TITLE 11 POLICY AND GENERAL PROVISIONS

SECTION 11-005 POLICY

In the interest of the public health and welfare of the people, it is declared to be the public policy of the Lane Regional Air Pollution Authority to restore and maintain the quality of the air resources of the territory in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the territory. The program of this Authority for the control of air pollution shall be undertaken in a progressive manner, and each of its objectives shall be sought to be accomplished by cooperation and conciliation among all the parties concerned.
State adopted: 10/9/79; EPA effective: 11/8/93

SECTION 11-010 CONSTRUCTION AND VALIDITY

If any provision of these rules shall be held void or unconstitutional by judicial or other determination, all other parts of these rules which are not expressly held to be void or unconstitutional shall continue in full force and effect.

These rules are not intended to permit any practice which is a violation of any statute, ordinance, order or regulation of this Authority or any other governmental unit and no provision contained in these Rules is intended to impair or abrogate any civil remedy or process, whether legal or equitable, which might otherwise be available to any person.

These rules are not intended to apply to the air quality requirements for the workroom atmosphere necessary to protect an employee's health from contaminants emitted by his employer, nor are they concerned with the occupational health factors in an employer-employee relationship.
State effective: 10/9/79; EPA effective: 11/8/93

TITLE 12 DEFINITIONS

SECTION 12-001 DEFINITIONS OF WORDS AND TERMS USED IN LRAPA RULES AND REGULATIONS

To aid in the understanding of these rules, the following definitions are provided.

- "Acid Gases" means any exhaust gas which includes hydrogen chloride and sulfur dioxide.

- "Actual Emissions" means the mass rate of emissions of a pollutant from an emissions source during a specified time period. Actual emissions shall be directly measured with a continuous monitoring system or calculated using a material balance or verified emission factor in combination with the source's actual operating hours, production rates, or types of materials processed, stored, or combusted during the specified time period.

  A. For purposes of determining actual emissions as of the baseline period:

     (1) Except as provided in paragraph (2) of this subsection, actual emissions shall equal the average rate at which the source actually emitted the pollutant during a baseline period and which is representative of normal source operation;

(2) The Authority may presume the source-specific mass emissions limit included in the permit for a source that was effective on September 8, 1981 is equivalent to the actual emissions of the source during the baseline period if it is within 10 percent of the actual emissions calculated under paragraph (1) of this subsection.

B. For any source which had not yet begun normal operation in the specified time period, actual emissions shall equal the potential to emit of the source.

C. For purposes of determining actual emissions for Emission Statements under OAR 340-28-1500 through 340-28-1520, Major Source Interim Emission Fees under OAR 340-28-2400 through 340-28-2550, and Federal Operating Permit Fees under OAR 340-28-2560 through 340-28-2720, actual emissions include, but are not limited to, routine process emissions, fugitive emissions, excess emissions from maintenance, startups and shutdowns, equipment malfunction, and other activities.

- "Adequately wet" means to sufficiently mix or penetrate asbestos-containing material with liquid to prevent the release of particulate asbestos materials. The absence of visible emissions is not sufficient evidence of being adequately wet.

- "Adoption" means the carrying of a motion by the Board with regard to the subject matter or issues of an intended Authority action.

- "Agricultural open burning" means the open burning of "agricultural wastes," which are materials actually generated by an agricultural operation but excluding those materials described in Section 47-015-1.E.

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

- "Air Contaminant" means solid, liquid or gaseous materials suspended in the ambient air. This does not include water vapor.

- "Air Contaminant Discharge Permit" means a written permit issued by the Authority in accordance with duly adopted procedures, which by its conditions authorizes the permittee to construct, install, modify or operate specified facilities, conduct specified activities, or emit, discharge or dispose of air contaminants in accordance with specified practices, limitations, or prohibitions.

- "Air Conveying System" means an air moving device such as a fan or blower, and associated ductwork, and a cyclone or other collection device, the purpose of which is to move material from one point to another by entrainment in a moving airstream. It does not include particle dryers.

- "Air Pollution" means the presence in the outdoor atmosphere of one or more air contaminants, or any combination thereof, in sufficient quantities and of such characteristics and of a duration as are, or are likely to be, injurious to the public welfare, to the health of human, plant or animal life or to property, or which unreasonably

interfere with enjoyment of life and property.

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

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

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

- "Aircraft Operation" means any aircraft landing or takeoff.

- "Airport" means any area of land or water which is used or intended for use for the landing and takeoff of aircraft, or any appurtenant areas, facilities, or rights-of-way, such as terminal facilities, parking lots, roadways, and aircraft maintenance and repair facilities.

- "Ambient Air" means the air that surrounds the earth to which the general public has access, excluding the volume of gases contained within any building or structure.

- "Ambient Air Monitoring Site Criteria" means the general probe siting specifications in Appendix E of 40 CFR 58.

- "Asbestos" means the asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cumingtonite-grunerite (amosite), anthophyllite, actinolite and trimolite.

- "Asbestos-containing waste material" means any waste which contains mill tailings or any commercial asbestos and is generated by a source subject to the provisions of this subsection, including but not limited to asbestos mill tailings, control device asbestos waste, friable asbestos waste material, asbestos abatement project waste and bags or containers that previously contained commercial asbestos.

- "Asbestos abatement project" means any demolition, renovation, repair, construction or maintenance activity of any public or private facility that involves the repair, enclosure, encapsulation, removal, salvage, handling or disposal of any material with the potential of releasing asbestos fibers from asbestos-containing material into the air. Note: An asbestos abatement project is not considered to be a source under 43-010-2 through 43-010-6. Emergency fire fighting is not an asbestos abatement project.

- "Asbestos manufacturing operation" means the combining of commercial asbestos, or in the case of woven friction products, the combining of textiles containing commercial asbestos with any other material(s) including commercial asbestos, and the processing of this combination into a product as specified in Section 43-015-3.

- "Asbestos-containing material" means asbestos or any material containing at least 1% asbestos by weight, including particulate asbestos material.

- "Asbestos mill" means any facility engaged in the conversion or any intermediate step in

the conversion of asbestos ore into commercial asbestos.

- "Asbestos tailings" means any solid waste product of asbestos mining or milling operations which contains asbestos.

- "Approved Method" means an analytical method for measuring air contaminant concentrations which are described or referenced in Appendices to 40 CFR 50 and 40 CFR 53. These methods are approved by the Authority.

- "Assessable Emission" means a unit of emissions for which the major source will be assessed a fee. It includes an emission of a pollutant defined in LRAPA 35-010 from one emission point or from an area within a major source. For routine process emissions, emissions of each pollutant in LRAPA 35-010 from each emission point, included in an air contaminant discharge permit, shall be an assessable emission.

- "Associated Parking" means a discrete parking facility or facilities owned, operated and/or used in conjunction with an indirect source.

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

- "Authority" means the Lane Regional Air Pollution Authority.

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

- "Auxiliary Combustion Equipment" includes, but is not limited to, fans or air curtain incinerators.

- "Average Daily Traffic" means the total traffic volume during a given time period in whole days greater than one day and less than one year, divided by the number of days in that time period, commonly abbreviated as ADT.

- "Average Operating Opacity" means the opacity of emissions determined using EPA method 9 on three days within a 12-month period which are separated from each other by at least 30 days. A violation of the average operating opacity limitation is judged to have occurred if the opacity of emissions on each of the three days is greater than the specified average operating opacity limitation.

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

- "Baseline Emission Rate" means the average actual emission rate during the baseline period. Baseline emission rate shall not include increases due to voluntary fuel switches or increased hours of operation that have occurred after the baseline period.

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

normal source operation.

- "Begin Actual Construction" means to begin to engage in a continuous program of on-site construction or on-site modification, including site clearing, grading, dredging, or landfilling in preparation for the fabrication, erection, installation or modification of a source.

- "Beryllium" means the element beryllium. Where weight or concentrations are specified in these Rules, such weights or concentrations apply to beryllium only, excluding any associated elements.

- "Beryllium Alloy" means any metal to which beryllium has been added in order to increase its beryllium content, and which contains more than one-tenth of one percent (0.1 %) beryllium by weight.

- "Beryllium-Containing Waste" means any material contaminated with beryllium and/or beryllium compounds used or generated during any process or operation performed by a source subject to these rules.

- "Beryllium ore" means any naturally occurring material mined or gathered for its beryllium content.

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

- "Biological Waste," includes blood and blood products, excretions, exudates, secretions, suctionings and other body fluids that cannot be directly discarded into a municipal sewer system, and waste materials saturated with blood or body fluids, but does not include diapers soiled with urine or feces (see also "infectious waste").

- "BLS" means Black Liquor Solids, dry weight.

- "Board" means the Board of Directors of the Lane Regional Air Pollution Authority.

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

- "Chair" means the chair of the Board of Directors of the Lane Regional Air Pollution Authority.

- "Charcoal Producing Plant" means an industrial operation which uses the destructive distillation of wood to obtain the fixed carbon in the wood.

- "Class I Area" means any federal, state, or Indian reservation land which is so classified. For the State of Oregon, these are as follows:

  A. Mt. Hood Wilderness;
  B. Eagle Cap Wilderness;
  C. Hells Canyon Wilderness;
  D. Mt. Jefferson Wilderness;
  E. Mt. Washington Wilderness;
  F. Three Sisters Wilderness;
  G. Strawberry Mountain Wilderness;
  H. Diamond Peak Wilderness;
  I. Crater Lake National Park;
  J. Kalmiopsis Wilderness;
  K. Mountain Lake Wilderness;
  L. Gearhart Mountain Wilderness.

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

- "Combustion Promoting Materials" include, but are not limited to, propane, diesel oil, or jellied diesel.

- "Commence Construction" means to begin to engage in a continuous program of on-site construction or on-site modification, including site clearing, grading, dredging, or landfilling in preparation for the fabrication, erection, installation or modification of a source; or entry into binding agreements or contractual obligations which cannot be canceled or modified without substantial loss to the owner or operator.

- "Commercial Area" means land which is zoned or used for commercial operations including retail sales and services.

- "Commercial asbestos" means any variety of asbestos which is produced by extracting asbestos from asbestos ore.

- "Commercial Open Burning" means the open burning of "commercial wastes," which are materials actually generated or used by a commercial operation.

- "Commission" means the Environmental Quality Commission.

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

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

- "Construction" means any physical change including fabrication, erection, installation, or modification of a facility, building or emission unit; or change in method of operation of a source which would result in a change in actual emissions.

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

- "Contested Case" means a proceeding before the Board or a Hearings Officer:

  A. In which the individual legal rights, duties or privileges of specific parties are required by statute or Constitution to be determined only after an agency hearing at which such specific parties are entitled to appear and be heard; or

  B. Where the Authority has discretion to suspend or revoke a right or privilege of a person; or

  C. For the suspension, revocation or refusal to renew or issue a permit where the licensee or applicant for a license demands such hearing; or

  D. Where Authority rule or order provides for hearing substantially of the character required by ORS 183.415, 183.425 and 183.450 to 183.470.

- "Contingency Requirements" means the requirements of Sections 39-001 through 39-060.

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

- "Continuous Emissions Monitoring" means a monitoring system for continuously measuring the emissions of a pollutant from an affected incinerator. Continuous monitoring equipment and operation shall be certified in accordance with EPA performance specifications and quality assurance procedures outlined in 40 CFR 60, Appendices B and F, and the Department's CEM Manual.

- "Continuous Monitoring Systems" means sampling and analysis, in a timed sequence, using techniques which will adequately reflect calculated emissions and actual emission levels or concentrations on a continuing basis, in accordance with the Department's Continuous Monitoring Manual, and includes continuous emission and parameter monitoring systems.

- "Crematory Incinerator" means an incinerator used solely for the cremation of non-pathological human and non-pathological animal remains.

- "Cultures and stocks" includes etiologic agents and associated biologicals, including specimen cultures and dishes and devices used to transfer, inoculate and mix cultures, wastes from production of biologicals, and serums and discarded live and attenuated vaccines. "Cultures" does not include throat and urine cultures (see also "infectious waste").

- "Daily Arithmetic Average" means the average concentration over the twenty-four hour period in a calendar day, or Authority-approved equivalent period, as determined by continuous monitoring equipment or reference method testing. Determinations based on EPA reference methods or equivalent methods in accordance with the Department Source Test Manual consist of three (3) separate consecutive runs having a minimum sampling time of sixty (60) minutes each and a maximum sampling time of eight (8) hours each. The three values for concentration (ppm or grains/dscf) are averaged and expressed as the

daily arithmetic average which is used to determine compliance with process weight limitations, grain loading or volumetric concentration limitations and to determine daily emission rate.

- "Debris Clearing" means the removal of wood, trees, brush or grass in preparation for a land improvement or construction project.

- "Demolish" or "Demolition" means the wrecking or removal of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.

- "Demolition Open Burning" means the open burning of "Demolition Wastes," which are materials actually resulting from or produced by the complete or partial destruction or tearing down of a man-made structure or the clearing of any site to abate a nuisance, or land clearing for site preparation for development.

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

- "Design Criteria" means the numerical as well as narrative description of the basis of design including, but not necessarily limited to, design flow rates, temperatures, humidities, descriptions of the types and chemical species of contaminants, uncontrolled and expected controlled mass emission rates and concentrations, scopes of any vendor-supplied and owner-supplied equipment and utilities, and a description of any operational controls.

- "Dioxins and Furans" means total tetra- through octachlorinated dibenzo-p-dioxins and dibenofurans.

- "Director" means the Director of the Lane Regional Air Pollution Authority and authorized deputies or officers.

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

- "Documented Violation" means any violation which the Authority or other government agency records after observation, investigation or data collection.

- "Dry Material" includes, but is not limited to, dried wood, feed, seed, or other materials.

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

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

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

- "Emission Factor" means an average value which relates the quantity of a pollutant released to the atmosphere with the activity associated with the release of that pollutant.

- "Emission Limitation" means a requirement established by LRAPA, local government, the State of Oregon DEQ or the U. S. EPA, which limits the quantity, rate or concentration of emissions of air pollutants on a continuous basis. This includes requirements on opacity limits, equipment prescriptions, fuel specifications, and operation and maintenance procedures.

- "Emission Point" means the location, place in horizontal plane and vertical elevation at which an emission enters the outdoor atmosphere.

- "Emission Reduction Credit Banking" means to reserve emission reductions for future use by the reserver or assignee.

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

- "Emission Standard" is the same as "Emission Limitation".

- "Emission Unit" means any part of a source (including specific process equipment) which emits or would have the potential to emit any air contaminant subject to regulation under the Clean Air Act, State of Oregon laws, or these regulations.

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

- "EPA" means the United States Environmental Protection Agency.

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

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

- "Eugene-Springfield Urban Growth Area (ESUGA)" means the area within and around the cities of Eugene and Springfield, as described in the August 23, 1982 acknowledged Eugene-Springfield Metropolitan Area General Plan, as amended.

- "Event" means any period of excess emissions.

- "Excess Emissions" means emissions which are in excess of an Air Contaminant Discharge Permit or any applicable air quality rule.

- "Existing Source" means any air contaminant source constructed prior to the date of adoption of rules affecting that source.

- "Expressway" means a divided arterial highway for through traffic with full or partial control of access and generally with grade separations at major intersections.

- "Fabricating" means any processing (e.g., cutting, sawing, drilling) of a manufactured product that contains commercial asbestos, with the exception of processing at temporary sites (field fabricating) for the construction or restoration of facilities. In the case of

friction products, fabricating includes bonding, debonding, grinding, sawing, drilling, or other similar operations performed as part of fabricating.

- "Facility" means all or part of any public or private building, structure, installation, equipment, or vehicle or vessel including but not limited to ships.

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

- "Federal Operating Permit Program" means a program approved by the EPA Administrator under 40 CFR Part 70 (last amended by 57 FR 32295, July 21, 1992). The rules and regulations which shall apply until superseded by LRAPA rules and regulations are OAR 340-28-2100 through 340-28-2320 and 340-28-2560 through 340-28-2740, and all of OAR 340-32.

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

- "Fire Hazard" means the presence or accumulation of combustible material of such nature and in sufficient quantity that its continued existence constitutes an imminent and substantial danger to life, property, public welfare, or to adjacent lands.

- "Fire Permit Issuing Agency" means any governmental fire permit issuing agency, such as city fire department, rural fire protection district, water district, forest protection district or county court or board of county commissioners or their designated representative, as applicable.

- "Flagrant" means any documented violation where the respondent had actual knowledge of the law and consciously set out to commit the violation.

- "Formal Enforcement Action" means an administrative action signed by the Director or authorized representative which is issued to a respondent for a documented violation. A formal enforcement action may require the respondent to take specific action within a specified time frame and/or state the consequences for continued non-compliance.

- "Freeway" means an expressway with full control of access.

- "Friable asbestos material" means any asbestos-containing material that hand pressure can crumble, pulverize or reduce to powder when dry.

- "Fugitive Emissions," as used in Title 35, means emissions of any air contaminant which could not reasonably pass through a stack, vent, duct, or functionally equivalent opening.

- "Fugitive Emission," except as used in Title 35, means emissions of any air contaminant which escapes to the ambient air from any point or area that is not identifiable as a stack, vent, duct, or functionally equivalent opening.

- "Full-scale asbestos abatement project" means any asbestos abatement project which is intended to prevent the release of asbestos fibers into the air and which is not classified as a "small-scale asbestos abatement project."

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

- "Gasoline" means any petroleum distillate having a Reid vapor pressure of four (4) pounds per square inch or greater.

- "General Arrangement," in the context of the compliance schedule requirements in this division, means drawings or reproductions which show, as a minimum, the size and location of equipment served by the emission-control system, the location and elevation above grade of the ultimate point of contaminant emission to the atmosphere, and the diameter of the emission vent.

- "Growth Increment" means an allocation of some part of an airshed's capacity to accommodate future new minor sources, modifications of minor sources, and area source growth.

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

- "Hazardous Air Contaminant" means any air contaminant considered by the Authority to cause or contribute to an identifiable and significant increase in mortality or to an increase in serious irreversible or incapacitating reversible illness and for which no ambient air standard exists.

- "Hazardous Waste" means a hazardous waste as defined in 40 CRF 261.3.

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

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

- "Immediately," as relates to notifying LRAPA of episodes of excess emissions, means one of the following:

    A. During LRAPA's normal work hours, 8:00 a.m. to 5:00 p.m. Monday through Friday, report is to be made as soon as possible but no more than one (1) hour after the beginning of the excess emissions; or

    B. During LRAPA's off-duty hours or on weekends or holidays, report is to be made as soon as possible but no more than one (1) hour after the beginning of the excess emissions, using LRAPA's electronic telephone answering equipment. If the person reporting the incident is unable to access the telephone answering equipment because of overloaded telephone circuits or telephone equipment malfunction, the report must be made to the LRAPA business office at the beginning of the next working day.

- "Inactive asbestos waste disposal site" means any disposal site where the operator has allowed the Department's solid waste permit to lapse, has gone out of business, or no longer receives asbestos-containing waste.

- "Incineration Operation" means any operation in which combustion is carried on in an incinerator, for the principal purpose or with the principal result, of oxidizing wastes to reduce their bulk and/or facilitate disposal.

- "Incinerator" means a combustion device specifically for destruction, by high temperature burning, of solid, semi-solid, liquid, or gaseous combustible wastes. This does not include devices such as open or screened barrels, drums, or process boilers.

- "Indirect Source" means a facility, building, structure, installation, or any portion or combination thereof, which indirectly causes or may cause mobile source activity that results in emissions of an air contaminant for which there is a federal, state or local standard. Such Indirect Sources shall include, but shall not be limited to:

  A. Highways and roads;
  B. Parking facilities;
  C. Retail, commercial and industrial facilities;
  D. Recreation, amusement, sports and entertainment facilities;
  E. Airports;
  F. Office and government buildings;
  G. Apartment and mobile home parks;
  H. Educational facilities;
  I. Hospital facilities; and
  J. Religious facilities.

- "Indirect Source Construction Permit" means a written permit in letter form issued by the Authority, bearing the signature of the Director, which authorizes the permittee to commence construction of an indirect source, under construction and operation conditions and schedules as specified in the permit.

- "Indirect Source Emission Control Program (ISECP)" means a program which reduces mobile source emissions resulting from the use of the Indirect Source.

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

- "Industrial Open Burning" means the open burning of "industrial wastes," which are materials produced as a direct result of any manufacturing or industrial process.

- "Infectious Waste" means waste which contains or may contain any disease-producing microorganism or material including, but not limited to, biological waste, cultures and stocks, pathological waste, and sharps (see individual definitions for these terms).

- "Infectious Waste Incinerator" means an incinerator which is operated or utilized for the disposal or treatment of infectious waste, including combustion for the recovery of heat.

- "Intentional," means conduct by a person with a conscious objective to cause the result of the conduct.

- "Interim Emission Fee" means $13 per ton for each assessable emission subject to emission fees under LRAPA 35-010 for calculated or permitted emissions released during calendar years 1991 and 1992.

- "Interim storage of asbestos-containing material" means the storage of asbestos-containing waste material which has been placed in a container outside a regulated area until transported to an authorized landfill.

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

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

- "Late Payment" means an interim emission fee which is postmarked after the due date.

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

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

- "Lowest Achievable Emission Rate (LAER)" means that rate of emissions which reflects:

  A. The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or

  B. The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

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

- "Magnitude of the Violation" means the extent of a violator's deviation from federal, state and the Authority's statutes, rules, standards, permits or orders. In determining magnitude, the Authority shall consider available information, including such factors as concentration, volume, percentage, duration, toxicity, and the extent of the effects of the violation. In any case, the Authority may consider any single factor to be conclusive. Deviations shall be categorized as major, moderate or minor.

- "Major Modification" means any physical change or change of operation of a source that would result in a net significant emission rate increase (as defined in this section) for any pollutant subject to regulation under the Clean Air Act. This criteria also applies to any pollutants not previously emitted by the source. Calculations of net emission increases must take into account all accumulated increases and decreases (not including mandated decreases) in actual emissions occurring at the source since January 1, 1978, or since the time of the last major source or major modification approval issued for the source pursuant to the rules for that pollutant, whichever time is more recent. If accumulation of emission increases results in a net significant emission rate increase, the modifications causing such increases become subject to the major modification requirements of this title, including the retrofit of required controls. For the purposes of this title, fugitive emissions shall be included in the calculation of emission rates of all air contaminants. Fugitive emissions are subject to the same control requirements and analyses required for

emissions from identifiable stacks or vents. Secondary emissions shall not be included in calculations of potential emissions which are made to determine if a proposed source or modification is major. Once a source or modification is identified as being major, secondary emissions must be added to the primary emissions and become subject to these rules.

