigned General ACDP if the source still qualifies for the General ACDP. Otherwise, the owner or operator must obtain a new Simple or

Standard ACDP before operation of the approved changes.

- (c) For sources currently operating under a Basic, Simple or Standard ACDP, approval to operate a Type 3 change will require the owner or operator to obtain a new or modified Basic ACDP, a new or modified Simple ACDP, or a new or modified Standard ACDP, in accordance with title 37 before operation of the approved changes. All current ACDP terms and conditions remain in effect until the new or modified ACDP is issued.
- (d) Type 4 changes require the owner or operator to obtain a new or modified Standard ACDP in accordance with title 37 before operation of the approved changes.
- (e) For sources currently operating under an LRAPA Title V Operating Permit, Type 3 or 4 changes may only be operated in accordance with OAR 340-218-0190(2) unless a permit modification is required.

Rules Applicable To Sources Required To Have Title V Operating Permits

Section 34-170 Applicability

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

Section 34-180 Authority to Implement

In accordance with OAR 340-218-0010 and OAR 340-218-0010, LRAPA is authorized to implement OAR chapter 340, divisions 218 and 220 which apply to sources subject to the Oregon Title V Operating Permit program in Lane County. LRAPA will implement OAR chapter 340, division 218 and 220 rules as they pertain to Oregon Title V Operating Permit Program sources until such time as LRAPA adopts its own Title V Permit Program rules.

Section 34-190 Definitions

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

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

All rules pertaining to permitting of sources subject to the Oregon Title V Operating Permit program are contained in OAR 340-218-0020 through 220-0190 and will be implemented by LRAPA in accordance with section 34-180.