- "Major Source," for those sources subject to the Federal Operating Permit Program, means a stationary source which emits, or has the potential to emit, any pollutant regulated under the Clean Air Act at a Significant Emission Rate; 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 are described in paragraphs (A) or (B) of this definition. For the purposes of this definition, a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant-emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual (US Office of Management and Budget, 1987) or support the major industrial group.

  A. A major source under section 112 of the Act, which is defined as:

     (1) For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any Hazardous Air Pollutant (HAP) which has been listed pursuant to section 112(b) of the Act, 25 tpy or more of any combination of such HAP, or such lesser quantity as the Administrator may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well, with its associated equipment, and emissions from any pipeline compressor or pump station shall 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

     (2) For radionuclides, "major source" shall have the meaning specified by the Administrator by rule.

  B. A major stationary source as defined in part D of Title I of the Act, including:

     (1) For ozone nonattainment areas, sources with the potential to emit 100 tpy or more of VOCs or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tpy or more in areas classified as "serious," 25 tpy or more in areas classified as "severe," and 10 tpy or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25 and 10 tpy of nitrogen oxides shall not apply with respect to any source for which the Administrator has made a finding, under section 182(f)(1) or (2) of the Act, that requirements to not apply;

     (2) For ozone transport regions established pursuant to section 184 of the Act, sources with the potential to emit 50 tpy or more of VOCs;

(3) For carbon monoxide nonattainment areas,

(a) that area classified as "serious," and

(b) in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tpy or more of carbon monoxide;

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

- "Major Source," as used in Title 38, means a source which emits, or has the potential to emit, any pollutant regulated under the Clean Air Act at a Significant Emission Rate (as defined in this section). For the purposes of this title, fugitive emissions shall be included in the calculation of emission rates of all air contaminants. Fugitive emissions are subject to the same control requirements and analyses required for emissions from identifiable stacks or vents. Secondary emissions shall not be included in calculations of potential emissions which are made to determine if a proposed source or modification is major. Once a source or modification is identified as being major, secondary emissions must be added to the primary emissions and become subject to these rules.

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

- "Maximum Opacity" means the opacity as determined by EPA Method 9 (average of 24 consecutive observations).

- "Mercury" means the element mercury, excluding any associated elements and includes mercury in particulates, vapors, aerosols, and compounds.

- "Mercury Ore" means any mineral mined specifically for its mercury content.

- "Mercury Ore Processing Facility" means a facility processing mercury ore to obtain mercury.

- "Mercury Chlor-Alkali Cell" means a device which is basically composed of an electrolyzer section and denuder (decomposer) section, and which utilizes mercury to produce chlorine gas, hydrogen gas, and alkali metal hydroxide.

- "Mobile Source" means self-propelled vehicles, powered by internal combustion engines, including but not limited to automobiles, trucks, motorcycles and aircraft.

- "Model Rules" or "Uniform Rules" means the Attorney General's Uniform and Model Rules of Procedure, OAR 137-01-005 through 137-04-010 as amended and in effect on April 29, 1988.

- "Modification of an Air Contaminant Source" means any physical change or change in operation of a source which would result in a non-permitted increase in the air contaminant emissions from that source.

- "Motor Vehicle" means any self-propelled vehicle designed for transporting persons or property on a public street or highway.

- "Negative pressure enclosure" means any enclosure of an asbestos abatement project area where ambient air pressure is greater than the air pressure within the enclosure, and the air inside the enclosure is changed at least two times an hour by exhausting it through a HEPA filter.

- "Negligence" or "Negligent" means failure to take reasonable care to avoid a foreseeable risk of committing an act or omission constituting a violation.

- "New Source" means any air contaminant source not in existence prior to adoption of rules affecting that source.

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

- "Non-Condensibles" means gases and vapors, contaminated with TRS compounds, from the digestion and multiple-effect evaporation processes of a kraft mill.

- "Nonfriable asbestos-containing material" means any material containing more than one percent (1%) asbestos as determined by weight that when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

- "Non-Major Source," as used in Title 38 means a stationary source which will not emit, and does not have the potential to emit, any pollutant regulated under the Clean Air Act at a Significant Emission Rate.

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

- "Nuisance to the Public" means an interference with a right or privilege common to members of the public, as determined through a formal process by the Board.

- "Nuisance Conditions" means unusual or annoying amounts of air contaminants. In determining whether a nuisance condition exists, consideration shall be given to all relevant factors including but not limited to the density of the affected population and the duration of the offending activity.

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

- "Off-Street Area or Space" means any area or space not located on a public road dedicated for public use.

- "Offset" means an equivalent or greater emission reduction which is required prior to allowing an emission increase from a new major source or major modification of a source.

- "Opacity" means the degree to which an emission reduces transmission of light or

obscures the view of an object in the background.

- "Opacity Readings" are the individual readings which comprise a visual opacity determination.

- "Open Outdoor Burning" includes burning in open outdoor fires, burn barrels, and incinerators which do not meet emission limitations specified in Section 33-020 of these Rules, and any other outdoor burning which occurs in such a manner that combustion air is not effectively controlled and combustion products are not effectively vented through a stack or chimney.

- "Order" means:

  A. Any action satisfying the definition given in ORS Chapter 183; or
  B. Any other action so designated in ORS Chapter 468 or 468.A.

- "Other Sources of TRS emissions" means sources of TRS emissions in a kraft mill other than recovery furnaces and lime kilns, including but not limited to:

  A. Vents from knotters, brown stock washing systems, evaporators, blow tanks, blow heat accumulators, black liquor storage tanks, black liquor oxidation system, pre-steaming vessels, tall oil recovery operation; and

  B. Any vent which is shown to contribute to an identified nuisance condition.

- "Parking and Traffic Circulation Plan" means a plan developed by a city, county or regional government or regional planning agency, the implementation of which assures the attainment and maintenance of the state and local ambient air quality standards.

- "Parking Facility" means any building, structure, lot or portion thereof, designed and used primarily for the temporary storage of motor vehicles in designated parking spaces.

- "Parking Space" means any off-street area of space below, above or at ground level, open or enclosed, that is used for parking one motor vehicle at a time.

- "Particle Fallout Rate" means the weight of particulate matter which settles out of the air in a given length of time over a given area.

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

- "Particulate asbestos material" means any finely divided particles of asbestos material.

- "Particulate Matter" means any liquid or solid matter, except uncombined water, which exists as a liquid or solid at standard conditions.

- "Parts Per Million (ppm)" means parts of a contaminant per million parts of gas by volume on a dry-gas basis (1 ppm equals 0.0001% by volume).

- "Pathological waste" includes biopsy materials and all human tissues; anatomical parts that emanate from surgery, obstetrical procedures, autopsy and laboratory procedures; and animal carcasses exposed to pathogens in research and the bedding and other waste from

such animals. "Pathological wastes" does not include teeth, or formaldehyde or other preservative agents (see also "infectious waste").

- "Permit" or "Air Contaminant Discharge Permit" means a written permit issued by the Authority, pursuant to LRAPA and DEQ rules and regulations.

- "Permitted Emissions," as used in title 35, means assessable emission portion of the Plant Site Emission Limit.

- "Permittee" means the owner or operator of the facility, in whose name the operation of the source is authorized by the Air Contaminant Discharge Permit or the federal operating permit.

- "Person" means

- "Person in Charge of Property" means an agent, occupant, lessee, tenant, contract purchaser, or other person having possession or control of property.

- "Plant Site Emission Limit (PSEL)" means the total mass emissions per unit time of an individual air pollutant specified in a permit for a source. The PSEL may consist of more than one assessable emission.

- "Plywood" means a flat panel built generally of an odd number of thin sheets of veneers of wood in which the grain direction of each ply or layer is at right angles to the one adjacent to it.

- "PM_{10}" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by an approved method as listed in 40 CFR 53.

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

- "Population" means that population estimate most recently published by the Center for Population Research and Census, Portland State University, or any other population estimate approved by the Authority.

- "Potential to Emit" means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a source.

- "ppm" means parts of air contaminant per million parts of air on a volume basis.

- "Prevention of Significant Deterioration Increments" means maximum allowable ambient air quality impacts over baseline concentrations in areas designated Class I, II or III, as follows:

Micrograms Per Cubic Meter	Class I	Class II	Class III
Particulate Matter--			
TSP Annual Geometric Mean	5	19	37
* TSP 24-Hour Maximum	10	37	75
Sulfur Dioxide--			
Annual Arithmetic Mean	2	20	40
* 24-Hour Maximum	5	91	182
* 3-Hour Maximums	25	512	700

(For these time periods, the applicable maximum allowable increase may be exceeded during one such period per year at any one location.)*

- "Primary Combustion Chamber" means the discrete equipment, chamber or space in which drying of the waste, pyrolysis, and essentially the burning of the fixed carbon in the waste occurs.

- "Prior Violation" means any violation established, with or without admission, by payment of a civil penalty, by an order of default, by issuance of a Notice of Non-Compliance or a Notice of Permit Violation, or by a stipulated or final order of the Authority.

- "Process Unit" includes all equipment and appurtenances for the processing of bulk material which are united physically by conveyor or chute or pipe or hose for the movement of product material provided that no portion or item of the group will operate separately with product material not common to the group operation. Such a grouping is considered encompassing all the equipment used from the point of initial charging or feed to the point or points of discharge of material where such discharge will:

  A. Be stored,
  B. Proceed to a separate process, or
  C. Be physically separated from the equipment comprising the group.

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

- "Process Weight" means total weight of the materials, including solid fuels but not including liquid and gaseous fuels and combustion air introduced into any process unit which may cause any emission into the atmosphere.

- "Production (Kraft Mill)" means the daily amount of air-dried unbleached pulp, or equivalent, produced during the 24-hour period each calendar day, or Authority-approved equivalent period, and expressed in air-dried metric tons (admt) per day. The corresponding English unit is air-dried tons (adt) per day.

- "Propellant" means a fuel and oxidizer physically or chemically combined containing beryllium or beryllium compounds, which undergoes combustion to provide rocket propulsion.

- "Propellant plant" means any facility engaged in the mixing, casting, or machining of propellant.

- "Public nuisance" see "Nuisance to the Public."

- "Reasonable Receptor and Exposure Sites" means locations where people might reasonably be expected to be exposed to air contaminants generated in whole or in part by the indirect source in question. Location of ambient air sampling sites and methods of sample collection shall conform to criteria on file with the Department of Environmental Quality.

- "Reckless" or "recklessly" means conduct by a person who is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such a nature and degree that disregard thereof constitutes a gross deviation from the standard of care a reasonable person would observe in that situation.

- "Recovery Furnace (Kraft Mill)" means the combustion device in which dissolved wood solids are incinerated and pulping chemicals recovered from the molten smelt. For these regulations, and where present, this term shall include the direct contact evaporator.

- "Reference Method" means any EPA approved method. (The methods are listed in the state Department of Environmental Quality's Source Sampling Manual.)

- "Refuse" means unwanted matter.

- "Refuse Burning Equipment" means a device designed to reduce the volume of refuse by combustion.

- "Regional Authority" means a regional air quality control authority established under the provisions of ORS 468.505.

- "Regional Planning Agency" means any planning agency which has been recognized as a substate-clearinghouse for the purposes of conducting project review under the United States Office of Management and Budget Circular Number A-95, or other governmental agency having planning authority.

- "Renovate" or "Renovation" means altering in any way one or more facility components. Operations in which load-supporting structural members are wrecked or removed are excluded.

- "Residential Area" means land which is zoned or used for single or multiple family or suburban residential purposes.

- "Residential Open Burning" means the open burning of clean wood, paper products, and yard debris which are actually generated in or around a dwelling for four (4) or fewer family living units. Once this material is removed from the property of origin it becomes commercial waste. Such materials actually generated in or around a dwelling of more than four (4) family living units are commercial wastes.

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

- "Resource Recovery Facility" means any facility at which municipal solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing municipal solid waste for reuse. Energy conversion facilities must utilize municipal solid waste to provide fifty (50) percent or more of the heat input to be considered a resource recovery facility.

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

- "Ringelmann Chart" means the Ringelmann Smoke Chart with instructions for use as published in May, 1967, by the United Stated Bureau of Mines.

- "Risk of Harm" means the level of risk to public health or the environment created by the likelihood of exposure, either individual or cumulative, or the actual damage, either individual or cumulative, caused by a violation.

- "Roadways" mean surfaces on which vehicles travel. This term includes public and private highways, roads, streets, parking areas, and driveways.

- "Rule" means any agency directive, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirement of any agency. The term includes the amendment or repeal of a prior rule, but does not include:

    A. Internal management directives, regulations or statements between agencies, or their officers or their employees, or within an agency, between its officers or between employees, unless hearing is required by statute, or action by agencies directed to other agencies or other units of government.

    B. Declaratory rulings issued pursuant to ORS 183.410 or 305.105.

- "Secondary (or Final) Combustion Chamber" means the discrete equipment, chamber, or space, excluding the stack, in which the products of pyrolysis are combusted in the presence of excess air, such that essentially all carbon is burned to carbon dioxide.

- "Secondary Emissions" means emissions from new or existing sources which occur as a result of the construction and/or operation of a source or modification, but do not come from the source itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source associated with the secondary emissions. Secondary emissions may include, but are not limited to:

    A. Emissions from ships and trains coming to or from a facility;

    B. Emissions from off-site support facilities which would be constructed or would otherwise increase emissions as a result of the construction of a source or modification.

- "Sensitive Area" means locations which are actual or potential air quality non-attainment areas, as determined by LRAPA.

- "Sharps" includes needles, IV tubing with needles attached, scalpel blades, lancets, glass tubes that could be broken during handling, and syringes that have been removed from their original sterile containers (see also "infectious waste").

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

- "Significant Air Quality Impact" means an ambient air quality impact which is equal to or greater than:

Pollutant Averaging Time

Pollutant	Annual	24-hour	8-hour	3-hour	1-hour
SO_2	1.0 ug/m^3	5 ug/m^3	---	25 ug/m^3	---
TSP or PM10	0.2 ug/m^3	1.0 ug/m^3	---	---	---
NO_2	1.0 ug/m^3	---	---	---	---
CO	---	---	0.5 mg/m^3	---	2 mg/m^3

For sources of volatile organic compounds (VOC), a major source or major modification will be deemed to have a significant impact if it is located within thirty (30) kilometers of an ozone nonattainment area and is capable of impacting the nonattainment area.

- "Significant Emission Rate" means emission rates equal to or greater than the following for air pollutants regulated under the Clean Air Act:

Pollutant	Significant Emission Rate (tons/year)
Carbon Monoxide	100
Nitrogen Oxides	40
Particulate Matter	25
PM10	15
Sulfur Dioxide	40
Volatile Organic Compounds	40
Lead	0.6
Mercury	0.1
Beryllium	0.0004
Asbestos	0.007
Vinyl Chloride	1

Fluorides	3
Sulfuric Acid Mist	7
Total Reduced Sulfur (including hydrogen sulfide)	10
Reduced Sulfur Compounds (including hydrogen sulfide)	10

For pollutants not listed above, the Authority shall determine the rate that constitutes a significant emission rate.

Any emissions increase less than these rates associated with a new source or modification which would construct within ten (10) kilometers of a Class I area and would have an impact on such area equal to or greater than 1 ug/m^3 (24-hour average) shall be deemed to be emitting at a significant emission rate.

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

- "Significant Upgrading of Pollution Control Equipment" means a modification or a rebuild of an existing pollution control device for which a capital expenditure of 50 percent or more of the replacement cost of the existing device is required, other than ongoing routine maintenance.

- "Slash" means forest debris of woody vegetation to be burned under the Oregon Smoke Management Plan administered by the Oregon Department of Forestry pursuant to ORS. 477.515. The burning of such slash is related to the management of forest land and does not include the burning of any other material created by land clearing.

- "Small-scale asbestos abatement project" means any short-duration asbestos abatement project as defined in 41, below, and/or removal, renovation, encapsulation, repair, or maintenance procedures intended to prevent asbestos containing material from releasing fibers into the air and which:

  A. Remove, encapsulate, repair or maintain less than 40 linear feet or 80 square feet of asbestos-containing material;

  B. Do not subdivide an otherwise full-scale asbestos abatement project into smaller-sized units in order to avoid the requirements of these rules;

  C. Utilize all practical worker isolation techniques and other control measures; and

  D. Do not result in worker exposure to an airborne concentration of asbestos in excess of 0.1 fibers per cubic centimeter of air calculated as an eight (8) hour time-weighted

average.

- "Small-scale, short-duration renovating and maintenance activity" means a task for which the removal of asbestos is not the primary objective of the job, including, but not limited to:

  A. Removal of asbestos-containing insulation on pipes;
  B. Removal of asbestos-containing insulation on beams or above ceilings;
  C. Replacement of an asbestos-containing gasket on a valve;
  D. Installation or removal of a small section of drywall; or
  E. Installation of electrical conduits through or proximate to asbestos-containing materials.

  Small-scale activities shall be limited to no more than forty (40) linear feet or eighty (80) square feet of asbestos-containing materials. An activity that would otherwise qualify as a full-scale abatement project shall not be subdivided into smaller units in order to avoid the requirements of these rules.

  F. No such activity described above shall result in airborne asbestos concentrations above 0.1 fibers per cubic centimeter of air (calculated on an 8-hour weighted average).

- "Smelt dissolving tank vent (Kraft Mill)" means the vent serving the vessel used to dissolve the molten smelt produced by the recovery furnace.

- "Smoke" means small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon, ash and other combustible materials present in sufficient quantity to be observable.

- "Solid Waste" means refuse, more than 50% of which is waste consisting of a mixture of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustible materials, and noncombustible materials such as metal, glass, and rock.

- "Solid Waste Incinerator" means an incinerator which is operated or utilized for the disposal or treatment of solid waste, including combustion for the recovery of heat.

- "Source," means any building, structure, facility, installation or combination thereof which emits or is capable of emitting air contaminants to the atmosphere and is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control.

- "Source," as used in LRAPA Title 38, New Source Review, and the definitions of "BACT," "Commenced," "Construction," "Emission Limitation," "Emission Standard," "LAER," "Major Modification, " "Major Source," "Potential to Emit," and "Secondary Emissions" as these terms are used for purposes of LRAPA Title 38, includes all pollutant-emitting activities which belong to a single major industrial group (i.e., which have the same two-digit code), as described in the Standard Industrial Classification Manual, (U. S. Office of Management and Budget, 1987) or are supporting the major industrial group.

- "Source Category" means a group of major sources determined by the Authority to be using similar raw materials and having equivalent process control and pollution control equipment.

- "Source Test" means the average of at least three test runs during operating conditions

representative of the period for which emissions are to be calculated, conducted in accordance with the Department's Source Sampling Manual or other Authority-approved methods.

- "Special Problem Area" means the formally designated Eugene/Springfield AQMA and other specifically defined areas that the Board and the Environmental Quality Commission may formally designate in the future.

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

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

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

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

- "Startup," means that time during which an air contaminant source or emission control equipment is brought into normal operation.

- "Startup," as used in Title 46, means commencement of operation of a new or modified source resulting in release of contaminants to the ambient air.

- "Structural member" means any load-supporting member, such as beams and load-supporting walls, or any non-supporting member, such as ceilings and non-load-supporting walls.

- "Substantial Underpayment" means the lesser of ten percent (10%) of the total interim emission fee for the major source or five hundred dollars ($500).

- "Tempering Oven" means any facility used to bake hardboard following an oil treatment process.

- "Threshold Level of Olfactory Detection" means the odor perception threshold for fifty percent (50%) of the odor panel as determined by the ASTM procedure DI 391-57 Standard Method of Measurement of Odor in Atmospheres (Dilution method), or an equivalent method.

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

- "Transmissometer" means a device that measures opacity and conforms to EPA specification Number 1 in Title 40 CFR, Part 60, Appendix B.

- "TSP" means particulate matter as measured by an reference method.

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

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

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

- "Vehicle Trip" means a single movement by a motor vehicle which originates or terminates at or uses an Indirect Source.

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

- "Veneer Dryer" means equipment in which veneer is dried.

- "Verified Emission Factor" means an emission factor approved by the Authority and developed for a specific major source or source category and approved for application to that major source by the Authority.

- "Violation" means a transgression of any statute, rule, order, license, permit, or any part thereof, and includes both acts and omissions. Violations shall be classed according to risk of harm as follows:

    A. "Class One or I" means any violation which poses a major risk of harm to public health or the environment, or violation of any compliance schedule contained in an agency permit or board order;

    B. "Class Two or II" means any violation which poses a moderate risk of harm to public health or the environment;

    C. "Class Three or III" means any violation which poses a minor risk of harm to public health or the environment.

- "Visual Opacity Determination" consists of a minimum of twenty-four (24) opacity readings recorded every fifteen (15) seconds and taken by a trained observer.

- "Visibility Impairment" means any humanly perceptible change in visual range, contrast, or coloration from that which would have existed under natural conditions. Natural conditions include fog, clouds, windblown dust, rain, sand, naturally ignited wildfires, and natural aerosols.

- "Volatile Organic Compound" or "VOC" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.

  A. This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity: methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11; dichlorodifluoromethane (CFC-12); chlorodifluoromethane (CFC-22); trifluoromethane (FC-23); 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114; chloropentafluoroethane (CFC-115); 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123); 1.1.1.2-tetrafluoroethane (HFC-134a); 1,1-dichloro-1-fluoroethane (HCFC-141b); 1-chloro-1,1-difluoroethane (HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane 2 (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); and perfluorocarbon compounds which fall into these classes:

     (1) Cyclic, branched, or linear, completely fluorinated alkanes;

     (2) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

     (3) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

     (4) Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

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

  C. As a precondition to excluding these compounds, as listed in subsection A, as VOC or at any time thereafter, the Authority may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Authority, the amount of negligibly reactive compounds in the source's emissions.

- "Volatile Organic Compound (VOC)," as used in Title 35, means any organic compound which would be emitted during use, application, curing or drying of a surface coating, solvent, or other material. Excluded from this definition are those compounds which EPA classifies as having negligible photochemical reactivity, which include: methane, ethane, methylene chloride, 1,1,1--trichloroethane (methyl chloroform), trichlorofluoromethane (CFC-11), dichloro-fluoromethane (CFC-12), chlorodifluoromethane (CFC-22), trifluoromethane (FC-23), trichlorotetrafluoroethane (CFC-114), and chloropentafluoroethane (CFC 115).

- "Waste generator" means any person performing an asbestos abatement project or any owner or operator of a source covered by this section whose act or process generates asbestos-

containing waste material.

- "Waste shipment record" means the shipment document, required to be originated and signed by the waste generator; used to track and substantiate the disposition of asbestos-containing waste material.

- "Wigwam Waste Burner" means a burner which consists of a single combustion chamber, which has the general features of a truncated cone and is used for incineration of refuse.

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

- "Yard Debris" means wood, needle, or leaf materials from trees, shrubs, or plants from the property around a dwelling unit.

State effective: 3/8/94; EPA effective: 10/2/01

TITLE 16 HOME WOOD HEATING CURTAILMENT PROGRAM ENFORCEMENT

SECTION 16-001 PURPOSE

Lane County, Eugene and Springfield have enacted ordinances prohibiting the use of solid-fuel space heating devices under certain circumstances. Lane County enacted Ordinance Number 9-90 [Lane Code ("LC") 9.120 - 9.160], Eugene enacted Ordinance Number 19731 [Eugene Code ("EC") 6.250 - 6.270], and Springfield enacted Ordinance Number 5546 [Springfield Code ("SC") 4-8-4]. Each municipality also either delegated enforcement of the ordinances to LRAPA [L.C. § 9.145; Springfield Code § 4-8-4(4)], or authorized the City Manager to delegate enforcement to LRAPA (Eugene Code § 6.265). By Administrative Order No. 44-92-10, the Eugene City Manager has delegated authority to LRAPA to administer the ordinance. Thus, each jurisdiction has authorized LRAPA to enforce the solid- fuel space heating device ordinances. In addition, each jurisdiction has authorized LRAPA to use its own regulations and procedures to enforce the ordinances, and to impose penalties of $50--$500 for violations of the ordinances.

These regulations establish the procedures and penalties LRAPA will use to enforce those municipal codes. Except as expressly noted in this Title, these provisions shall provide the sole regulations for LRAPA's enforcement of the solid-fuel space heating provisions of the municipal codes.

State effective: 7/13/93; EPA effective: 10/24/94

SECTION 16-010 DEFINITIONS

Words and phrases used in this Title are defined as follows, unless the context requires otherwise:

1. "Director." The Director of the LRAPA and authorized deputies or officers.

2. "LRAPA." The Lane Regional Air Pollution Authority, a regional air quality control authority.

3. "Person." Any individual, partnership, corporation, association, governmental subdivision or public or private organization of any character.

4. "Person in Charge of Property." An agent, occupant, lessee, tenant, contract purchaser, or other person having possession or control of property.

State effective: 7/13/93; EPA effective: 10/24/94

SECTION 16-100 CIVIL PENALTY SCHEDULE

In addition to any other penalty provided by law, LRAPA may assess, for violation of LC Section 9.135, EC Section 6.255, or SC Section 4-8-4(2), the following amounts:

1.	Class 1 violation	-	$ 50
2.	Class 2 violation	-	$100
3.	Class 3 violation	-	$200
4.	Class 4 violation	-	$400

State effective: 7/13/93; EPA effective: 10/24/94

SECTION 16-110 CLASSIFICATION OF VIOLATIONS

1. Class 1 Violation. A violation by a person at a time when the person had no civil penalties under this Title 16 on his/her record during the previous 36 months.

2. Class 2 Violation. A violation by a person at a time when the person had only one civil penalty under this Title 16 on his/her record during the previous 36 months.

3. Class 3 Violation. A violation by a person at a time when the person had two civil penalties under this Title 16 on his/her record within the previous 36 months.

4. Class 4 Violation. A violation by a person at a time when the person had three or more civil penalties under this Title 16 on his/her record within the previous 36 months.

5. Penalties on Record. For purposes of this section, a person has a civil penalty on his or her record if the person has paid a civil penalty under this Title 16; LRAPA has entered a default order against the person for a violation of this Title 16; or a hearings official has entered an order against the person for violation of this Title 16 after a hearing.

6. Each day of violation is a separate offense, subject to penalty.

State effective: 7/13/93; EPA effective: 10/24/94

SECTION 16-120 NOTICE OF VIOLATION

1. A notice of violation may be issued, without any prior notice, whenever the Director has cause to believe that a violation of LC Section 9.135, EC Section 6.255, or SC Section 4-8-4(2) has occurred. The notice shall be served by certified mail or personal delivery at the address where the violation is alleged to have occurred.

2. If the notice contains an assessment of a civil penalty imposed pursuant to Section 16-100 of this Title, the notice shall also advise the person to whom the notice is directed that he or she may:

   A. Waive any hearing on the matter and pay the civil penalty; or

   B. Waive any hearing on the matter, pay the civil penalty, and submit a written statement to be considered in mitigation of the violation; or

   C. Request a hearing on the matter, pursuant to Section 16-130 of this Title, to be

conducted in the manner set forth in Section 16-140 of this Title.

The notice shall contain a statement that failure to comply with one of the options set forth above within 21 days of the date the notice of violation was mailed or served will result in the entry of an order of default and judgment based on the notice of violation.

3. No hearing or appeal rights shall be afforded if the notice of violation does not include the imposition of a penalty.

State effective: 7/13/93; EPA effective: 10/24/94

SECTION 16-130 APPEAL OF CIVIL PENALTY

1. A person who has been served with a written notice of violation which includes the imposition of a civil penalty shall have 21 days from the date of mailing or personal delivery of the notice in which to file a written answer or an application for hearing.

2. In the answer, the person shall admit or deny all factual matters and shall affirmatively allege any and all affirmative claims or defenses the person may have and the reasoning in support thereof. Except for good cause shown:

   A. Factual matters not controverted shall be presumed admitted;

   B. Failure to raise a claim or defense shall be presumed to be a waiver of such claim or defense;

   C. New matters alleged in the answer shall be presumed to be denied unless admitted in a subsequent pleading or stipulation by LRAPA; and

   D. Evidence shall not be taken on any issue not raised in the notice and the answer unless such issue is specifically determined by the hearings official to be within the scope of the proceeding.

3. In the absence of a timely answer, the Director, on behalf of LRAPA, may issue a default order and judgment, based upon a prima facie case made on the record, for the relief sought in the notice.

4. Informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default. Informal settlement may be made by written agreement of the parties consenting to a fine or other form of intermediate sanction.

5. Upon a showing of good cause and general relevance, any party to a contested case shall be issued subpoenas to compel the attendance of witnesses and the production of books, records and documents.

   A. Subpoenas may be issued by:

      (1) A Hearings Officer; or
      (2) LRAPA; or
      (3) An attorney of record for the party requesting the subpoena.

   B. Each subpoena authorized by this section shall be served personally upon the witness by the party or any person over 18 years of age.

C. Witnesses who are subpoenaed, other than parties or officers or employees of LRAPA, shall receive the same fees and mileage as in civil actions in the circuit court.

D. The party requesting the subpoena shall be responsible for serving the subpoena and tendering the fees and mileage to the witness.

E. A person present in a hearing room before a Hearings Officer during the conduct of a contested case hearing may be required, by order of the Hearings Officer, to testify in the same manner as if he or she were in attendance before the Hearings Officer upon a subpoena.

F. Upon a showing of good cause a Hearings Officer may modify or withdraw a subpoena.

G. Nothing in this section shall preclude informal arrangements for the production of witnesses or documents, or both.

State effective: 7/13/93; EPA effective: 10/24/94

SECTION 16-140 CONDUCTING CONTESTED CASE EVIDENTIARY HEARINGS

1. The contested case evidentiary hearing shall be conducted by and under the control of a Hearings Officer.

2. If the Hearings Officer has a potential conflict of interest as defined in ORS 244.020(4), that officer shall comply with the requirements of ORS Chapter 244 (e.g., ORS 244.120 and 244.130).

3. The hearing shall be conducted, subject to the discretion of the Hearings Officer, so as to include the following:

   A. The staff report and evidence of the proponent in support of its action;

   B. The statement and evidence of opponents;

   C. Comments and questions;

   D. Any rebuttal evidence by proponents and opponents;

   E. Any closing arguments by parties.

4. The Hearings Officer shall have the right to question witnesses.

5. The hearing may be continued with recesses as determined by the Hearings Officer.

6. The Hearings Officer may set reasonable time limits for oral presentation and may exclude or limit cumulative, repetitious or immaterial matter.

7. Exhibits shall be marked and maintained by LRAPA as part of the record of the proceeding.

State effective: 7/13/93; EPA effective: 10/24/94

SECTION 16-150 EVIDENTIARY RULES

1. Evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible.

2. Irrelevant, immaterial or unduly repetitious evidence shall be excluded.

3. All offered evidence not objected to will be received by the Hearings Officer subject to the officer's power to exclude irrelevant, immaterial or unduly repetitious matter.

4. Evidence objected to may be received by the Hearings Officer. Rulings on its admissibility or exclusion, if not made at the hearing, shall be made on the record at or before the time a final order is issued.

State effective: 7/13/93; EPA effective: 10/24/94

SECTION 16-160 FINAL ORDERS

1. A final order shall be issued by the Hearings Officer, who may direct any party to prepare the final order.

2. Final orders on contested cases shall be in writing and shall include the following:

   A. Rulings on admissibility of offered evidence when the rulings are not set forth in the record.

   B. Findings of fact--those matters that are either agreed as fact or that, when disputed, are determined by the Hearings Officer on substantial evidence to be facts over contentions to the contrary. A finding must be made on each fact necessary to reach the conclusions of law on which the order is based.

   C. Conclusion(s) of law--applications of the controlling law to the facts found and the legal results arising therefrom.

   D. Order--the action taken by LRAPA as a result of the facts found and the legal conclusions arising therefrom.

State effective: 7/13/93; EPA effective: 10/24/94

SECTION 16-170 DEFAULT ORDERS

1. When LRAPA has given a party an opportunity to request a hearing and the party fails to make a request within the specified time, or when LRAPA has set a specified time and place for a hearing and the party fails to appear at the specified time and place, the Director may enter a final order by default.

2. LRAPA may issue an order of default only after a prima facie case on the record has been made. The record may be made by either the two ways:

   A. By the hearings officer at the time specified for the hearing; or

   B. By the Director at a separate meeting convened by the Director.

3. The record shall be complete at the time of the notice at the time the default order is issued.

4. The record may consist of oral (transcribed, recorded or reported) or written evidence or a combination of oral and written evidence. When the record is made at the time the notice or order is issued, the LRAPA file may be designated as the record. In all cases, the record must contain substantial evidence to support the findings of fact.

5. When the Hearings Officer has set a specified time and place for a hearing in a matter in which only one party is before the Hearings Officer, and that party subsequently notifies LRAPA that the party will not appear at such specified time and place, the Hearings Officer may enter a default order, cancel the hearing and follow the procedure described in subsections 2 and 4 of this section.

6. Any default order shall be the final order of LRAPA.

State effective: 7/13/93; EPA effective: 10/24/94

TITLE 30 INCINERATOR REGULATIONS

SECTION 30-005 PURPOSE AND APPLICABILITY

The purpose of these rules is to establish state-of-the-art emission standards, design requirements, and performance standards for all solid, infectious waste and crematory incinerators, in order to minimize air contaminant emissions and provide adequate protection of public health. The rules apply to all existing solid and infectious waste and crematory incinerators and to all that will be built, modified, or installed within Lane County, Oregon. These rules shall not apply to municipal waste combustors.

State effective: 3/8/94; EPA effective: 10/2/01

SECTION 30-010 DEFINITIONS

Words and terms used in this title are defined as follows, unless the context requires otherwise:

- "Acid Gases" means any exhaust gas which includes hydrogen chloride and sulfur dioxide.

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

- "Biological Waste," includes blood and blood products, excretions, exudates, secretions, suctionings and other body fluids that cannot be directly discarded into a municipal sewer system, and waste materials saturated with blood or body fluids, but does not include diapers soiled with urine or feces (see also "infectious waste").

- "Continuous Emissions Monitoring" means a monitoring system for continuously measuring the emissions of a pollutant from an affected incinerator. Continuous monitoring equipment and operation shall be certified in accordance with EPA performance specifications and quality assurance procedures outlined in 40 CFR 60, Appendices B and F, and the Department's CEM Manual.

- "Crematory Incinerator" means an incinerator used solely for the cremation of non-pathological human and non-pathological animal remains.

- "Cultures and stocks" includes etiologic agents and associated biologicals, including specimen cultures and dishes and devices used to transfer, inoculate and mix cultures, wastes from production of biologicals, and serums and discarded live and attenuated vaccines. "Cultures" does not include throat and urine cultures (see also "infectious waste".

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

- "Dioxins and Furans" means total tetra- through octachlorinated dibenzo-p-dioxins and dibenofurans.

- "Director" means the Director of the Lane Regional Air Pollution Authority and authorized deputies or officers.

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

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

- "Existing Source" means any air contaminant source in existence prior to the date of adoption of rules affecting that source.

- "Fugitive Emissions," except as used in Title 35, means emissions of any air contaminant which escapes to the ambient air from any point or area that is not identifiable as a stack, vent, duct, or functionally equivalent opening. (Title 12 contains another definition of "fugitive emissions" for use with title 35.)

- "Incineration Operation" means any operation in which combustion is carried on in an incinerator, for the principal purpose or with the principal result, of oxidizing wastes to reduce their bulk and/or facilitate disposal.

- "Incinerator" means a combustion device specifically for destruction, by high temperature burning, of solid, semi-solid, liquid, or gaseous combustible wastes. This does not include devices such as open or screened barrels, drums, or process boilers.

- "Infectious Waste" means waste which contains or may contain any disease-producing microorganism or material including, but not limited to, biological waste, cultures and stocks, pathological waste, and sharps (see individual definitions for these terms).

- "Infectious Waste Incinerator" means an incinerator which is operated or utilized for the disposal or treatment of infectious waste, including combustion for the recovery of heat.

- "Opacity" means the degree to which an emission reduces transmission of light or obscures the view of an object in the background.

- "Particulate Matter" means any solid or liquid material, except uncombined water, which exists as a liquid or solid at standard conditions.

- "Parts Per Million (ppm)" means parts of a contaminant per million parts of gas by volume on a dry-gas basis (1 ppm equals 0.0001% by volume).

- "Pathological waste" includes biopsy materials and all human tissues; anatomical parts that emanate from surgery, obstetrical procedures, autopsy and laboratory procedures; and animal carcasses exposed to pathogens in research and the bedding and other waste from such animals. "Pathological wastes" does not include teeth, or formaldehyde or other preservative agents (see also "infectious waste").

- "Permit" or "Air Contaminant Discharge Permit" means a written permit issued by the Authority, pursuant to LRAPA and DEQ rules and regulations.

- "Person" means any individual, public or private corporation, political subdivision, agency, board, department, or bureau of the state, municipality, partnership, association, firm, trust, estate, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

- "Person in Charge of Property" means an agent, occupant, lessee, tenant, contract purchaser, or other person having possession or control of property.

- "Primary Combustion Chamber" means the discrete equipment, chamber or space in which drying of the waste, pyrolysis, and essentially the burning of the fixed carbon in the waste occurs.

- "Refuse" means unwanted matter.

- "Refuse Burning Equipment" means a device designed to reduce the volume of refuse by combustion.

- "Secondary (or Final) Combustion Chamber" means the discrete equipment, chamber, or space, excluding the stack, in which the products of pyrolysis are combusted in the presence of excess air, such that essentially all carbon is burned to carbon dioxide.

- "Sharps" includes needles, IV tubing with needles attached, scalpel blades, lancets, glass tubes that could be broken during handling, and syringes that have been removed from their original sterile containers (see also "infectious waste").

- "Solid Waste" means refuse, more than 50% of which is waste consisting of a mixture of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustible materials, and noncombustible materials such as metal, glass, and rock.

- "Solid Waste Incinerator" means an incinerator which is operated or utilized for the disposal or treatment of solid waste, including combustion for the recovery of heat.

- "Source" means any building, structure, facility, installation or combination thereof which emits or is capable of emitting air contaminants to the atmosphere and is located on one or

more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control. This includes all of the pollutant emitting activities which belong to the same industrial grouping or major group (i.e. which have the same two-digit code) as described in EPA's Standard Industrial Classification (SIC) manual (U.S. Office of Management and Budget 1987). (Title 12 contains another definition of "source" for use with other rules.)

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

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

- "Startup," means that time during which an air contaminant source or emission control equipment is brought into normal operation. (Title 12 contains another definition of "startup" for use with other rules.)

- "Transmissometer" means a device that measures opacity and conforms to EPA specification Number 1 in Title 40 CFR, Part 60, Appendix B.

State effective: 3/8/94; EPA effective: 10/2/01

SECTION 30-015 BEST AVAILABLE CONTROL TECHNOLOGY FOR SOLID AND INFECTIOUS WASTE INCINERATORS

1. Notwithstanding the specific emission limits set forth in Section 30-020, in order to maintain overall air quality at the highest possible levels, each solid and infectious waste incinerator is required to use best available control technology (BACT). In no event shall the application of BACT result in emissions of any air contaminant which would exceed the emission limits set forth in these rules.

2. All installed equipment shall be operated and maintained in such a manner that emissions of air contaminants are kept at the lowest possible level.

State effective: 3/8/94; EPA effctve: 10/2/01

SECTION 30-020 EMISSION LIMITATIONS FOR SOLID AND INFECTIOUS WASTE INCINERATORS

No person shall cause, suffer, allow, or permit the operation of any solid or infectious waste incinerator in a manner which violates the following emission limits and requirements:

1. Particulate Matter Emissions (PM)

   A. For new solid and infectious waste incinerators, emissions from each stack shall not exceed 0.015 grains per dry standard cubic foot of exhaust gases.

   B. For existing solid and infectious waste incinerators, emissions from each stack shall not exceed 0.030 grains per day standard cubic foot of exhaust gases.

~~2. Hydrogen Chloride (HCl)~~

~~A. For existing and new solid and infectious waste incinerators, emissions of hydrogen~~

~~chloride from each stack shall not exceed 50 ppm as an average during any sixty (60)-minute period, corrected to 7% 0_2 (dry basis); or~~

~~B. Shall be reduced by at least ninety (90)% by weight from their potential HCl emissions rate on an hourly basis.~~

3. Sulfur Dioxide (SO_2)

   A. For existing and new solid and infectious waste incinerators, emissions of sulfur dioxide from each stack shall not exceed 50 ppm as a running three (3)-hour average, corrected to 7% 0_2, (dry basis); or

   B. Shall be reduced by at least 70% by weight from their potential SO_2 emission rate on a three (3)-hour basis.

4. Carbon Monoxide (CO). For existing and new solid and infectious waste incinerators, emissions of carbon monoxide from each stack shall not exceed 100 ppm as a running eight (8)-hour average, corrected to 7% 0_2 (dry basis).

5. Nitrogen Oxide (NO_x). For new solid and infectious waste incinerators with the potential to process 250 tons/day or more of wastes, emissions of nitrogen oxide from each stack shall not exceed 200 ppm as a running 24-hour average, corrected to 7% 0_2 (dry basis).

6. Opacity. Opacity, as measured visually by an applicable EPA Method or by a transmissometer, shall not exceed 10% for a period aggregating more than three (3) minutes in any running sixty (60)-minute period.

7. Fugitive Emissions. All solid and infectious waste incinerators shall be operated in a manner which prevents or minimizes fugitive emissions, including but not limited to the paving of all normally traveled roadways within the plant boundary and enclosing of all material transfer points.

~~8. Dioxin/furans. For solid and infectious waste incinerators with a waste charging rate of 250 tons/day or greater, emissions from each stack shall not exceed 30 nanograms of dioxin/furans per dry standard cubic foot.~~

9. Other Wastes. No solid or infectous waste incinerator subject to these rules shall burn radioactive or hazardous waste, or any other waste not specifically authorized in the Authority's Air Contaminant Discharge Permit.

10. Other contaminants. For any incinerator subject to these rules, in the absence of an air-contaminant-specific emission limit or ambient air quality standard, the Authority may establish, by permit, emission limits for any other air contaminants to protect human health and the environment.

State effective: 3/8/94; EPA effective: 10/2/01

SECTION 30-025 DESIGN AND OPERATION FOR SOLID AND INFECTIOUS WASTE INCINERATORS

1. Each solid or infectious waste incinerator shall have at least a primary and secondary combustion chamber.

2. Temperature and residence time. Each solid or infectious waste incinerator shall be designed and operated to maintain temperatures of at least 1400° F in the primary chamber. Combustion gases in the secondary chamber shall be maintained at a minimum temperature of 1800° F for at least one (1) second residence time.

3. Auxiliary Burners. Each solid or infectious waste incinerator shall be designed and operated with automatically controlled auxiliary burners capable of maintaining the combustion chamber temperatures specified in section 2 of this rule, and shall have sufficient auxiliary fuel capacity to maintain said temperatures.

4. Interlocks. Each solid or infectious waste incinerator shall be designed and operated with an interlock system which:

   A. Prevents charging until the final combustion chamber reaches 1800° F;

   B. For batch-fed solid or infectious waste incinerators, prevents recharging until each combustion cycle is complete;

   C. Ceases charging if the secondary chamber temperature falls below 1800° F for any continuous fifteen (15)-minute period; and

   D. Ceases charging if carbon monoxide levels exceed 150 ppm (dry basis), corrected to 7% 0_2 over a continuous fifteen (15)-minute period.

5. Air Locks. Each mechanically fed solid or infectious waste incinerator shall be designed and operated with an air lock control system to prevent opening the incinerator to the room environment. The volume of the loading system must be designed so as to prevent overcharging, to assure complete combustion of the waste.

6. Combustion Efficiency. Except during periods of startup and shutdown, each solid or infectious waste incinerator shall achieve a combustion efficiency of 99.9% based on a running eight (8)-hour average, computed as follows:

$$CE = \frac{CO_2}{CO_2 + CO} \times 100$$

   CO = Carbon monoxide in the exhaust gas, parts per million by volume (dry) at standard conditions

   CO_2 = Carbon dioxide in the exhaust gas, parts per million by volume (dry) at standard conditions

7. Stack Height. Each solid or infectious waste incinerator stack shall be designed in accordance with Good Engineering Practice (GEP) as defined in Title 40 CFR, Parts 51.100(ii) and 5118, in order to avoid the flow of stack pollutants into any building ventilation intake plenum.

8. Operator Training and Certification. Each solid or infectious waste incinerator shall be attended at all times during operation by one or more individuals who have received training necessary for proper operation. A description of the training program shall be submitted to the Authority for approval. A satisfactory training program shall consist of any of the

following:

A. Certification by the American Society of Mechanical Engineers (ASME) for solid waste incinerator operation; or

B. For infectious waste incineration, successful completion of EPA's Medical Waste Incinerator Operating training course; or

C. Other certification or training by a qualified organization as to proper operating practices and procedures, which has been pre-approved by the Authority prior to enrollment. In addition, the owner or operator of a solid or infectious waste incinerator facility shall develop and submit a manual for proper operation and maintenance, to be reviewed with employees responsible for incinerator operation on an annual basis.

D. Copies of the written certificate of training of the operator shall be kept on site at all times, available for Authority review.

~~9. Odors. In cases where solid or infectious waste incinerator operation causes odors which interfere with the use and enjoyment of property, the Authority may require, by permit, additional practices and procedures to prevent or eliminate those odors.~~

State effective: 3/8/94; EPA effective: 10/2/01

SECTION 30-030 CONTINUOUS EMISSION MONITORING FOR SOLID AND INFECTIOUS WASTE INCINERATORS

1. Each solid waste incinerator shall be equipped with continuous monitoring for the following:

   A. Sulfur dioxide;
   B. Carbon monoxide;
   C. Opacity;
   D. Primary combustion chamber temperature;
   E. Final combustion chamber temperature;
   F. Flue gas outlet temperature;
   G. Oxygen;
   H. Nitrogen oxide--new incinerators with a potential waste feed rate of 250 tons/day or more; and
   ~~I. HCl--for incinerators with a potential waste feed rate of 250 tons per day or more.~~

2. Each infectious waste incinerator shall be equipped with continuous monitoring for the following:

   A. Carbon monoxide;
   B. Opacity;
   C. Primary combustion chamber temperature;
   D. Final combustion chamber temperature; and
   ~~E. HCl.~~

3. The Authority may, at any time following the effective date of these rules, require the installation and operation of any other continuous emission monitors which the Authority determines are necessary in order to demonstrate compliance with emission limits set forth in these regulations.

4. The monitors specified above shall comply with EPA performance specifications in Title 40, CFR, Part 60, and the Department's CEM Manual. All monitoring equipment shall be located, operated and maintained so as to accurately monitor emission levels, in order to demonstrate compliance with LRAPA Title 30.

State effective: 3/8/94; EPA effective: 10/2/01

SECTION 30-035 REPORTING AND TESTING FOR SOLID AND INFECTIOUS WASTE INCINERATORS

1. Reporting

   A. Compliance test results shall be reported to the Authority within thirty (30) days of completion of the test.

   B. All records associated with continuous monitoring data including, but not limited to, original data sheets, charts, calculations, calibration data, production records and final reports shall be maintained for a continuous period of at least two (2) years and shall be furnished to the Authority upon request.

2. Source Testing

   A. Each solid or infectious waste incinerator must be tested to demonstrate compliance with the standards in these rules.

   B. Compliance testing shall be conducted at the maximum design rate using waste that is representative of normal operation. If requested by the owner/ operator, compliance testing may be performed at a lower rate; however, permit limits will be established based on the lower rate of operation.

   C. Unless otherwise specified by the Authority, each solid or infectious waste incinerator shall be tested at start-up for particulate matter, hydrogen chloride, sulfur dioxide, and carbon monoxide emissions. Solid and infectious waste incinerators with potential waste feed rates of 250 tons/day or more shall be tested for dioxin/furans and NO_x at startup.

3. Other air contaminant compliance testing. The Authority may, at any time after the effective date of this rule, conduct or require source testing and require access to information specific to the control, recovery, or release of other air contaminants.

State effective: 3/8/94; EPA effective: 10/2/01

SECTION 30-040 COMPLIANCE FOR SOLID AND INFECTIOUS WASTE INCINERATORS

1. All existing solid and infectious waste incinerators must demonstrate compliance with the applicable provisions of these rules one year after the effective date of this regulation. Subject to approval of the Authority, existing data such as that collected in accordance with the requirements of an Air Contaminant Discharge Permit may be used to demonstrate compliance.

2. Until compliance is demonstrated, existing solid and infectious waste incinerators shall continue to be subject to all applicable permit conditions.

3. All new solid and infectious waste incinerators must demonstrate compliance with the applicable provisions of these rules as soon as possible, but not later than ninety (90) days after startup.

4. Compliance with these rules does not relieve the owner or operator of the solid or infectious waste incinerator from the responsibility to comply with requirements of the Department's Solid and Hazardous Waste rules (Oregon Administrative Rules, Chapter 340, Division 61) regarding the disposal of ash generated from solid and infectious waste incinerators.

State effective: 3/8/94; EPA effective: 10/2/01

SECTION 30-040 COMPLIANCE FOR SOLID AND INFECTIOUS WASTE INCINERATORS

1. All existing solid and infectious waste incinerators must demonstrate compliance with the applicable provisions of these rules one year after the effective date of this regulation. Subject to approval of the Authority, existing data such as that collected in accordance with the requirements of an Air Contaminant Discharge Permit may be used to demonstrate compliance.

2. Until compliance is demonstrated, existing solid and infectious waste incinerators shall continue to be subject to all applicable permit conditions.

3. All new solid and infectious waste incinerators must demonstrate compliance with the applicable provisions of these rules as soon as possible, but not later than ninety (90) days after startup.

4. Compliance with these rules does not relieve the owner or operator of the solid or infectious waste incinerator from the responsibility to comply with requirements of the Department's Solid and Hazardous Waste rules (Oregon Administrative Rules, Chapter 340, Division 61) regarding the disposal of ash generated from solid and infectious waste incinerators.

State effective: 3/8/94; EPA effective: 10/2/01

SECTION 30-045 EMISSION LIMITATIONS OF CREMATORY INCINERATORS

1. No person shall cause to be emitted particulate matter from any crematory incinerator in excess of 0.080 grains per dry standard cubic foot of exhaust gases.

2. Opacity. No visible emissions shall be present except for a period aggregating no more than three (3) minutes in any sixty (60)-minute period, as measured by an applicable EPA Method. At no time shall visible emissions exceed an opacity of 10%.

~~3. Odors. In cases where crematory incinerator operation cause odors which interfere with the use and enjoyment of property, the Authority may require by permit the use of good practices and procedures to prevent or eliminate those odors.~~

State effective: 3/8/94; EPA effective: 10/2/01

SECTION 30-050 DESIGN AND OPERATION OF CREMATORY INCINERATORS

1. Temperature and residence time. The temperature in the final combustion chamber shall be 1800° F for new incinerators, and 1600° F for existing crematory incinerators, with a residence time of at least 0.5 second. At no time while firing waste shall the temperature in the final chamber fall below 1400° F.

2. Operator training and certification. Each crematory incinerator shall be operated at all times under the direction of individuals who have received training necessary for proper operation. A description of the training program shall be submitted to the Authority for approval. Copies of the training certificates of the operators shall be maintained on site at all times and available to the Authority for review.

3. As defined in Title 12 of these rules, crematory incinerators may only be used for incineration of human and animal bodies (together with associated coffins, caskets, combustible containers, wrappings or clothing). No other material, including infectious waste as defined by 30-010.10 of these rules, may be incinerated unless specifically authorized in the Authority's Air Contaminant Discharge Permit. On a case-by-case basis, the Authority may allow the cremation of human anatomical parts or fetal remains, upon request.

State effective: 3/8/94; EPA effective: 10/2/01

SECTION 30-055 MONITORING AND REPORTING FOR CREMATORY INCINERATORS

1. All crematory incinerators shall operate and maintain continuous monitoring for final combustion chamber exit temperature. Additional monitoring and reporting may be required by permit.

2. All records associated with continuous monitoring data including, but not limited to, original data sheets, charts, calculations, calibration data, production records and final reports shall be maintained for a continuous period of at least one year and shall be furnished to the Authority upon request.

3. All crematory incinerators must conduct source testing to demonstrate compliance with these rules in accordance with a schedule specified by the Authority. The test results shall be submitted to the Authority no later than thirty (30) days after completion of the test.

State effective: 3/8/94; EPA effective: 10/2/01

SECTION 30-060 COMPLIANCE OF CREMATORY INCINERATORS

1. All existing crematory incinerators must demonstrate compliance with the applicable provisions of these rules within one year after the effective date of the regulations. Subject to approval by the Authority, existing data such as that collected in accordance with the requirements of an Air Contaminant Discharge Permit or in response to regulatory requirements may be used to demonstrate compliance.

2. Until compliance is demonstrated, existing crematory incinerators shall continue to be subject to all applicable permit conditions.

3. New crematory incinerators must demonstrate compliance with the emission limits and operating requirements of these rules before commencing regular operation.

Statutory Authority: ORS Chapters 183.341 and 468A.135

State effective: 3/8/94; EPA effective: 10/2/01

TITLE 32 EMISSION STANDARDS

SECTION 32-001 DEFINITIONS

- "Automobile" means any self-propelled motor vehicle used for transporting persons or commodities on public roads.

- "Chlorofluorocarbons (CFC)" includes:

  A. CFC-11 (trichlorofluoromethane);

  B. CFC-12 (dichlorodifluoromethane);

  C. CFC-113 (trichlorotrifluoroethane);

  D. CFC-114 (dichlorotetrafluoroethane); and

  E. CFC-115 ((mono)chloropentafluoroethane).

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

State effective: 11/10/94; EPA effective 10/2/01

SECTION 32-005 HIGHEST AND BEST PRACTICABLE TREATMENT AND CONTROL REQUIRED

1. As specified in 34-006 through 34-009 and subsections 2 through 6 of this section, the highest and best practicable treatment and control of air contaminant emissions shall in every case be provided so as to maintain overall air quality at the highest possible levels, and to maintain contaminant concentrations, visibility reduction, odors, soiling and other deleterious factors at the lowest possible levels. In the case of new sources of air contamination, particularly those located in areas with existing high-level air quality, the degree of treatment and control provided shall be such that degradation of existing air quality is minimized to the greatest extent possible.

2. A source shall be deemed to be in compliance with subsection 1 of this section if the source is in compliance with all other applicable emission standards and requirements contained in LRAPA Titles 32 through 51 and OAR Divisions 28 and 32, including but not limited to requirements applicable to:

   A. specific pollutants in Title 32;

B. specific existing and new source categories in Title 33;

C. hazardous air pollutants in OAR 340-32;

D. control requirements and operational and maintenance requirements in sections 32-007 through 32-009; and

E. review of new major sources and major modifications in Title 38.

3. The Authority may adopt additional rules as necessary to ensure that the highest and best practicable treatment and control is provided as specified in subsection 1 of this section. Such rules may include, but are not limited to, the following requirements:

A. Applicable to a source category, pollutant or geographic area of Lane County;

B. Necessary to protect public health and welfare for air contaminants that are not otherwise regulated by the Authority; or

C. Necessary to address the cumulative impact of sources on air quality.

4. The Authority encourages the owner or operator of a source to further reduce emissions from the source beyond applicable control requirements where feasible.

5. Nothing in sections 32-005 through 32-009 revokes or modifies any existing permit term or condition unless or until the Authority revokes or modifies the term or condition by a permit revision. Adoption of 32-005 is not intended to withdraw authority for application of any existing policy for new sources of toxic and hazardous air pollutants to a federal operating permit program source until the effective date of the program.

6. Compliance with a specific emission standard in these rules does not preclude the required compliance with any other applicable emission standard.

State effective: 11/10/94; EPA effective10/2/01

SECTION 32-006 POLLUTION PREVENTION

The owner or operator of a source is encouraged to take into account the overall impact of the control methods selected, considering risks to all environmental media and risks from all affected products and processes. The owner or operator of a source is encouraged, but not required, to utilize the following hierarchy in controlling air contaminant emissions:

1. Modify the process, raw materials or product to reduce the toxicity and/or quantity of air contaminants generated;

2. Capture and reuse air contaminants;

3. Treat to reduce the toxicity and/or quantity of air contaminants released; or

4. Otherwise control emissions of air contaminants.

State effective: 11/10/94; EPA effective10/2/01

SECTION 32-007 OPERATING AND MAINTENANCE REQUIREMENTS

1. Operational, Maintenance and Work Practice Requirements

A. Where the Authority has determined that specific operational, maintenance, or work practice requirements are appropriate to ensure that the owner or operator of a source is operating and maintaining air pollution control equipment and emission reduction processes at the highest reasonable efficiency and effectiveness to minimize emissions, the Authority shall establish such requirements by permit condition or Notice of Construction (NOC) approval.

B. Operational, maintenance and work practice requirements include, but are not limited to:

(1) flow rates, temperatures and other physical or chemical parameters related to the operation of air pollution control equipment and emission reduction processes;

(2) monitoring, record-keeping, testing and sampling requirements and schedules;

(3) maintenance requirements and schedules; or

(4) requirements that components of air pollution control equipment be functioning properly.

2. Emission Action Levels

A. Where the Authority has determined that specific operational, maintenance, or work practice requirements considered or required under subsection 1 of this section are not sufficient to ensure that the owner or operator of a source is operating and maintaining air pollution control equipment and emission reduction processes at the highest reasonable efficiency and effectiveness, the Authority may establish, by permit or Notice of Construction (NOC) approval, specific emission action levels in addition to applicable emission standards. An emission action level shall be established at a level which ensures that air pollution control equipment or an emission reduction process is operated at the highest reasonable efficiency and effectiveness to minimize emissions.

B. If emissions from a source equal or exceed the applicable emission action level, the owner or operator of the source shall:

(1) take corrective action as expeditiously as practical to reduce emissions to below the emission action level;

(2) maintain records at the plant site for two (2) years which document the exceedance, the cause of the exceedance, and the corrective action taken;

(3) make such records available for inspection by the Authority during normal business hours; and

(4) submit such records to the Authority upon request.

C. The Authority shall revise an emission action level if it finds that such level does not

reflect the highest reasonable efficiency and effectiveness of air pollution control equipment and emission reduction processes.

D. An exceedance of an emission action level which is more stringent than an applicable emission standard shall not be a violation of such emission standard.

3. In determining the highest reasonable efficiency and effectiveness for purposes of this rule, the Authority shall take into consideration operational variability and the capability of air pollution control equipment and emission reduction processes. If the performance of air pollution control equipment and emission reduction processes during start-up or shut-down differs from the performance under normal operating conditions, the Authority shall determine the highest reasonable efficiency and effectiveness separately for these start-up and shut-down operating modes.

State effective: 11/10/94; EPA effective10/2/01

SECTION 32-008 TYPICALLY ACHIEVABLE CONTROL TECHNOLOGY (TACT)

1. Existing Sources. The Authority shall require an existing emissions unit to meet TACT for existing sources if:

A. the emissions unit, for the pollutants emitted, is not subject to emissions standards under Title 33, Title 39 or Title 46, or this section 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. The Authority determines that air pollution control equipment and emission reduction processes in use for the emissions unit do not represent TACT and that further emission control is necessary to address documented nuisance conditions, address an increase in emissions, ensure that the source is in compliance with other applicable requirements, or to protect public health or welfare or the environment.

2. New and Modified Sources. The Authority shall require a new or modified emissions unit to meet TACT for new or modified sources if:

A. the new or modified emissions unit, for the pollutants to be emitted, is not subject to New Source Review requirements in Title 38, an applicable Standard of Performance for New Stationary Sources in Title 46, or any other standard applicable only to new or modified sources at the time TACT is required;

B. the source is required to have a permit.

C. the emissions unit:

(1) if new, would have emissions of any criteria pollutant equal to or greater than 1 ton per year, or of PM_{10} equal to or greater than 500 pounds per year in a PM_{10} nonattainment area; or

(2) if modified, would have an increase in emissions from the permitted level for the emissions unit of any criteria pollutant equal to or greater than 1 ton per

year, or of PM_{10} equal to or greater than 500 pounds per year in a PM_{10} nonattainment area; and

D. the Authority determines that the proposed air pollution control equipment and emission reduction processes do not represent TACT.

3. Prior to making a TACT determination, the Authority shall notify the owner or operator of a source of its intent to make such determination utilizing information known to the Authority. The owner or operator of the source may supply the Authority with additional information by a reasonable date set by the Authority for use in making the TACT determination.

4. The owner or operator of a source subject to TACT shall submit compliance plans and specifications by a reasonable date established by the Authority for approval by the Authority. The owner or operator of the source shall demonstrate compliance in accordance with a method and compliance schedule approved by the Authority.

State effective: 11/10/94; EPA effective10/2/01

SECTION 32-009 ADDITIONAL CONTROL REQUIREMENTS FOR STATIONARY SOURCES OF AIR CONTAMINANTS

The Authority shall establish control requirements in addition to otherwise applicable requirements by permit, if necessary, as specified in section 1 through 5 of this section.

1. Requirements shall be established to prevent violation of an Ambient Air Quality Standard caused or projected to be caused substantially by emissions from the source as determined by modeling, monitoring or a combination thereof. For existing sources, the violation of an Ambient Air Quality Standard shall be confirmed by monitoring conducted by the Authority.

2. Requirements shall be established to prevent significant impairment of visibility in Class I areas caused or projected to be caused substantially by a source as determined by modeling, monitoring or a combination thereof. For existing sources, the visibility impairment shall be confirmed by monitoring conducted by the Authority.

3. A requirement applicable to major source shall be established if it has been adopted by EPA but has not otherwise been adopted by the Board.

4. An additional control requirement shall be established if requested by the owner or operator of a source.

5. Additional controls may be required to achieve air contaminant reduction as part of a State Implementation Plan.

State effective: 11/10/94; EPA effective: 10/2/01

SECTION 32-010 VISIBLE AIR CONTAMINANT LIMITATIONS

1. Except as provided in Subsection 2, no person shall cause, suffer, allow, or permit the emission of any air contaminant into the atmosphere from any air contaminant source for a period or periods aggregating more than three minutes in any one hour which is:

A. As dark or darker in shade than that designated as No. 1 on the Ringelmann Chart;

or

B. Equal to or greater than 20 percent opacity.

2. Existing Fuel Burning Equipment Utilizing Wood Wastes (any source installed, constructed or modified before June 1, 1970). No person shall discharge into the atmosphere from any single source of emissions whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

a. As dark or darker in shade than that designated as No. 2 on the Ringelmann Chart; or

b. Equal to or greater than 40 percent opacity.

3. Exception--Visible Air Contaminant Standards. Uncombined Water. Where the presence of uncombined water is the only reason for failure of any emission to meet the requirements of Section 32-010-1 or 2, such section shall not apply.

4. Veneer Dryers (moved to Title 33, section 33.060-2.A)

State effective: 11/10/94; EPA effective: 10/2/01

SECTION 32-015 PARTICULATE MATTER WEIGHT STANDARDS

Notwithstanding emission limits of Sections 32-020 and 32-030, particulate emissions shall not exceed:

1. 0.2 grain per standard dry cubic foot for existing sources installed, constructed or modified prior to June 1, 1970; or

2. 0.1 grain per standard dry cubic foot for new sources (any air contaminant source installed, constructed or modified after June 1, 1970).

State effective: 11/10/94; EPA effective: 10/2/01

SECTION 32-020 PARTICULATE MATTER WEIGHT STANDARDS - EXISTING COMBUSTION SOURCES

The maximum allowable emission of particulate matter from any existing combustion source (sources installed, constructed or modified prior to June 1, 1970) shall not exceed 0.2 grain per cubic foot of exhaust gas, adjusted to 50 percent excess air or calculated to 12 percent carbon dioxide.

State effective: 11/10/94; EPA effective: 10/2/01

SECTION 32-030 PARTICULATE MATTER WEIGHT STANDARDS - NEW COMBUSTION SOURCES

The maximum allowable emission of particulate matter from any new combustion source (sources installed, constructed or modified after June 1, 1970) shall not exceed 0.1 grain per cubic foot of exhaust gas, adjusted to 50 percent excess air or calculated to 12 percent carbon dioxide.

State effective: 11/10/94; EPA effective: 10/2/01

SECTION 32-045 PROCESS WEIGHT EMISSION LIMITATIONS

A. The maximum allowable emissions of particulate matter for specific processes shall be a function of process weight and shall be determined from Table 1.

B. The maximum allowable emissions of particulate matter from hot mix asphalt plants shall be determined from Table 1 except that the maximum allowable particulate emissions from processes greater than 60,000 pounds per hour shall be limited to 40 pounds per hour.

State effective: 11/10/94; EPA effective: 10/2/01

SECTION 32-055 PARTICULATE MATTER SIZE STANDARD

No person shall cause or permit the emissions of any particulate matter which is greater than 250 microns in size if such particulate matter does or will deposit upon the real property of another person.

State effective: 11/10/94; EPA effective: 10/2/01

SECTION 32-060 AIRBORNE PARTICULATE MATTER

A. No person shall cause or permit particulate matter to be handled, transported, or stored without taking necessary precautions to prevent particulate matter from becoming airborne to the outdoor atmosphere.

B. No person shall cause or permit a building or its appurtenances or a road to be constructed, altered, repaired or demolished without taking necessary precautions to prevent particulate matter from becoming airborne to the outdoor atmosphere if such release becomes a public nuisance.

C. No person shall cause or permit particulate matter from becoming airborne, from open areas located within a private lot or private roadway if such release becomes a public nuisance.

State effective: 9/14/82; EPA effective: 11/8/93

SECTION 32-060 AIR CONVEYING SYSTEMS

1. Affected Sources

   Dry material air conveying systems located within the Eugene/Springfield PM_{10} Non-attainment Area which use a cyclone or other mechanical separating device and which have a baseline year emission rate of three (3) Metric Tons or more of particulate matter are affected sources.

2. Emission Limits for Affected Sources

   Notwithstanding the general and specific emission standards and regulations contained in these rules, affected sources shall not emit particulate matter to the atmosphere in excess of the following amounts:

   A. One (1) Metric Ton/year (1.10 Tons/year)

   B. 2.88 kg/day (6.24 lbs./day)

State effective: 11/10/82; EPA effective: 10/2/01

SECTION 32-065 SULFUR CONTENT OF FUELS

1. Residual Fuel Oils

   No person shall sell, distribute, use or make available for use, any residual fuel oil containing more than 1.75 percent sulfur by weight.

2. Distillate Fuel Oils

No person shall sell, distribute, use or make available for use, any distillate fuel oil containing more than the following percentages of sulfur:

A. ASTM Grade 1 fuel oil - 0.3 percent by weight

B. ASTM Grade 2 fuel oil - 0.5 percent by weight

3. Coal

A. No person shall sell, distribute, use or make available for use, any coal containing greater than 1.0 percent sulfur by weight.

B. Except as provided for sub-subsections D and E of this subsection, no person shall sell, distribute, use or make available for use, after July 1, 1983, any coal or coal-containing fuel with greater than 0.3% sulfur and 5% volatile matter as defined in ASTM Method D3175 for direct space heating within the Portland, Salem, Eugene-Springfield, and Medford-Ashland PM10 Non-Attainment Areas. For coals subjected to a devolatilization process, compliance with the sulfur limit may be demonstrated on the sulfur content of coal prior to the devolatilization process.

C. Distributors of coal or coal-containing fuel destined for direct residential space heating use shall keep records for a five-year period which shall be available for LRAPA inspection and which:

(1) specify quantities of coal or coal-containing fuels sold;

(2) contain name and address of customers who are sold coal or coal-containing fuels;

(3) specify the sulfur and volatile content of coal or the coal-containing fuel sold to residences in the Portland, Salem, Eugene-Springfield, and Medford-Ashland PM10 Non-Attainment Areas.

D. Users of coal for direct residential space heating in 1980 who apply in writing by July 1, 1983 and receive written approval from the Authority shall be exempted from the requirement of sub-subsection B of this subsection provided they certify that they used more than one-half (1/2) ton of coal in 1980.

E. Distributors may sell coal not meeting specification in sub-subsection B of this subsection to those users who have applied for and received the exemption provided for in subsection D of this section.

4. Exemptions. Exempted from the requirements of 32-065.1-3, above, are:

A. Fuels used exclusively for the propulsion and auxiliary power requirements of vessels, railroad locomotives and diesel motor vehicles.

B. With prior approval of the Authority, fuels used in such a manner or control provided such that sulfur dioxide emissions can be demonstrated to be equal to or less than those resulting from the combustion of fuels complying with the limitations of 32-

065.

State effective: 11/10/94; EPA effective: 10/2/01

SECTION 32-070 SULFUR DIOXIDE EMISSION LIMITATIONS

Fuel Burning Equipment: The following emissions standards are applicable to new sources (any air contaminant source installed, constructed or modified after January 1, 1972) only:

1. For fuel burning equipment having more than 150 million BTU per hour heat input, but not more than 250 million BTU per hour input, no person shall cause, suffer, allow or permit the emission into the atmosphere of sulfur dioxide in excess of:

   A. 1.4 lb. per million BTU heat input, maximum 2-hour average, when liquid fuel is burned.

   B. 1.6 lb. per million BTU heat input, maximum 2-hour average, when solid fuel is burned.

2. For fuel burning equipment having more than 250 million BTU per hour heat input, no person shall cause, suffer, allow or permit the emission into the atmosphere of sulfur dioxide in excess of:

   A. 0.8 lb. per million BTU heat input, maximum 2-hour average, when liquid fuel is burned.

   B. 1.2 lb. per million BTU heat input, maximum 2-hour average, when solid fuel is burned.

State effective: 11/10/94; EPA effective: 10/2/01

SECTION 32-090 OTHER EMISSIONS

1. No person shall discharge from any source whatsoever such quantities of air contaminants which cause injury, detriment, public nuisance or annoyance to any persons or to the public or which cause injury or damage to business or property; such determination to be made by the Authority.

2. No person shall cause or permit emission of water vapor if the water vapor causes or tends to cause detriment to the health, safety or welfare of any person or causes, or tends to cause damage to property or business.

State effective: 11/10/94; EPA effective: 10/2/01

TABLE 1
Table of Allowable Rate of Particulate Emissions - Based on Process Weight

Process Lbs/Hr.	Emission Lbs/Hr.	Process Lbs/Hr.	Emission Lbs/Hr.	Process Lbs/hr.	Emission Lbs/Hr.
50	0.24	2300	4.44	7500	8.39
100	0.46	2400	4.55	8000	8.71
150	0.66	2500	4.64	8500	9.03

200	0.85	2600	4.74	9000	9.36
250	1.03	2700	4.84	9500	9.67
300	1.20	2800	4.92	10000	10.00
350	1.35	2900	5.02	11000	10.63
400	1.50	3000	5.10	12000	11.28
450	1.63	3100	5.18	13000	11.89
500	1.77	3200	5.27	14000	12.50
550	1.85	3300	5.36	15000	13.13
600	2.01	3400	5.44	16000	13.74
650	2.12	3500	5.52	17000	14.36
700	2.24	3600	5.61	18000	14.97
750	2.34	3700	5.69	19000	15.58
800	2.43	3800	5.77	20000	16.19
850	2.53	3900	5.85	30000	22.22
900	2.62	4000	5.93	40000	28.30
950	2.72	4100	6.01	50000	34.30
1000	2.80	4200	6.08	60000	40.00
1100	2.97	4300	6.15	70000	41.30
1200	3.12	4400	6.22	80000	42.50
1300	3.26	4500	6.30	90000	43.60
1400	3.40	4600	6.37	100000	44.60
1500	3.54	4700	6.45	120000	47.30
1600	3.66	4800	6.52	140000	47.80
1700	3.79	4900	6.60	160000	49.00
1800	3.91	5000	6.67	200000	51.20
1900	4.03	5500	7.03	1000000	69.00
2000	4.14	6000	7.37	2000000	77.60
2100	4.24	6500	7.71	6000000	92.70
2200	4.34	7000	8.05		

Interpolation and extrapolation of emissions above a process weight of 60,000 pounds per hour shall be accomplished by use of this equation:

$E = (55.0 \times P^{0.11}) - 40$, where P = process weight in tons per hour and E = emission rate in pounds per hour.

State effective: 11/10/94; EPA effective: 10/2/01

TITLE 33 PROHIBITED PRACTICES AND CONTROL OF SPECIAL CLASSES OF INDUSTRY

SECTION 33-030 CONCEALMENT AND MASKING OF EMISSIONS

1. No person shall willfully cause or permit the installation or use of any device or use of any means which, without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission of air contaminant which would otherwise violate these rules.

2. No person shall cause or permit the installation or use of any device or use of any means designed to mask the emission of an air contaminant which causes or tends to cause detriment to health, safety or welfare of any person.

State effective: 11/10/94; EPA effective: 10/2/01

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.

State effective: 11/10/94; EPA effective: 10/2/01

SECTION 33-060 BOARD PRODUCTS INDUSTRIES (HARDWOOD, PARTICLEBOARD, PLYWOOD, VENEER)

1. Definitions

   A. "Average Operating Opacity" means the opacity of emissions determined using EPA Method 9 on any three days within a 12-month period which are separated from each other by at least 30 days. A violation of the average operating opacity limitation is judged to have occurred if the opacity of emissions on each of the three days is greater than the specified average operating opacity limitation.

   B. "Board Products" means hardwood, particleboard, plywood and veneer.

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

   D. "Fuel Moisture Content By Weight Greater Than 20 Percent" means bark, hogged wood waste, or other wood with an average moisture content of more than 20 percent by weight on a wet basis as used for fuel in the normal operation of a wood-fired veneer dryer as measured by ASTM D4442-84 during compliance source testing.

E. "Fuel Moisture Content By Weight Less Than 20 Percent" means pulverized ply trim, sanderdust, or other wood with an average moisture content of 20 percent or less by weight on a wet basis as used for fuel in the normal operation of a wood-fired veneer dryer as measured by ASTM D4442-84 during compliance source testing.

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

G. "Particleboard" means matformed flat panels consisting of wood particles bonded together with synthetic resin or other suitable binder.

H. "Particulate Matter" means all solid or liquid material, other than uncombined water, emitted to the ambient air as measured in accordance with the Department Source Sampling Manual. Particulate matter emissions determinations shall consist of the average of three separate consecutive runs.

(1) For sources tested using DEQ Method 7, each run shall have a minimum sampling time of one hour, a maximum sampling time of eight hours, and a minimum sampling volume of 31.8 dscf. Veneer dryers, wood particle dryers, fiber dryers and press/cooling vents shall be tested with DEQ Method 7.

(2) For sources tested using DEQ Method 8, each run shall have a minimum sampling time of 15 minutes and shall collect a minimum particulate sample of 100 mg. Air conveying systems shall be tested with DEQ Method 8.

I. "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.

J. "Tempering Oven" means any facility used to bake hardboard following an oil treatment process.

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

L. "Wood-Fired Veneer Dryer" means a veneer dryer which is directly heated by the products of combustion of wood fuel in addition to or exclusive of steam of natural gas or propane combustion.

2. General Provisions

A. This section establishes minimum performance and emission standards for veneer, plywood, particleboard and hardboard manufacturing operations.

B. Emissions limitations established herein are in addition to, and not in lieu of, general emission standards for visible emissions, fuel burning equipment (Title 32), and refuse burning equipment (Title 30), except as provided for in subsection 33-060-3.

C. Emission limitations established herein and stated in terms of pounds per 1000 square feet of production shall be computed on an hourly basis using the maximum 8 hour production capacity of the plant.

D. Each affected veneer, plywood, particleboard, and hardboard plant shall proceed with a progressive and timely program of air pollution control. Each plant shall, at the request of the Authority, submit periodic reports in such form and frequency as directed to demonstrate the progress being made toward full compliance with LRAPA 33-060-2 through 5.

3. Veneer and Plywood Manufacturing Operations

A. Veneer Dryers

(1) Consistent with Section 33-060-2, A-D, it is the objective of this section to control air contaminant emissions, including but not limited to condensible hydrocarbons, such that visible emissions from each veneer dryer are limited to a level which does not cause a characteristic "blue Haze" to be observable.

(2) No person shall operate any veneer dryer such that visible air contaminants emitted from any dryer stack or emission point exceed:

(a) an average operating opacity of 10%; and

(b) a maximum opacity of 20%.

Where the presence of uncombined water is the only reason for the failure to meet the above requirement, this requirement shall not apply.

(3) Particulate emissions from wood-fired veneer dryers shall not exceed:

(a) 0.75 pounds per 1000 square feet of veneer dried (3/8" basis) for units using fuel which has a moisture content by weight of 20% or less;

(b) 1.50 pounds per 1000 square feet of veneer dried (3/8" basis) for units using fuel which has a moisture content by weight of greater than 20%; and

(c) in addition to paragraphs (a) and (b) of this subsection, 0.40 pounds per 1000 pounds of steam generated in boilers which exhaust gases to the veneer dryer.

(4) Exhaust gases from fuel-burning equipment vented to the veneer dryer are exempt from LRAPA 32-020 and 030.

(5) Each veneer dryer shall be maintained and operated at all times such that air contaminant generating processes and all contaminant control equipment shall be at full efficiency and effectiveness so that the emissions of air contaminants are kept at the lowest practicable levels.

(6) No person shall willfully cause or permit the installation or use of any means, such as dilution, which without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission which would otherwise violate this regulation.

(7) Where effective measures are not taken to minimize fugitive emissions, the

Authority may require that the equipment or structures in which processing, handling and storage are done be tightly closed, modified, or operated in such a way that air contaminants are minimized, controlled, or removed before discharge to the open air.

(8) The Authority may require more restrictive emission limits than provided in Section 33-060-3.A(2) and (3) for an individual plant upon finding by the Board of Directors that the individual plant is located or is proposed to be located in a special problem area. The more restrictive emission limits for special problem areas may be established on the basis of allowable emission expressed in opacity, pounds per hour, or total maximum daily emissions to the atmosphere, or a combination thereof.

B. No person shall cause to be emitted particulate matter from veneer and plywood mill sources, including but not limited to, sanding machines, saws, presses, barkers, hogs, chippers and other material size reduction equipment, process or space ventilation systems, and truck loading and unloading facilities in excess of a total from all sources within the plant site of one (1.0) pound per 1000 square feet of plywood or veneer production on a 3/8 inch basis of finished product equivalent.

C. Excepted from subsection 33-060-3.B are veneer dryers, fuel burning equipment and refuse burning equipment.

D. The Authority may require any veneer dryer facility to establish an effective program for monitoring the visible air contaminant emissions from each veneer dryer emission point. The program shall be subject to review and approval by the Authority and shall consist of the following:

(1) A specified minimum frequency for performing visual opacity determinations on each dryer emission point;

(2) All data obtained shall be recorded on copies of a "Veneer Dryer Visual Emission Monitoring Form" which shall be provided by the Authority or on an alternate form which is approved by the Authority; and

(3) A specified period during which all records shall be maintained at the plant site for inspection by authorized representatives of the Authority.

E. Open Burning

Upon the effective date of these regulations, no person shall cause or permit the open burning of wood residues or other refuse in conjunction with the operation of any veneer or plywood manufacturing mill and such acts are hereby prohibited.

4. Particleboard Manufacturing Operations

A. Every person operating or intending to operate a particleboard manufacturing plant shall cause all truck dump and storage areas holding or intended to hold raw materials to be enclosed to prevent windblown particle emissions from these areas to be deposited upon property not under the ownership of said person.

B. The temporary storage of raw materials outside the regularly used areas of the plant site is prohibited unless the person who desires to temporarily store such raw materials notifies the Authority and receives written approval for said storage:

(1) When authorized by the Authority, temporary storage areas shall be operated to prevent windblown particulate emissions from being deposited upon property not under the ownership of the person storing the raw materials.

(2) Any temporary storage areas authorized by the Authority shall not be operated in excess of six (6) months from the date they are first authorized.

C. Any person who proposes to control windblown particulate emissions from truck dump and storage areas other than by enclosure shall apply to the Authority for authorization to utilize alternative controls. The application shall be submitted pursuant to LRAPA 34-035 and shall describe in detail the plan proposed to control windblown particulate emissions and indicate on a plot plan the nearest location of property not under ownership of the applicant.

D. No person shall cause to be emitted particulate matter from particleboard plant sources including, but not limited to, hogs, chippers and other material size reduction equipment, process or space ventilation systems, particle dryers, classifiers, presses, sanding machines and materials handling systems, in excess of total from all sources within the plant site of three (3.0) pounds per 1000 square feet of particleboard produced on a 3/4 inch basis of finished product equivalent.

E. Excepted from subsection 33-060 C.4 are truck dump and storage areas, fuel burning equipment and refuse burning equipment.

F. Open Burning

Upon the effective date of these regulations, no person shall cause or permit the open burning of wood residues or other refuse in conjunction with the operation of any particleboard manufacturing plant and such acts are hereby prohibited.

5. Hardboard Manufacturing Operations

A. Every person operating or intending to operate a hardboard manufacturing plant shall cause all truck dump and storage areas holding or intended to hold raw materials to be enclosed to prevent windblown particle emissions from these areas to be deposited upon property not under the ownership of said person.

B. The temporary storage of raw materials outside the regularly used areas of the plant site is prohibited unless the person who desires to temporarily store such raw materials first notifies the Authority and receives written approval.

(1) When authorized by the Authority, temporary storage areas shall be operated to prevent windblown particulate emissions from being deposited upon property not under the ownership of the person storing the raw materials.

(2) Any temporary storage areas authorized by the Authority shall not be operated in excess of six (6) months from the date they are first authorized.

C. Alternative Means of Control

Any person who desires to control windblown particulate emissions from truck dump and storage areas other than by enclosure shall first apply to the Authority for authorization to utilize alternative controls. The application shall be submitted pursuant to LRAPA 34-035 and shall describe in detail the plan proposed to control windblown particulate emissions and indicate on a plot plan the nearest location of property not under ownership of the applicant.

D. No person shall cause to be emitted particulate matter from hardboard plant sources including, but not limited to hogs, chippers and other material size reduction equipment, process or space ventilation systems, particle dryers, classifiers, presses, sanding machines, and materials handling systems, in excess of a total from all sources within the plant site of one (1.0) pound per 1000 square feet of hardboard produced on a 1/8 inch basis of finished product equivalent.

E. Excepted from subsections 33-060-3D.4 are truck dump and storage areas, fuel burning equipment and refuse burning equipment.

F. No person shall operate any hardboard tempering oven unless all gases and vapors emitted from said oven are treated in a fume incinerator capable of raising the temperature of said gases and vapors to at least 1500°F for 0.3 seconds or longer. Specific operating temperatures lower than 1500°F may be approved by the Authority upon application, provided that information is supplied to show that operation of said temperatures provides sufficient treatment to prevent odors from being perceived on property not under the ownership of the person operating the hardboard plant. In no case shall fume incinerators installed pursuant to this section be operated at temperatures less than 1000°F.

G. Any person who proposes to control emissions from hardboard tempering ovens by means other than fume incineration shall apply to the Authority for authorization to utilize alternative controls. The application shall be submitted pursuant to LRAPA 34-035 and shall describe in detail the plan proposed to control odorous emissions and indicate on a plot plan the location of the nearest property not under ownership of the applicant.

H. Open Burning

Upon the effective date of these regulations, no person shall cause or permit the open burning of wood residues or other refuse in conjunction with the operating of any hardboard manufacturing plant and such acts are hereby prohibited.

State effective: 11/10/94; EPA effective: 10/2/01

SECTION 33-065 CHARCOAL PRODUCING PLANTS

1. No person shall cause or permit the emission of particulate matter from charcoal producing plant sources including, but not limited to, charcoal furnaces (retorts), heat recovery boilers, after combustion chambers, and wood dryers using any portion of the charcoal furnace off-gases as a heat source, in excess of a total from all sources within the plant site of 10.0 pounds per ton of charcoal produced (as determined from the retort process) as an annual average.

2. Emissions from char storage, briquette making (excluding dryers using furnace off-gases), boilers not using charcoal furnace off-gases, and fugitive sources are excluded in determining compliance with subsection (A).

3. Charcoal producing plants as described in (A) above shall be exempt from the limitations of Sections 32-030, 32-035, 32-040 and 32-045 which concern particulate emission concentrations and process weight.

4. The Agency may require the installation and operation of instruments and recorders for measuring emissions and/or parameters which affect the emission of air contaminants from sources covered by this rule to ensure that the sources and the air pollution control equipment are operated at all times at their full efficiency and effectiveness so that the emission of air contaminants is kept at the lowest practicable level. The instruments and recorders shall be periodically calibrated. The method and frequency of calibration shall be approved in writing by the Agency. The recorded information shall be kept for a period of at least one year and shall be made available to the Agency upon request.

5. The person responsible for the sources of particulate emissions shall make or have made tests once every year to determine the type, quantity, quality and duration of emissions, and process parameters affecting emissions, in conformance with test methods of file with the Agency. If this test exceeds the annual emission limitation then three (3) additional tests shall be required at three (3) month intervals with all four (4) tests being averaged to determine compliance with the annual standard. No single test shall be greater than twice the annual average emission limitation for that source.

   A. Source testing shall begin within 90 days of the date by which compliance is to be achieved for each individual emission source.

   B. These source testing requirements shall remain in effect unless waived in writing by the Agency upon adequate demonstration that the source is consistently operating at lowest practicable levels.

State effective: 11/10/94; EPA effective: 10/2/01

SECTION 33-070 KRAFT PULP MILLS

1. Definitions

   - "BLS" means Black Liquor Solids, dry weight.

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

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

   - "Daily Arithmetic Average" means the average concentration over the twenty-four hour period in a calendar day, or Authority-approved equivalent period, as determined by continuous monitoring equipment or reference method testing. Determinations based on EPA reference methods or equivalent methods in accordance with the Department Source Test Manual consist of three (3) separate consecutive runs having a minimum sampling time of sixty (60) minutes each and

a maximum sampling time of eight (8) hours each. The three values for concentration (ppm or grains/dscf) are averaged and expressed as the daily arithmetic average which is used to determine compliance with process weight limitations, grain loading or volumetric concentration limitations and to determine daily emission rate.

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

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

- ~~"Non-Condensibles" means gases and vapors, contaminated with TRS compounds, from the digestion and multiple-effect evaporation processes of a mill.~~

- ~~"Other Sources" means sources of TRS emissions in a kraft mill other than recovery furnaces and lime kilns, including but not limited to:~~

  ~~A. Vents from knotters, brown stock washing systems, evaporators, blow tanks, blow heat accumulators, black liquor storage tanks, black liquor oxidation system, pre-steaming vessels, tall oil recovery operation; and~~

  ~~B. Any vent which is shown to contribute to an identified nuisance condition.~~

- "Particulate Matter" means all solid or liquid material, other than uncombined water, emitted to the ambient air, as measured by EPA Method 5 or an equivalent test method in accordance with the Department Source Test Manual. Particulate matter emission determinations by EPA Method 5 shall use water as the cleanup solvent instead of acetone, and consist of the average of three (3) separate consecutive runs having a minimum sampling time of 60 minutes each, a maximum sampling time of eight (8) hours each, and a minimum sampling volume of 31.8 dscf each.

- "Parts Per Million (ppm)" means parts of a contaminant per million parts of gas by volume on a dry-gas basis (1 ppm equals 0.0001% by volume).

- "Production" means the daily amount of air-dried unbleached pulp, or equivalent, produced during the 24-hour period each calendar day, or Authority-approved equivalent period, and expressed in air-dried metric tons (admt) per day. The corresponding English unit is air-dried tons (adt) per day.

- "Recovery Furnace" means the combustion device in which dissolved wood solids are incinerated and pulping chemicals recovered from the molten smelt. For these regulations, and where present, this term shall include the direct contact evaporator.

- "Significant Upgrading of Pollution Control Equipment" means a modification or a rebuild of an existing pollution control device for which a capital expenditure of 50 percent or more of the replacement cost of the existing device is required, other than ongoing routine maintenance.

- "Smelt dissolving tank vent" means the vent serving the vessel used to dissolve the molten smelt produced by the recovery furnace.

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

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

2. Statement of Policy

Recent technological developments have enhanced the degree of malodorous emissions control possible for the kraft pulping process. While recognizing that complete malodorous and particulate emission control is not presently possible, consistent with the meteorological and geographical conditions in Oregon, it is hereby declared to be the policy of the Authority to:

A. Require, in accordance with a specific program and time table for all sources at each operating mill, the highest and best practicable treatment and control of atmospheric emissions from kraft mills through the utilization of technically feasible equipment, devices, and procedures. Consideration will be given to the economic life of equipment which, when installed, complies with the highest and best practicable treatment requirement.

B. Require degrees and methods of treatment for major and minor emissions points that will minimize emissions of odorous gases and eliminate ambient odor nuisances.

C. Require effective monitoring and reporting of emissions and reporting of other data pertinent to air quality or emissions. The Authority will use these data in conjunction with ambient air data and observation of conditions in the surrounding area to develop and revise emission and ambient air standards, and to determine compliance therewith.

D. Encourage and assist the kraft pulping industry to conduct a research and technological development program designed to progressively reduce kraft mill emissions, in accordance with a definite program, including specified objectives and time schedules.

3. Emission Limitations

~~A. Emission of Total Reduced Sulfur (TRS):~~

~~(1) Recovery Furnaces:~~

(a) The emissions of TRS from each recovery furnace placed in operation before January 1, 1969, shall not exceed 10 ppm and 0.15 Kg/metric ton (0.30 lb/ton) of production as daily arithmetic averages.

(b) TRS emissions from each recovery furnace placed in operation after January 1, 1969, and before September 25, 1976, or any recovery furnace modified significantly after January 1, 1969, and before September 25, 1976, to expand production, shall be controlled such that the emissions of TRS shall not exceed 5 ppm and 0.075 Kg/metric ton (0.150 lb/ton) production as daily arithmetic averages.

(2) Lime Kilns. Lime kilns shall be operated and controlled such that emission of TRS shall not exceed 20 ppm as a daily arithmetic average and 0.05 Kg/metric ton (0.10 lb/ton) of production as a daily arithmetic average. This paragraph applies to those sources where construction was initiated prior to September 25, 1976.

(3) Smelt Dissolving Tanks.

(a) TRS emissions from each smelt dissolving tank shall not exceed 0.0165 gram/Kg BLS (0.033 lb/ton BLS) as a daily arithmetic average, except as provided in paragraph (b) below.

(b) Where an explosion hazard, which was in existence on March 26, 1989, exists and control is not practical or economically not feasible and adequate documentation of these conditions is provided to the Authority, the affected smelt dissolving tank shall not exceed 0.033 gram/Kg BLS (0.066 lb/ton BLS) as a daily average.

(4) Non-Condensibles.

Non-condensibles from digesters, multiple-effect evaporators and contaminated condensate stripping shall be continuously treated to destroy TRS gases by thermal incineration in a lime kiln or incineration device capable of subjecting the non-condensibles to a temperature of not less than 650°C. (1200°F.) for not less than 0.3 second. An alternate device meeting the above requirements shall be available in the event adequate incineration in the primary device cannot be accomplished. Venting of TRS gases during changeover shall be minimized but in no case shall the time exceed one hour.

(5) Other Sources:

(a) The total emissions of TRS from other sources including, but not limited to, knotters and brown stock washer vents, brown stock washer filtrate tank vents, and black liquor oxidation vents shall not exceed 0.078 Kg/metric ton (0.156 lb/ton) of production as a daily arithmetic average.

(b) Miscellaneous Sources and Practices. If it is determined that sewers, drains, and anaerobic lagoons significantly contribute to an odor problem, a program for control shall be required.

B. Particulate Matter:

(1) Recovery Furnaces. The emissions of particulate matter from each recovery furnace stack shall not exceed:

(a) 2.0 kilograms per metric ton (4.0 pounds per ton) of production as a daily arithmetic average;

(b) 0.30 gram per dry standard cubic meter (0.13 grain per dry standard cubic foot) as a daily arithmetic average; and

(c) 35 percent opacity for a period or periods aggregating more than thirty (30) minutes in any one hundred and eighty (180) consecutive minutes or more than sixty (60) minutes in any twenty four (24) consecutive hours (excluding periods when the facility is not operating).

(2). Lime Kilns. The emissions of particulate matter from each lime kiln stack shall not exceed:

(a) 0.50 kilogram per metric ton (1.00 pound per ton) of production as a daily arithmetic average;

(b) 0.46 gram per dry standard cubic meter (0.20 grain per dry standard cubic foot) as a daily arithmetic average; and

(c) The visible emission limitations in LRAPA section 33-070-3.D.

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

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

(b) The visible emission limitations in LRAPA section 33-070-3.D.

(4) Replacement or Significant Upgrading of existing particulate pollution control equipment after July 1, 1988 shall result in more restrictive standards as follows:

(a) Recovery Furnaces.

(i) The emission of particulate matter from each affected recovery furnace stack shall not exceed 1.00 kilogram per metric ton (2.00 pounds per ton) of production as a daily arithmetic average; and

(ii) 0.10 gram per dry standard cubic meter (0.044 grain per dry standard cubic foot) as a daily arithmetic average.

(b) Lime Kilns.

(i) The emission of particulate matter from each affected lime kiln stack shall not exceed 0.25 kilogram per metric ton (0.50 pound per ton) of production as a daily arithmetic average; and

(ii) 0.15 gram per dry standard cubic meter (0.067 grain per day standard cubic foot) as a daily arithmetic average when burning gaseous fossil fuel; or

(iii) 0.50 kilogram per metric ton (1.00 pound per ton) of production as a daily arithmetic average; and

(iv) 0.30 gram per dry standard cubic meter (0.13 grain per dry standard cubic foot) as a daily arithmetic average when burning liquid fossil fuel.

(c) Smelt Dissolving Tanks. The emissions of particulate matter from each smelt dissolving tank vent stack shall not exceed 0.15 kilogram per metric ton (0.30 pound per ton) of production as a daily arithmetic average.

C. Sulfur Dioxide (SO_2). Emissions of sulfur dioxide from each recovery furnace stack shall not exceed a 3-hour arithmetic average of 300 ppm on a dry-gas basis except when burning fuel oil. The sulfur content of fuel oil used shall not exceed the sulfur content of residual and distillate oil established in LRAPA section 32-065-1 and 2, respectively.

D. All kraft mill sources with the exception of recovery furnaces shall not exceed an opacity equal to or greater than 20 percent for a period exceeding three (3) minutes in any one (1) hour.

E. New Source Performance Standards. New or modified sources that commenced construction after September 24, 1976, are subject to each provision of this section and the New Source Performance Standards, LRAPA section 46-630, whichever is more stringent.

4. More Restrictive Emission Limits

The Authority may establish more restrictive emission limits than the numerical emission standards contained in rule 33-070-3. and maximum allowable daily mill site emission limits in kilograms per day for an individual mill upon a finding by the Authority that:

A. The individual mill is located or is proposed to be located in a special problem area or an area where ambient air standards are exceeded or are projected to be exceeded or where the emissions will have a significant air quality impact in an area where the standards are exceeded; or

B. An odor or nuisance problem has been documented at any mill, in which case the TRS emission limits may be reduced below the regulatory limits; or

C. Other rules which are more stringent apply.

5. Plans and Specifications

Prior to construction of new kraft mills or modification of facilities affecting emissions at existing kraft mills, complete and detailed engineering plans and specifications for air pollution control devices and facilities, and such other data as may be required to evaluate projected emissions and potential effects on air quality, shall be submitted to and approved by the Authority. All construction shall be in accordance with plans as approved in writing by the Authority.

6. Monitoring

A. General:

(1) The details of the monitoring program for each mill shall be submitted to and approved by the Authority. This submittal shall include diagrams and descriptions of all monitoring systems, monitoring frequencies, calibration schedules, descriptions of all sampling sites, data reporting formats and duration of maintenance of all data and reports. Any changes that are subsequently made in the approved monitoring program shall be submitted in writing to the Authority for review and approved in writing prior to change.

(2) All records associated with the approved monitoring program including, but not limited to, original data sheets, charts, calculations, calibration data, production records and final reports shall be maintained for a continuous period of at least two (2) calendar years and shall be furnished to the Authority upon request.

(3) All source test data; TRS and SO_2 concentrations (ppm), corrected for oxygen content, if required, that are determined by continuous monitoring equipment; and opacity as determined by continuous monitoring equipment or EPA Method 9 will be used to determine compliance with applicable emission standards.

All continuous monitoring data, excluding the above, will be used to evaluate performance of emitting processes and associated control systems, and for the qualitative determination of plant site emissions.

~~B. Total Reduced Sulfur (TRS). Each mill shall monitor TRS continuously in accordance with the following:~~

~~(1) The monitoring equipment shall determine compliance with the emission limits and reporting requirements established by these regulations, and shall continuously sample and record concentrations of TRS.~~

~~(2) The sources monitored shall include, but are not limited to, individual recovery furnaces and lime kilns. All sources shall be monitored downstream of their respective control equipment, in either the ductwork or the stack, in accordance with the Department Continuous Emissions Monitoring (CEMS) Manual.~~

~~(3) At least once per year, vents from other sources as required in subsection 33-~~

~~070-3.A(5), Other Sources, shall be sampled to demonstrate the representativeness of the emissions of TRS using EPA Method 16, 16A, 16B or continuous emissions monitors. EPA methods shall consist of three (3) separate consecutive runs of one hour each, in accordance with the Department Source Test Manual. Continuous emissions monitors shall be operated for three consecutive hours in accordance with the Department Continuous Emissions Monitoring Manual. All results shall be reported to the Authority.~~

~~(4) Smelt dissolving tank vents shall be sampled for TRS quarterly except that testing may be semi-annual when the preceding six source tests were less than 0.0124 gram/Kg Bls (0.025 lb/ton Bls) using EPA Method 16, 16A, 16B or continuous emission monitors. EPA methods shall consist of three (3) separate consecutive runs of one hour each, in accordance with the Department Source Test Manual.~~

C. Particulate Matter.

(1) Each mill shall sample the recovery furnace(s), lime kiln(s) and smelt dissolving tank vent(s) for particulate emissions, in accordance with the Department Source Test Manual.

(2) Each mill shall provide continuous monitoring of opacity of emissions discharged to the atmosphere from each recovery furnace stack or particulate matter from the recovery furnace(s) in a manner approved in writing by the Authority. (or)

(3) Where monitoring of opacity from each recovery furnace is not feasible, provide continuous monitoring of particulate matter from each recovery furnace using sodium ion probes in accordance with the Department Continuous Emissions Monitoring Manual.

(4) Recovery furnace particulate source tests shall be performed quarterly except that testing may be semi-annual when the preceding six (6) source tests were less than 0.225 gram/dscm (0.097 grain/dscf) for furnaces subject to LRAPA section 33-070-3.B(1)(a) or 0.075 gram/dscm (0.033 grain/dscf) for furnaces subject to LRAPA section 33-070-3.B(4)(a)(i).

(5) Lime kiln source tests shall be performed semi-annually.

(6) Smelt dissolving tank vent source tests shall be performed quarterly except that testing may be semi-annual when the preceding six (6) source tests were less than 0.187 Kilogram per metric ton (0.375 pound per ton) of production.

D. Sulfur Dioxide (SO_2). Representative sulfur dioxide emissions from each recovery furnace shall be determined at least once each month by the average of three (3) one-hour source tests in accordance with the Department Source Test Manual or from continuous emission monitors. If continuous emission monitors are used, the monitors shall be operated for three consecutive hours, in accordance with the Department Continuous Emissions Monitoring Manual.

E. Combined Monitoring. The Authority may allow the monitoring for opacity of a

combination of more than one emission stream if each individual emission stream has been demonstrated (with the exception of opacity) to be in compliance with all the emission limits of rule 33-070-3. The Authority may establish more stringent emission limits for the combined emission stream.

7. Reporting

Unless otherwise authorized or required by permit, data shall be reported by each mill for each calendar month by the fifteenth 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. 3-hour average emissions of SO_2 based on all samples collected in one sampling period from the recovery furnace(s), expressed as ppm, dry basis.

D. All daily average opacities for each recovery furnace stack where transmissometers are utilized.

E. All 6-minute average opacities from each recovery furnace stack that exceeds 35 percent.

F. Daily average kilograms of particulate per equivalent metric ton (pounds of particulate per equivalent ton) of pulp produced for each recovery furnace stack. Where transmissometers are not feasible, the mass emission rate shall be determined by alternative sampling conducted in accordance with Section 33-070-6.C(3).

G. The results of each recovery furnace particulate source test in grams per standard cubic meter (grains per dry standard cubic foot) and for the same source test period the hourly average opacity, where transmissometers are used, and the particulate monitoring record obtained in accordance with the approved or the alternate monitoring program noted in Section 33-070-6.C(3).

H. Unless otherwise approved in writing, all periods of non-condensible gas bypass shall be reported.

I. Upset conditions shall be reported in accordance with Section 33-070-8.C.

J. Each kraft mill shall furnish, upon request of the Authority, such other pertinent data as the Authority may require to evaluate the mill's emission control program.

K. Monitoring data reported shall reflect actual observed levels corrected for oxygen, if required, and analyzer calibration.

L. Oxygen concentrations used to correct pollutant data shall reflect oxygen concentrations at the point of measurement of pollutants.

M. The Authority shall be notified at least fifteen (15) days in advance of all scheduled reference method testing including all scheduled changes.

8. Upset Conditions

A. Each mill shall report to the Authority abnormal mill operations including control and process equipment maintenance, or unexpected upsets that result in emissions in excess of the regulatory or air contaminant discharge permit limits within one hour or, when conditions prevent prompt notice, as soon as possible but no later than one hour after the start of the next working day. The mill shall also take immediate corrective action to reduce emission levels to regulatory or permit levels.

B. Upsets shall be reported in writing within five (5) working days of each incident, with an accompanying report on measures taken or to be taken to correct the condition and prevent its reoccurrence.

C. Each mill shall report the cumulative duration in hours each month of the upsets reported in section (1) of this rule and classified as to:

(1) Recovery Furnace:

~~(a) TRS;~~
(b) Particulate.

(2) Lime Kiln:

~~(a) TRS;~~
(b) Particulate

(3) Smelt Tank Particulate.

9. Chronic Upset Conditions

If the Authority determines that an upset condition is chronic and correctable by installing new or modified process or control procedures or equipment, a program and schedule to effectively eliminate the deficiencies causing the upset conditions shall be submitted. Such reoccurring upset conditions causing emissions in excess of applicable limits may be subject to civil penalty or other appropriate action.

State effective: 11/10/94; EPA effective: 10/2/01

SECTION 33-075 HOT MIX ASPHALT PLANTS

1. Definitions

A. "Collection efficiency" means the overall performance of the air cleaning device in terms of ratio of material collected to total input to the collector, unless specific size fractions of the contaminant are stated or required.

B. "Dusts" means minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, or sweeping.

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

D. "Particulate matter" means any matter except uncombined water, which exists as a liquid or solid at standard conditions.

E. "Portable hot mix asphalt plants" means those hot mix asphalt plants which are designed to be dismantled and are transported from one job site to another job site.

F. "Process weight by hour" means the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "process weight per hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

G. "Special control areas" means any location within:

(1) Benton, Clackamas, Columbia, Lane, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties;

(2) Any incorporated city or within six (6) miles of the city limits of said incorporate city;

(3) Any area of Lane County within one (1) mile of any structure or building used for a residence;

(4) Any area of Lane County within two (2) miles straight-line distance or air miles of any paved public road, highway, or freeway having a total of two (2) or more traffic lanes.

2. Control Facilities Required

A. No person shall operate any hot mix asphalt plant, either portable or stationary, located within any area of Lane County outside special control areas unless all dusts and gaseous effluents generated by the plant are subjected to air cleaning device or devices having a particulate collection efficiency of at least 80 percent by weight.

B. No person shall operate any hot mix asphalt plant, either portable or stationary, located within any special control area of Lane County without installing and operating systems or processes for the control of particulate emissions so as to comply with the emission limits established by the process weight table, Table 1, attached herewith and by reference made a part of this rule and the emission limitations Section 32-010-1 and 3 and 32-015.

3. Other Established Air Quality Limitations

The emission limits established under Section 33-075 are in addition to visible emission and other ambient air standards, established or to be established by the LRAPA Board of

Directors, unless otherwise provided by rule or regulation.

4. Portable Hot Mix Asphalt Plants

Portable hot mix asphalt plants may apply for air contaminant discharge permits within the area of Authority jurisdiction without indicating specific site locations. As a condition of said permit, the permittee will be required to obtain approval from the Authority for the air pollution controls to be installed at each site location or set-up at least ten (10) days prior to operating at each site location or set-up.

5. Ancillary Sources of Emission--Housekeeping of Plant Facilities

A. Ancillary air contamination sources from the plant and its facilities which emit air contaminants into the atmosphere such as, but not limited to, the drier openings, screening and classifying system, hot rock elevator, bins, hoppers, and pug mill mixer, shall be controlled at all times so as to maintain the highest possible level of air quality and the lowest possible discharge of air contaminants.

B. The handling of aggregate and traffic shall be conducted at all times so as to minimize emissions into the atmosphere.

State effective: 11/10/94; EPA effective: 10/2/01

SECTION 33-075 HOT MIX ASPHALT PLANTS

1. Definitions

A. "Collection efficiency" means the overall performance of the air cleaning device in terms of ratio of material collected to total input to the collector, unless specific size fractions of the contaminant are stated or required.

B. "Dusts" means minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, or sweeping.

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

D. "Particulate matter" means any matter except uncombined water, which exists as a liquid or solid at standard conditions.

E. "Portable hot mix asphalt plants" means those hot mix asphalt plants which are designed to be dismantled and are transported from one job site to another job site.

F. "Process weight by hour" means the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "process weight per hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

G. "Special control areas" means any location within:

(1) Benton, Clackamas, Columbia, Lane, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties;

(2) Any incorporated city or within six (6) miles of the city limits of said incorporate city;

(3) Any area of Lane County within one (1) mile of any structure or building used for a residence;

(4) Any area of Lane County within two (2) miles straight-line distance or air miles of any paved public road, highway, or freeway having a total of two (2) or more traffic lanes.

2. Control Facilities Required

A. No person shall operate any hot mix asphalt plant, either portable or stationary, located within any area of Lane County outside special control areas unless all dusts and gaseous effluents generated by the plant are subjected to air cleaning device or devices having a particulate collection efficiency of at least 80 percent by weight.

B. No person shall operate any hot mix asphalt plant, either portable or stationary, located within any special control area of Lane County without installing and operating systems or processes for the control of particulate emissions so as to comply with the emission limits established by the process weight table, Table 1, attached herewith and by reference made a part of this rule and the emission limitations Section 32-010-1 and 3 and 32-015.

3. Other Established Air Quality Limitations

The emission limits established under Section 33-075 are in addition to visible emission and other ambient air standards, established or to be established by the LRAPA Board of Directors, unless otherwise provided by rule or regulation.

4. Portable Hot Mix Asphalt Plants

Portable hot mix asphalt plants may apply for air contaminant discharge permits within the area of Authority jurisdiction without indicating specific site locations. As a condition of said permit, the permittee will be required to obtain approval from the Authority for the air pollution controls to be installed at each site location or set-up at least ten (10) days prior to operating at each site location or set-up.

5. Ancillary Sources of Emission--Housekeeping of Plant Facilities

A. Ancillary air contamination sources from the plant and its facilities which emit air contaminants into the atmosphere such as, but not limited to, the drier openings, screening and classifying system, hot rock elevator, bins, hoppers, and pug mill mixer, shall be controlled at all times so as to maintain the highest possible level of air quality and the lowest possible discharge of air contaminants.

B. The handling of aggregate and traffic shall be conducted at all times so as to

minimize emissions into the atmosphere.

State effective: 11/10/94; EPA effective: 10/2/01

TITLE 34 STATIONARY SOURCE RULES AND PERMITTING PROCEDURES

SECTION 34-001 GENERAL POLICY AND RULE ORGANIZATION

In order to restore and maintain Lane County air quality in a condition as free from air pollution as is practicable, consistent with the overall public welfare of the county, it is the policy of the Lane Regional Air Pollution Authority to require a permit to discharge air contaminants from certain sources. As a result, LRAPA has set forth in this title the air pollution control rules and permitting procedures which apply to all stationary sources regulated by the Authority in Lane County.

This title is organized as follows:

34-010 Rules applicable to all stationary sources, including:

- 34-015 Request for Information
- 34-020 Information Exempt from Disclosure
- 34-025 Highest and Best Practicable Treatment and Control (HBPT)
- 34-030 Source Registration
- 34-035 Requirements for Construction
- 34-040 Compliance Schedules

34-050 Rules applicable to sources required to have Air Contaminant Discharge Permits (ACDP) or Title V Operating Permits, including:

- 34-060 Plant Site Emission Limits (PSEL) Rules
- 34-070 Sampling, Testing, Monitoring and Reporting
- 34-080 Excess Emissions

34-090 Rules applicable to sources required to have Air Contaminant Discharge Permits (ACDP), including:

- 34-100 Permit Categories
- 34-110 Requirements to Obtain Permit
- 34-120 Synthetic Minor Permitting Procedures
- 34-130 General Procedures for ACD Permits
- 34-140 Permit Duration
- 34-150 ACDP Fees
- 34-160 New Source Review

34-170 Rules applicable to sources required to have Title V Operating Permits, as specified by OAR 340 Divisions 218, 220 and 244 in their entirety, including:

- 34-180 Authority to Implement
- 34-190 Definitions
- 34-200 Title V Operating Permitting Program Requirements and Procedures

34-210 Rules Applicable to Sources Desiring Green Permits

- 34-220 Authority to Implement

State effective: 6/13/00; EPA effective: 10/2/01

SECTION 34-005 DEFINITIONS

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

1. Plant Site Emission Limit (PSEL) definitions, which may be found in Section 34-060; and

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

State effective: 6/13/00; EPA effective: 10/2/01

RULES APPLICABLE TO ALL STATIONARY SOURCES

SECTION 34-010 APPLICABILITY

Unless specified elsewhere, 34-015 through 34-040 shall apply to all stationary sources in Lane County.

State effective: 6/13/00; EPA effective: 10/2/01

SECTION 34-015 REQUEST FOR INFORMATION

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

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

2. ascertain applicability of any requirement;

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

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

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

State effective: 6/13/00; EPA effective: 10/2/01

SECTION 34-020 INFORMATION EXEMPT FROM DISCLOSURE

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

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

the owner or operator shall comply with the following procedures:

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

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

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

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

A. the information shall not be patented;

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

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

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

State effective: 6/13/00; EPA effective: 10/2/01

SECTION 34-030 SOURCE REGISTRATION

Any air contaminant source which is not subject to the ACDP rules (34-090 through 34-160) or the Title V Operating Permit program rules (34-170 through 34-200) shall register with the Authority upon request pursuant to 34-030-1 through 4.

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

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

3. The following information shall be reported by registrants:

A. name, address, and nature of business;

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

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

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

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

F. type and quantity of fuels used;

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

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

I. any other information requested by the Authority.

4. Once a year, upon the annual date of registration, a person responsible for an air contaminant source shall reaffirm in writing the correctness and current status of the information furnished to the Authority. Any changes in any of the factual data reported under subsection 3 of this section shall be reported to the Authority, at which time re-registration may be required on forms furnished by the Authority.

State effective: 6/13/00; EPA effective: 10/2/01

SECTION 34-040 COMPLIANCE SCHEDULES FOR EXISTING SOURCES AFFECTED BY NEW RULES

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

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

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

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

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

State effective: 6/13/00; EPA effective: 10/2/01

RULES APPLICABLE TO SOURCES REQUIRED TO HAVE ACDP OR TITLE V OPERATING PERMITS

SECTION 34-050 APPLICABILITY

Sections 34-060 through 34-080 shall apply to all stationary sources required to obtain ACDP's under 34-090 through 34-160 or Title V Operating Permits under 34-170 through 34-200.
State effective: 6/13/00; EPA effective: 10/2/01

SECTION 34-060 PLANT SITE EMISSION LIMIT RULES

1. Policy. The Authority recognizes the need to establish a more definitive method for regulating increases and decreases in air emissions of permit holders as contained in Section 34-060. However, by the adoption of these rules, the Authority does not intend to:

   A. Limit the use of existing production capacity of any air quality permittee (except for synthetic minor source permittees);

   B. Cause any undue hardship or expense to any permittee due to the utilization of existing unused productive capacity; or,

   C. Create inequity within any class of permittees subject to specific industrial standards which are based on emissions related to production.

2. Plant Site Emission Limits (PSEL) may be established at levels higher than baseline if a demonstrated need exists to emit at a higher level, PSD increments and air quality standards would not be violated, and reasonable further progress in implementing control strategies would not be impeded.

3. Definitions

   - "Actual Emissions" means the mass rate of emissions of a pollutant from an emissions source during a specified time period. Actual emissions shall be directly measured with a continuous monitoring system or calculated using a material balance or verified emission factor in combination with the source's actual operating hours, production rates, or types of materials processed, stored, or combusted during the specified time period.

     A. For purposes of determining actual emissions as of the baseline period:

        (1) Except as provided in paragraph (2) of this subsection, actual emissions shall equal the average rate at which the source actually emitted the pollutant during a baseline period and which is representative of normal source operation;

        (2) The Authority may assume the source-specific mass emissions limit included in the permit for a source that was effective on September 8, 1981 is equivalent to the actual emissions of the source during the baseline period if it is within 10 percent of the actual emissions calculated under

paragraph (1) of this subsection.

B. For any source which had not yet begun normal operation in the specified time period, actual emissions shall equal the potential to emit of the source.

C. For purposes of determining actual emissions for emission statements for Major Source Interim Emission Fees under LRAPA Title 35 and for Title V Operating Permit Fees under OAR 340 Division 220, actual emissions include, but are not limited to, routine process emissions, fugitive emissions, excess emissions from maintenance, startups and shutdowns, equipment malfunction, and other activities.

- "Aggregate Insignificant Emissions" means the annual actual emissions of any regulated air pollutant as defined in OAR 340-200-0020, for any Title V Operating Permit program source, including the usage of exempt mixtures, up to the lowest of the following applicable level:

  A. one ton for each criteria pollutant;

  B. 500 pounds for PM10 in a PM10 nonattainment area;

  C. 120 pounds for lead;

  D. the lesser of the amount established in OAR 340-244-0230, Table 3, or 1,000 pounds for each Hazardous Air Pollutant;

  E. an aggregate of 5,000 pounds for all Hazardous Air Pollutants.

- "Baseline Emission Rate" means the average actual emission rate during the baseline period. Baseline emission rate shall not include increases due to voluntary fuel switches or increased hours of operation that have occurred after the baseline period.

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

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

  A. constituents of a chemical mixture present at less than 1% by weight of any chemical or compound regulated under OAR Chapter 340, Divisions 200 through 268, or less than 0.1% by weight of any carcinogen listed in the U. S. Department of Health and Human Service's Annual Report on Carcinogens when usage of the chemical mixture is less than 100,000 pounds/year.

  B. evaporative and tail pipe emissions from on-site motor vehicle operation;

C. distillate oil, kerosene, and gasoline fuel burning equipment rated at less than or equal to 0.4 million Btu/hr;

D. natural gas and propane burning equipment rated at less than or equal to 2.0 million Btu/hr;

E. office activities;

F. food service activities;

G. janitorial activities;

H. personal care activities;

I. groundskeeping activities including, but not limited to building painting and road and parking lot maintenance;

J. on-site laundry activities;

K. on-site recreation facilities;

L. instrument calibration;

M. maintenance and repair shop;

N. automotive repair shops or storage garages;

O. air cooling or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;

P. refrigeration systems with less than 50 pounds of charge of ozone depleting substances regulated under Title VI, including pressure tanks used in refrigeration systems but excluding any combustion equipment associated with such systems;

Q. bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated vacuum producing devices but excluding research and development facilities;

R. temporary construction activities;

S. warehouse activities;

T. accidental fires;

U. air vents from air compressors;

V. air purification systems;

W. continuous emissions monitoring vent lines;

X. demineralized water tanks;

Y. pre-treatment of municipal water, including use of deionzed water purification systems;

Z. electrical charging stations;

AA. fire brigade training;

BB. instrument air dryers and distribution;

CC. process raw water filtration systems;

DD. pharmaceutical packaging;

EE. fire suppression;

FF. blueprint making;

GG. routine maintenance, repair, and replacement such as anticipated activities most often associated with and performed during regularly scheduled equipment outages to maintain a plant and its equipment in good operating condition, including but not limited to steam cleaning, abrasive use, and woodworking;

HH. electric motors;

II. storage tanks, reservoirs, transfer and lubricating equipment used for ASTM grade distillate or residual fuels, lubricants, and hydraulic fluids;

JJ. on-site storage tanks not subject to any New Source Performance Standards (NSPS), including underground storage tanks (UST), storing gasoline or diesel used exclusively for fueling of the facility's fleet of vehicles;

KK. natural gas, propane, and liquefied petroleum gas (LPG) storage tanks and transfer equipment;

LL. pressurized tanks containing gaseous compounds;

MM. vacuum sheet stacker vents;

NN. emissions from wastewater discharges to publicly owned treatment works (POTW) provided the source is authorized to discharge to the POTW, not including on-site wastewater treatment and/or holding facilities;

OO. log ponds;

PP. storm water settling basins;

QQ. fire suppression and training;

RR. paved roads and paved parking lots within an urban growth boundary;

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

TT. health, safety, and emergency response activities;

UU. emergency generators and pumps used only during loss of primary equipment or utility service;

VV. non-contact steam vents and leaks and safety and relief valves for boiler steam distribution systems;

WW. non-contact steam condensate flash tanks;

XX. non-contact steam vents on condensate receivers, deaerators and similar equipment;

YY. boiler blowdown tanks;

ZZ. industrial cooling towers that do not use chromium-based water treatment chemicals;

AAA. ash piles maintained in a wetted condition and associated handling systems and activities;

BBB. oil/water separators in effluent treatment systems;

CCC. combustion source flame safety purging on startup;

DDD. broke beaters, pulp and repulping tanks, stock chests and pulp handling equipment, excluding thickening equipment and repulpers;

EEE. stock cleaning and pressurized pulp washing, excluding open stock washing systems; and

FFF. white water storage tanks.

- "Normal Source Operation" means operations which do not include such conditions as forced fuel substitution, equipment malfunction, or highly abnormal market conditions.
- "Plant Site Emission Limit (PSEL)" means the total mass emissions per unit time of an individual air pollutant specified in a permit for a source. The PSEL may consist of more than one assessable emission.
- "Significant Emission Rate (SER)" means

A. Emission rates equal to or greater than the following for air pollutants regulated under the Clean Air Act:

Significant Emission Rates for Pollutants Regulated Under the Clean Air Act	
Significant Pollutant	**Emission Rate**
1. Carbon Monoxide	100.00 Tons/Year
2. Nitrogen Oxides	40.0 Tons/Year
3. Particulate Matter	25.0 Tons/Year
4. PM_{10}	15.0 Tons/Year
5. Sulfur Dioxide	40.0 Tons/Year
6. VOCs	40.0 Tons/Year
7. Lead	0.60 Tons/Year
8. Mercury	0.10 Tons/Year
9. Beryllium	0.0004 Tons/Year
10. Asbestos	0.007 Tons/Year
11. Vinyl Chloride	1.0 Tons/Year
12. Fluorides	3.0 Tons/Year
13. Sulfuric Acid Mist	7.0 Tons/Year
14. Hydrogen Sulfide	10.0 Tons/Year
15. Total Reduced Sulfur (including hydrogen sulfide)	10.0 Tons/Year
16. Reduced Sulfur Compounds (including hydrogen sulfide)	10.0 Tons/Year

B. For pollutants not listed above, the Authority shall determine the rate that constitutes a significant emission rate.

C. Any emissions increase less than these rates associated with a new source or modification which would construct within 10 kilometers of a Class I area, and would have an impact on such area equal to or greater than 1 $\mu g/m^3$ (24-hour average) shall be deemed to be emitting at a significant emission rate.

4. Requirements for Plant Site Emission Limits

A. Plant Site Emission Limits (PSEL) shall be incorporated in all Air Contaminant Discharge Permits (ACDPs) and Title V Operating Permits, except minimal

source permits and special letter permits, as a means of managing airshed capacity. Except as provided for in 34-060-6 and 7, all sources subject to regular permit requirements shall be subject to PSELs for all regulated pollutants. PSELs will be incorporated in permits when permits are renewed, modified, or newly issued.

B. The emissions limits established by PSELs shall provide the basis for:

(1) assuring reasonable further progress toward attaining compliance with ambient air standards;
(2) assuring that compliance with ambient air standards and Prevention of Significant Deterioration increments are being maintained;
(3) administering offset, banking and bubble programs; and
(4) establishing the baseline for tracking consumption of Prevention of Significant Deterioration increments.

5. Criteria for Establishing Plant Site Emission Limits

A. For existing sources, PSELs shall be based on the baseline emission rate for a particular pollutant at a source and shall be adjusted upward or downward pursuant to Authority rules.

B. If an applicant requests that the PSEL be established at a rate higher than the baseline emission rate, the applicant shall:

(1) demonstrate that the requested increase is less than the significant emission rate increase defined in Section 34-060-3; or
(2) provide an assessment of the air quality impact pursuant to procedures specified in Section 38-015 to Section 38-020. A demonstration that no air quality standards or PSD increment will be violated in an attainment area or that a growth increment or offset is available in a non-attainment area shall be sufficient to allow an increase in the PSEL to an amount not greater than the plant's demonstrated need to emit as long as no physical modification of an emissions unit is involved.

C. Increases above baseline emission rates shall be subject to public notice and opportunity for public hearing pursuant to applicable permit requirements.

D. PSELs shall be established on at least an annual emission basis and a short- term period emission basis that is compatible with source operation and air quality standards.

E. Mass emission limits may be established separately within a particular source for process emissions, combustion emissions, and fugitive emissions.

F. Documentation of PSEL calculations shall be available to the permittee.

G. For new sources, PSELs shall be based on application of applicable control equipment requirements and projected operating conditions.

H. PSELs shall not be established which allow emissions in excess of those allowed by any applicable federal or state regulation or by any specific permit

condition unless specific provisions of Section 34-060-8 are met.

I. PSELs may be changed pursuant to Authority rules when:

(1) Errors are found or better data is available for calculating PSELs.
(2) More stringent control is required by a rule adopted by the Environmental Quality Commission or the Authority.
(3) An application is made for a permit modification pursuant to the Air Contaminant Discharge Permit requirements (34-090 through 34-160) and the New Source Review requirements (Title 38), or Rules Applicable to Sources Required to Have Title V Operating Permits (34-170 through 34-200). Approval may be granted based on growth increments, offsets, or available Prevention of Significant Deterioration increments.
(4) The Authority finds it necessary to initiate modifications of a permit pursuant to Section 34-130-15 or OAR 340-218-0200, Reopenings.

~~6. Plant Site Emission Limits for Sources of Hazardous Air Pollutants~~

~~A. For purposes of establishing PSELs, hazardous air pollutants listed under OAR 340-244-0040 or OAR 340-244-0230 shall not be considered regulated pollutants under Section 34-060-4.A until such time as the Authority determines otherwise.~~

~~B. The Authority may establish PSELs for hazardous air pollutants for the following causes:~~

~~(1) An owner or operator elects to establish a PSEL for any hazardous air pollutant emitted for purposes of determining emission fees as prescribed in Title 35; or~~
~~(2) The source is subject to a hazardous air pollutant emission standard, limitation, or control requirement other than Plant Site Emission Limits.~~

~~C. Procedures for establishing and modifying PSELs for hazardous air pollutant emissions shall be consistent with Section 34-060-5, except for the following:~~

~~(1) a baseline emission rate shall not apply; and~~
~~(2) the provisions of Section 34-060-8 shall not apply.~~

~~D. PSELs established for hazardous air pollutants shall not be used for any provisions other than those prescribed in subsection B of this section.~~

7. Plant Site Emission Limits for Insignificant Activities

A. For purposes of establishing PSELs, emissions from categorically insignificant activities listed in Subsection 34-060-3 shall not be considered regulated air pollutants under Section 34-060-4 until such time as the Authority determines otherwise, except as provided in subsection C of this section.

B. For purposes of establishing PSELs, emissions from non-exempt insignificant mixture usage and aggregate insignificant emissions listed in Subsection 34-

060-3 shall be considered regulated air pollutants under Section 34-060-4.

C. For purposes of determining New Source Review or Prevention of Significant Deterioration applicability, Title 38, emissions from insignificant activities shall be considered.

~~8. Alternative Emission Controls (Bubble)~~

~~A. Alternative emission controls may be approved for use within a plant site such that specific mass emission limit rules are exceeded if:~~

~~(1) such alternatives are not specifically prohibited by a permit condition;~~
~~(2) net emissions for each pollutant are not increased above the PSEL;~~
~~(3) The net air quality impact is not increased as demonstrated by procedures required by Section 38-035 (Requirements for Net Air Quality Benefit);~~
~~(4) No other pollutants including malodorous, toxic or hazardous pollutants are substituted;~~
~~(5) Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER), where required by a previously issued permit, and New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP), where required, are not relaxed;~~
~~(6) specific mass emission limits are established for each emission unit involved such that compliance with the PSEL can be readily determined; or~~
~~(7) application is made for a permit modification and such modification is approved by the Authority.~~

~~B. Operators of existing sources requesting alternative emission controls shall, at the time of application, pay the following fees:~~

~~(1) a filing fee as listed in Table A, Part I, item J of this rule; and~~
~~(2) an application processing fee as listed in Table A, Part I, item D of this rule.~~

9. Temporary PSD Increment Allocation

A. On demonstration to the Authority, PSELs may include a temporary or time-limited allocation against an otherwise unused PSD increment in order to accommodate voluntary fuel switching or other cost or energy saving proposals if:

(1) no ambient air quality standard is exceeded;
(2) no applicable PSD increment is exceeded;
(3) no nuisance condition is created; and
(4) the applicant's proposed and approved objective continues to be realized.

B. When such demonstration is being made for changes to the PSEL, it shall be presumed that ambient air quality monitoring shall not be required of the applicant for changes in hours of operation, changes in production levels, voluntary fuel switching or for cogeneration projects unless, in the opinion of

the Authority, extraordinary circumstances exist.

C. Such temporary allocation of a PSD increment shall be set forth in a specific permit condition issued pursuant to the Authority's notice and permit issuance or modification procedures.

D. Such temporary allocations are for a specific time period and may be recalled with proper notice.

State effective: 6/13/00; EPA effective: 10/2/01

SECTION 34-070 SAMPLING, TESTING AND MONITORING OF AIR CONTAMINANT EMISSIONS

1. Program

A. As part of its coordinated program of air quality control and preventing and abating air pollution, the Authority may:

(1) require any person responsible for emissions of air contaminants to make or have made tests to determine the type, quantity, quality, and duration of the emissions from any air contamination source;
(2) require full reporting of all test procedures and results furnished to the Authority in writing and signed by the person or persons responsible for conducting the tests; and
(3) require continuous monitoring of specified air contaminant emissions and periodic regular reporting of the results of such monitoring.

B. At the request of the Authority, an owner or operator of a source required to conduct emissions tests may be required to provide emission testing facilities as follows:

(1) sampling ports, safe sampling platforms, and access to sampling platforms adequate for test methods applicable to such source; and
(2) utilities for sampling and testing equipment.

C. Testing shall be conducted in accordance with the Department's Source Sampling Manual (January, 1992), the Department's Continuous Monitoring Manual (January, 1992), or an applicable EPA Reference Method unless the Authority, where allowed under applicable federal requirements:

(1) specifies or approves, in specific cases, minor changes in methodology;
(2) approves the use of an equivalent method or alternative method which will provide adequate results;
(3) waives the requirement for tests because the owner or operator of a source has demonstrated by other means to the Authority's satisfaction that the affected facility is in compliance with applicable requirements; or
(4) approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors.

2. Stack Heights and Dispersion Techniques

A. **40 CFR, Parts 51.100 (ff) through 51.100(kk), 51.118, 51.160 through 51.166 (July 1, 1993)** are by this reference adopted and incorporated herein, concerning stack heights and dispersion techniques.

B. In general, the rule prohibits the use of excessive stack height and certain dispersion techniques when calculating compliance with ambient air quality standards. The rule does not forbid the construction and actual use of excessively tall stacks, nor use of dispersion techniques; it only forbids their use in calculations as noted above.

C. This section has the following general applicability:

(1) With respect to the use of excessive stack height, stacks 65 meters high or greater, constructed after December 31, 1970, and major modifications to existing plants after December 31, 1970 with stacks 65 meters high or greater which were constructed before that date, are subject to this section, with the exception that certain stacks at federally owned, coal-fired steam electric generating units constructed under a contract awarded before February 8, 1974, are exempt.

(2) With respect to the use of dispersion techniques, any technique implemented after December 31, 1970, at any plant, is subject to this section. However, if the plant's total allowable emissions of sulfur dioxide are less than 5,000 tons per year, then certain dispersion techniques to increase final exhaust gas plume rise are permitted to be used when calculating compliance with ambient air quality standards for sulfur dioxide.

D. Definitions:

(1) Where found in the federal rule, the term "reviewing agency" means the Authority, the Department, or the EPA, as applicable;

(2) Where found in the federal rule, the term "authority administering the State Implementation Plan" means the Authority, the Department, or the EPA;

(3) The "procedures" referred to in **40 CFR 51.164** are the New Source Review procedures at the Department (OAR 340 Division 224) or at the Authority (Title 38); and the review procedures for new, or modifications to, minor sources, at the Department (OAR 340-0200 to 0220, 340 Division 216) or at the Authority (34-035).

(4) Where "the state" or "state, or local control agency" is referred to in **40 CFR 51.118**, it means the Department or the Authority.

(5) Where found in the federal rule, the terms "applicable state implementation plan" and "plan" refer to the programs and rules of the Department or the Authority, as approved by the EPA, or any EPA-promulgated regulations (see **40 CFR Part 52, Subpart MM**).

3. Methods

A. Any sampling, testing, or measurement performed under this regulation shall conform to methods contained in the Department's Source Sampling Manual or to recognized applicable standard methods approved in advance by the

Authority.

B. The Authority may approve any alternative method of sampling provided it finds that the proposed method is satisfactory and complies with the intent of these regulations and is at least equivalent to the uniform recognized procedures in objectivity and reliability, and is demonstrated to be reproducible, selective, sensitive, accurate and applicable to the program.

4. Authority Testing. The Authority, instead of requesting tests and sampling of emissions from the person responsible for an air contamination source, may conduct such tests alone or in conjunction with said person. If the testing or sampling is performed by the Authority, a copy of the results shall be provided to the person responsible for the air contamination source.

5. Records--Maintaining and Reporting

A. Upon notification from the Director, all persons owning or operating a source within Lane County shall keep and maintain written records of the nature, type and amounts of emissions from such source and other information as may be required by the Director to determine whether the source is in compliance with applicable emission rules, limitations or other control measures.

B. The records shall be submitted to the Authority on an annual basis, or more frequently if requested in writing by the Authority. They shall be submitted using an Emissions Inventory Questionnaire form provided by the Authority. Except as may be otherwise provided by rule, annual periods are January 1 through December 31. A more frequent basis for reporting may be required due to noncompliance or to protect human health or the environment.

C. The reports required by this rule shall be submitted by the end of the first calendar quarter of the next year (March 31).

State effective: 6/13/00; EPA effective: 10/2/01

RULES APPLICABLE TO SOURCES REQUIRED TO HAVE AIR CONTAMINANT DISCHARGE PERMITS (ACDP)

SECTION 34-090 PURPOSE AND APPLICABILITY

1. In order to restore and maintain Lane County air quality in a condition as free from air pollution as is practicable, it is the policy of the Lane Regional Air Pollution Authority to require a permit to discharge air contaminants from certain sources. As a result, no person shall construct, install, establish, modify, enlarge, develop or operate an air contaminant source listed in Table A Part II, without first obtaining an Air Contaminant Discharge Permit (ACDP) from the Authority.

2. The purpose of Sections 34-090 through 34-160 is to prescribe the requirements and procedures for obtaining ACDP's for stationary sources listed in Table A Part II. Sections 34-090 through 34-160 shall not apply to Title V Operating Permit program sources unless an ACDP is required by 34-110(2), 34-110(4), 34-120 or 38-001.

3. Sources not listed in Table A Part II are subject to requirements for construction (34-035) and may be subject to registration requirements (34-030).

SECTION 34-100 PERMIT CATEGORIES

The following list delineates the types of permit which may apply to a stationary source:

1. Title V Operating Permit, for major stationary sources as defined by OAR 340-200-0020-63(b). Permitting requirements for Title V Operating Permit program sources are prescribed in Sections 34-110-2 and 4, and Sections 34-170 through 34-200.

2. Regular ACDP, for stationary sources listed in Table A Part II. Permitting requirements for regular ACD permits are prescribed in Sections 34-110 through 34-160.

3. Synthetic Minor ACDP, for stationary sources defined by OAR 340-200-0020. Permitting procedures for Synthetic Minor ACDP's are prescribed in Sections 34-110-2, 4 and 5, and 34-120 through 34-160.

4. Multiple Source Permit. When a single site includes more than one air contaminant source, a single ACDP may be issued including all sources located at the site. For uniformity such applications shall separately identify, by subsection, each air contaminant source included from Table A Part II. Permitting procedures for multiple source permits are the same as for regular ACDP's and are prescribed in Sections 34-130 through 34-160.

   A. When a single air contaminant source which is included in a multiple-source ACDP is subject to permit modification, revocation, suspension, or denial, such action by the Authority shall only affect that individual source without thereby affecting any other source subject to the permit.

   B. When a multiple-source ACDP includes air contaminant sources subject to the jurisdictions of both the Department and the Authority, the Department may require that it shall be the permit issuing agency. In such cases, the Department and the Authority shall otherwise maintain and exercise all other aspects of their respective jurisdictions over the permittee.

5. Minimal Source Permit

   A. The Lane Regional Air Pollution Authority may designate any source as a "minimal source" based upon the following criteria:

      (1) quantity and quality of emissions;
      (2) type of operation;
      (3) compliance with Authority regulations;
      (4) minimal impact on the air quality of the surrounding region.

   B. If a source is designated as a minimal source, the compliance determination fee, provided by Section 34-150 (ACDP Permits) will be collected no less frequently than every five (5) years.

6. Letter Permits

   A. Any source listed in Table A, Part II, with no, or insignificant, air contaminant

discharges may apply to the Authority for a letter permit.

B. The determination of applicability of this letter permit shall be made solely by the Authority.

C. If issued a letter permit, the application processing fee and/or annual compliance determination fee, provided by Section 34-150 (ACDP Fees) may be waived by the Authority.

State effective: 6/13/00; EPA effective: 10/2/01

SECTION 34-110 PERMIT REQUIRED

1. No person shall construct, install, establish, develop or operate any air contaminant source which is referred to in Table A Part II, appended hereto and incorporated herein by reference, without first obtaining an Air Contaminant Discharge Permit (ACDP) from the Authority.

2. No person shall construct, install, establish, or develop any major source, as defined by OAR 340-200-0020 that will be subject to the Title V Operating Permit program without first obtaining an ACDP from the Authority. Any Title V Operating Permit program source required to have obtained an ACDP prior to construction shall:

   A. choose to become a synthetic minor source, Section 34-120, and remain in the ACDP program; or

   B. file a complete application to obtain the Title V Operating Permit within twelve (12) months after initial startup.

3. No person shall modify any source covered by an ACDP under 34-100 through 34-160 such that the emissions are significantly increased without first applying for and obtaining a permit modification.

4. No person shall modify any source required to be covered by an ACDP under 34-100 through 34-160 such that the source becomes subject to the Title V Operating Permit program, 34-170 through 34-200 without first applying for and obtaining a modified ACDP. Any Title V Operating Permit program source required to have obtained an ACDP prior to modification shall:

   A. choose to become a synthetic minor source, 34-120, and remain in the ACDP program;

   B. choose to remain a synthetic minor source, 34-120, and remain in the ACDP program; or

   C. file a complete application to obtain the Title V Operating Permit within twelve (12) months after initial startup of the modification.

5. No person shall increase emissions above the PSEL or operate in excess of the enforceable condition to limit potential to emit and remain a synthetic minor source without first applying for and obtaining a modified ACDP.

6. No person shall modify any source covered by an ACDP under 34-100 through 34-160

and not required to obtain a Title V Operating Permit such that:

A. the process equipment is substantially changed or added to; or

B. the emissions are significantly changed, without first notifying the Authority.

State effective: 6/13/00; EPA effective: 10/2/01

SECTION 34-120 SYNTHETIC MINOR SOURCES

1. Enforceable conditions to limit a source's potential to emit shall be included in the ACDP for a synthetic minor source. Enforceable conditions, in addition to the PSEL established under 34-060, shall include one or more of the following physical or operational limitations, but in no case shall exceed the conditions used to establish the PSEL:

   A. restrictions on hours of operation;

   B. restrictions on levels of production;

   C. restrictions on the type or amount of material combusted, stored, or processed;

   D. additional air pollution control equipment; or

   E. other limitations on the capacity of a source to emit air pollutants.

2. The reporting and monitoring requirements of the conditions which limit the potential to emit contained in the ACDP of synthetic minor sources shall meet the requirements of 34-070.

3. To avoid being required to submit an application for a Title V Operating Permit, the owner or operator of a major source shall obtain an ACDP or a modification to an ACDP containing conditions that would qualify the source as a synthetic minor source prior to the time the owner or operator would be required to submit a Title V Operating Permit application.

4. Applications for synthetic minor source status shall be subject to notice procedures of 34-130-5.

5. Synthetic minor source owners or operators who cause their source to be subject to the Title V Operating Permit program by requesting an increase in the source's potential to emit, when that increase uses the source's existing capacity and does not result from construction or modification, shall:

   A. become subject to 34-170 through 34-200 (OAR 340 Division 218);

   B. submit a Title V Operating Permit application pursuant to OAR 340-218-0040; and

   C. receive a Title V Operating Permit before commencing operation in excess of the enforceable conditions to limit potential to emit.

6. Synthetic minor source owners or operators who cause their source to be subject to the

Title V Operating Permit program by requesting an increase in the source's potential to emit, when that increase is the result of construction or modification, shall:

A. submit an application for the modification of the existing ACDP;

B. receive the modified ACDP before beginning construction or modification;

C. become subject to 34-170 through 34-200 (OAR 340 Division 218); and

D. submit a Title V Operating Permit application under OAR 340-218-0040 to obtain a Title V Operating Permit within twelve (12) months after initial startup of the construction or modification.

7. Synthetic minor sources that exceed the limitations on potential to emit are in violation of OAR 340-218-0020(1)(a).

State effective: 6/13/00; EPA effective: 10/2/01

SECTION 34-130 GENERAL PROCEDURES FOR OBTAINING ACDP PERMITS *(Note: Procedures for reviewing new major sources or major modifications are contained in Title 38, New Source Review.)*

1. No person shall commence construction, installation or modification of an air contaminant discharge source prior to obtaining an Air Contaminant Discharge Permit. The Director may allow commencement of construction prior to obtaining an ACDP, if applicant demonstrates no emissions increase of any regulated pollutant.

2. Any person intending to construct, install or establish a new source or renew an existing permit shall submit a complete permit application on forms provided by the Authority and containing the following information:

A. name, address and nature of business;

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

C. a plot plan showing location of all air contaminant sources, all discharge points and the surrounding residential and commercial property;

D. type and quantity of fuels used;

E. amount, nature and duration of all emissions of air contaminants;

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

G. estimated efficiency of air pollution control equipment;

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

I. where the operation or maintenance of air pollution control equipment and emission reduction processes can be adjusted or varied from the highest

reasonable efficiency and effectiveness, information necessary for the Authority to establish operational and maintenance requirements under 32-007-1 and 2; and

J. other pertinent information required by the Authority.

3. Unless otherwise specified, within fifteen (15) days after receiving the permit application the Authority will review the application to determine the adequacy of the information submitted.

A. If the Authority determines that additional information is needed, it will promptly request the needed information from the applicant. The permit application will not be considered complete for processing until the requested information is received. The application will be considered to be withdrawn if the applicant fails to submit the requested information within ninety (90) days of the request.

B. If, in the opinion of the Director, additional measures are necessary to gather facts regarding the permit application, the Director will notify the applicant of his intent to institute said measures and the timetable and procedures to be followed. The application will not be considered complete for processing until the necessary additional fact-finding measures are completed.

C. When the information in the permit application is deemed adequate, the applicant will be notified that the application is complete for processing.

D. Following determination that it is complete for processing, each permit application will be reviewed on its own merit, in accordance with the provisions of all applicable statutes, rules and regulations of the State of Oregon and the Lane Regional Air Pollution Authority.

E. If, upon review of the permit application, the Authority determines that a permit is not required, the Authority shall notify the applicant in writing of this determination. Such notification shall constitute final action by the Authority on the permit application. *(NOTE: Upon notification by the Authority, a registered source may be required to obtain a permit.)*

4. In the event the Authority is unable to complete action on a permit application within forty-five (45) days of closing of the public comment period or hearing record under subsection 5 of this section, the applicant shall be deemed to have received a temporary or conditional permit. Caution should be exercised by the applicant under a temporary or conditional permit, since it will expire upon final action by the Authority to grant or deny the original application, and since such temporary or conditional permit does not authorize any construction activity, operation or discharge which will violate any of the laws, rules or regulations of the State of Oregon or the Lane Regional Air Pollution Authority.

5. Public Notice. If the Authority proposes to issue a permit, public notice of proposed provisions prepared by the Authority will be forwarded to the applicant and other interested persons, at the discretion of the Authority, for comment. The public notice shall allow thirty (30) days for written comment from the applicant, the public and the interested local, state and federal agencies prior to issuance of the permit. Public notice

shall include the names and quantities of new or increased emissions for which permit limits are proposed or new or increased emissions which exceed Significant Emission Rates established by the Authority. If, within fourteen (14) days after commencement of the public notice period, the Authority receives written requests from ten (10) persons, or from an organization or organizations representing at least ten persons, for a public hearing to allow interested persons to appear and submit oral or written comments on the proposed provisions, the Authority shall provide such a hearing before taking final action on the application, at a reasonable place and time and on reasonable notice. Notice of such a hearing may be given, at the Authority's discretion, either in the notice accompanying the proposed provisions or in such other manner as is reasonably calculated to inform interested persons. The Authority shall take final action on the permit application within forty-five (45) days of the closing of the public comment period or the hearing record.

6. The Authority may adopt or modify the proposed provisions or recommend denial of a permit. In taking such action, the Authority shall consider the comments received regarding the proposed provisions and any other information obtained which may be pertinent to the application being considered.

7. The Authority shall promptly notify the applicant in writing of the final action taken on the application. If the conditions of the permit issued are different from the proposed provisions forwarded to the applicant for review, the notification shall include the reasons for the changes made. A copy of the permit issued shall be attached to the notification.

8. If the applicant is dissatisfied with the conditions or limitations of any permit issued by the Authority, the applicant may request a hearing before the Board of Directors or its authorized representative. Such a request for hearing shall be made in writing to the Director within twenty (20) days of the date of mailing of the notification of issuance of the permit. Any hearing held shall be conducted pursuant to the rules of the Authority.

9. If the Authority proposes to deny issuance of a permit, it shall notify the applicant by registered or certified mail of the intent to deny and the reasons for denial. The denial shall become effective twenty (20) days from the date of mailing of such notice unless, within that time, the applicant requests a hearing. Any hearing held shall be conducted pursuant to the rules of the Authority.

10. Permits issued by the Authority will specify those activities, operations, emissions and discharges which are permitted, as well as requirements, limitations and conditions which must be met.

11. No permit will be issued to an air contaminant source which is not in compliance with applicable rules, unless a compliance schedule is made a condition of the permit.

12. Each permit proposed to be issued or revised by the Authority shall be submitted to the Department of Environmental Quality at least thirty (30) days prior to the proposed issuance date.

13. A copy of each permit issued, modified or revoked by the Authority pursuant to this section shall be promptly submitted to the Department.

14. The Authority may waive the procedures prescribed in these rules and issue special permits of duration not to exceed sixty (60) days from the date of issuance for unexpected or emergency activities, operations, emissions or discharges. Said permits shall be properly conditioned to insure adequate protection of property and preservation of public health, welfare and resources and shall include provisions for compliance with applicable emissions standards of the Authority. Application for such permits shall be in writing and may be in the form of a letter which fully describes the emergency and the proposed activities, operations, emissions or discharges, as described in subsection 2 of this section.

15. The Authority may institute modification of a permit due to changing conditions or standards, receipt of additional information or other reason, by notifying the permittee by registered or certified mail of its intention to modify the permit. Such notification shall include the proposed modification and the reasons for modification. The modifications shall become effective twenty (20) days from the date of mailing of such notice unless, within that time, the permittee requests a hearing. Such a request for hearing shall be made in writing, and the hearing shall be conducted pursuant to the rules of the Authority. A copy of the modified permit shall be forwarded to the permittee as soon as the modification becomes effective. The existing permit shall remain in effect until the modified permit is issued.

16. The procedure for issuance of a permit shall apply to renewal of a permit. If a completed application for renewal of a permit is filed with the Authority in a timely manner prior to the expiration date of the permit, the permit shall not be deemed to expire until final action has been taken on the renewal application to issue or deny a permit.

State effective: 6/13/00; EPA effective: 10/2/01

SECTION 34-140 PERMIT DURATION

1. The duration of permits may vary but shall not exceed ten (10) years, except that Synthetic Minor Permits shall not be issued for more than five (5) years. The expiration date will be recorded on each permit issued.

2. Air Contaminant Discharge Permits issued by the Authority shall be automatically terminated:

   A. Within sixty (60) days after sale or exchange of the activity or facility which requires a permit;

   B. Upon change in the nature of activities, operations, emissions or discharges from those of record in the last application;

   C. Within one (1) year after a plant closure lasting continuously for one (1) or more years.

   D. Upon issuance of a new, renewal or modified permit for the same operation; or

   E. Upon written request of the permittee.

3. In the event that it becomes necessary to suspend or terminate a permit due to non-compliance with the terms of the permit, unapproved changes in operation, false information submitted in the application or any other cause, the Authority shall notify the permittee by registered or certified mail of its intent to suspend or revoke the permit. Such notification shall include the reasons for the suspension or revocation. The

suspension or revocation shall become effective twenty (20) days from the date of mailing of such notice unless, within that time, the permittee requests hearing. Such a request for hearing shall be made in writing and shall state the grounds for the request.

4. Termination of a permit resulting from continuous plant closure shall subject the source to review as a new non-permitted source upon application to operate the facility.

5. If the Authority finds that there is a serious danger to the public health or safety or that irreparable damage to a resource will occur, it may suspend or terminate a permit, effective immediately. Notice of such suspension or termination must state the reasons for action and advise the permittee that he may request a hearing. Such a request for hearing shall be made in writing within ninety (90) days of the date of suspension and shall state the grounds for the request.

6. Any hearing requested under this Section shall be conducted pursuant to the rules of the Authority.

State effective: 6/13/00; EPA effective: 10/2/01

SECTION 34-150 ACDP FEES

1. All persons applying for an ACD permit for a new source, a source operating without a permit, or a renewal of an existing ACDP shall at the time of application pay the following fees:

   A. a filing fee as listed in Table A Part I, item J, of this rule;

   B. an application processing fee as listed in Table A Part II of this rule; and

   C. an annual compliance determination fee as listed in Table A Part II of this rule.

   D. New and previously unpermitted sources are also subject to initial construction review (Table A, Part I).

   Both the application processing fee and the annual compliance fee may be waived when applying for letter permits (see Section 34-100-6, Permit Categories).

2. All persons applying for a modification of an existing ACDP shall at the time of application pay the following fees:

   A. a filing fee as listed in Table A Part I, Item J, of this rule; and

   B. an application processing fee as listed in Table A Part II of this rule.

   The application processing fee may be waived when applying for letter permits (see Section 34-100-6, Permit Categories). Modifications subject to the requirements of Section 34-035, Requirements for Construction, may be subject to the fees of Table A Part I, in addition to the fees of Table A Part II.

3. All persons applying for a Synthetic Minor ACDP (34-120) shall at the time of application pay the following fees:

   A. a filing fee as listed in OAR 340-216-0090 Table 1, Part I;

B. an application processing fee as listed in OAR 340-216-0090 Table 1, Part I;

C. an annual compliance determination fee as listed in OAR 340-216-0090 Table 1, Part I; and

D. all of the applicable fees of LRAPA Title 34, Table A Part I.

4. The fee schedule contained in Table A Part II shall be applied to determine the ACDP fees on a standard industrial classification (SIC) basis.

5. Applications for multiple-source permits received pursuant to Section 34-100-4 (Permit Categories) shall be subject to a single filing fee. The application processing fee and annual compliance determination fee for multiple-source permits shall be equal to the total amounts required by the individual sources involved, as listed in Table A Part II.

6. In addition to the fees mentioned above, sources may be subject to the fees of Table A Part I. The fees for construction review shall be based on the definitions of review levels in Section 34-035-3.

7. Modifications of existing, unexpired permits, which are instituted by the Authority due to changing conditions or standards, receipt of additional information or any other reason pursuant to applicable statutes and which do not require refiling or review of an application or plans and specifications, shall not require submittal of the filing fee or the application processing fee.

8. The annual compliance determination fee shall be paid at least thirty (30) days prior to the start of each subsequent permit year. Failure to remit the annual compliance determination fee on time shall be considered grounds for not issuing a permit or for terminating an existing permit. Also, such a failure is, in and of itself, a violation and may subject the permittee to enforcement procedures as defined in Title 15 of LRAPA Rules and Regulations.

9. If a permit is issued for a period of less than one year, the applicable annual compliance determination fee shall be equal to the full annual fee. If a permit is issued for a period greater than twelve (12) months, the applicable annual compliance determination fee shall be prorated by multiplying the annual compliance fee by the number of months covered by the permit and dividing by twelve (12).

10. If a temporary or conditional permit is issued in accordance with adopted procedure, fees submitted with the application shall be applied to the regular permit when it is granted or denied.

11. All fees shall be made payable to the Authority.

12. Table A Part II of this Title lists all air contaminant sources required to have a permit and the associated fee schedule.

13. The fees in LRAPA 34, Table A will increase by four (4) percent on July 1 of each year, beginning on July 1, 2001.

State effective: 6/13/00; EPA effective: 10/2/01

TABLE A

AIR CONTAMINANT SOURCES AND ASSOCIATED FEE SCHEDULE

PART I

NOTE: Fees in A-I are in addition to any other applicable fees.

A.	Late Payment	1.5 %
B.	Ambient Monitoring Network Review	$ 1,053
C.	Modeling Review	$ 2,340
D.	Alternative Emission Control Review	$ 1,755
E.	Non-technical permit modification (name change, ownership transfer, similar)	$ 59
F.	Construction Review (see Section 34-035 for definition of level of construction review)	
	(1) Level I	$ 200
	(2) Level II	$ 2,210
	(3) Level III	$11,050
	(4) Level IV	$24,310
G.	Elective Permits--Synthetic Minor Sources	
	(1) Permit application or modification (according to the fee in OAR 340-216-0090 Table 1 Part I in effect at time of permitting action)	
	(2) Annual compliance assurance (according to the fee in OAR 340-216-0090 Table 1 Part I in effect at time of permitting action)	
H.	Emission Banking Review	
	(1) Initial setup	$ 1,000
	(2) Annual review	$ 500
I.	Emission Offsetting Review	$ 1,000
J.	Filing	$ 98

NOTE: Persons who operate boilers shall include fees as indicated in Items 58, 59, or 60 in Part II, in addition to fee for other applicable category.

State effective: 6/13/00; EPA effective: 10/2/01

TABLE A

AIR CONTAMINANT SOURCES AND ASSOCIATED FEE SCHEDULE

PART II

	Air Contaminant Source	Standard Industrial Classification Number	Application Processing Fee	Annual Compliance Determination Fee
1.	Seed cleaning located in Air Quality Maintenance Areas commercial operations only (not elsewhere classified)	0723	$721	$1,099
2.	RESERVED			
3.	Flour and other grain mill products in Air Quality Maintenance Areas			
	(a) 10,000 or more tons per year	2041	$2,343	$2,162
	(b) Less than 10,000 tons per year	2041	$1,802	$928
4.	Cereal preparations in Air Quality Maintenance Areas	2043	$2,343	$1,559
5.	Blended and prepared flour in Air Quality Maintenance Areas			
	(a) 10,000 or more tons per year	2045	$2,343	$1,559
	(b) Less than 10,000 tons per year	2045	$1,802	$901
6.	Prepared feeds for animals and fowl in Air Quality Maintenance Areas			
	(a) 10,000 or more tons per year	2048	$2,343	$2,162
	(b) Less than 10,000 tons per year	2048	$1,442	$1,703
7.	Beet sugar manufacturing	2063	$3,063	$10,730
8.	Rendering plant			
	(a) 10,000 or more tons per year	2077	$2,883	$3,460
	(b) Less than 10,000 tons per	2077	$2,162	$1,875
9.	Coffee roasting			
	(a) less than 30 tons/year	2095	$399	$595
	(b) 30 tons/year or more roasted product	2095	$1,442	$1,415
10.	Sawmill and/or planing mill			
	(a) 25,000 or more board feet per shift	2421	$1,442	$2,162

	(b) Less than 25,000 board feet per shift (*no ODEQ equivalent*)	2421	$480	$1,009
11.	Hardwood mills (*no ODEQ equivalent*)	2426	$480	$1,354
12.	Shake and shingle mills with air transfer systems (*no ODEQ equivalent*)	2429	$480	$511
13.	Mill work (including kitchen cabinets and structural wood members) 25,000 or more board feet per shift	2431, 2434 & 2439	$1,081	$1,703
14.	Plywood manufacturing and/or veneer drying			
	(a) 25,000 or more square feet per hour (3/8" basis finished product)	2435 & 2436	$4,505	$4,361
	(b) 10,000 or more but less than 25,000 square feet per hour (3/8" basis finished product)	2435 & 2436	$3,244	$2,946
	(c) less than 10,000 square feet per hour	3435 & 3436	$1,081	$1,559
15.	Veneer manufacturing only (not elsewhere classified)	2435 & 2436	$1,081	$1,559
16.	Wood preserving	2491	$2,002	$1,921
17.	Particleboard manufacturing (including strandboard, flakeboard and waferboard)			
	(a) ≥ 10,000 sq.ft./hr--3/4" basis finished product	2493	$4,505	$5,135
	(b) < 10,000 sq.ft./hr--3/4" basis finished product	2493	$2,162	$2,450
18.	Hardboard manufacturing			
	(a) ≥ 10,000 sq.ft./hr--1/8" basis finished product	2493	$4,505	$4,217
	(b) < 10,000 sq.ft./hr--1/8" basis finished product	2493	$2,162	$2,162
19.	Battery separator manufacturing	3069	$1,802	$3,748
20.	Furniture and fixture manufacturing 25,000 or more board feet/shift	2511	$1,081	$1,703
21.	Pulp mills, paper mills and paperboard mills	2611, 2621 & 2631	$9,009	$18,658

22.	Building paper and building board mills	2661	$1,442	$1,415
23.	Alkalies and chlorine manufacturing			
	(a) Simple *	2812	$2,523	$3,721
	(b) Complex *	2812	$4,415	$4,955
24.	Calcium carbide manufacturing			
	(a) Simple *	2819	$2,703	$3,721
	(b) Complex *	2819	$4,730	$4,730
25.	Nitric acid manufacturing			
	(a) Simple *	2819	$1,802	$1,875
	(b) Complex *	2819	$3,154	$2,496
26.	Ammonia manufacturing			
	(a) Simple *	2819	$1,802	$2,162
	(b) Complex *	2819	$3,154	$2,883
27.	Industrial inorganic and organic chemicals manufacturing (not elsewhere classified)			
	(a) Simple *	2819 & 2869	$2,343	$2,659
	(b) Complex *	2819 & 2869	$4,100	$3,531
28.	Synthetic resin manufacturing			
	(a) <250,000 Tons of Product Per Year	2821	$1,802	$2,162
	(b) ≥250,000 Tons of Product Per Year	2821	$3,154	$2,883
29.	Charcoal manufacturing	2861	$3,534	$4,505
30.	Pesticide/Herbicide manufacturing	2879	$4,505	$18,658
31.	Petroleum refining	2911	$9,009	$18,658
32.	Asphalt production by distillation	2951	$1,802	$2,162
33.	Asphalt blowing plants	2951	$1,802	$2,803
34.	Asphaltic Concrete Paving Plants			
	(a) Stationary	2951	$1,001	$2,182
	(b) Portable	2951	$1,001	$2,182
35.	Asphalt felts or coating	2952	$901	$1,622

36.	Blending, compounding or refining of lubricating oils and reprocessing of oils and solvents for fuel	2992	$1,622	$2,019
37.	Glass container manufacturing	3221	$1,802	$2,659
38.	Cement manufacturing	3241 & 3251	$5,765	$13,667
39.	Concrete Manufacturing including Redimix and CTB	3271, 3272 & 3273	$360	$577
40.	Lime manufacturing	3274	$2,749	$1,415
41.	Gypsum products	3275	$1,442	$1,559
42.	Sand and Gravel Plants: Rock Crusher			
	(a) Stationary	1429, 1442, 1446 & 3295	$1,870	$1,960
	(b) Portable	1429, 1442, 1446 & 3295	$1,370	$1,160
	(c) Portable less than 150 Tons/hour maximum rated capacity (*no ODEQ equivalent*)	1429, 1442, 1446 & 3295	$450	$750
43.	Steel works, rolling and finishing mills, electrometallurgical products	3312 & 3313	$4,505	$3,721
44.	Incinerators	4953 & 7261		
	(a) 250 or more ton/day capacity or an off-site infectious waste incinerator		$21,622	$9,316
	(b) 50 or more but less than 250 tons/day capacity		$5,405	$2,829
	(c) 0.5 or more but less than 50 tons/day capacity		$901	$1,099
	(d) crematoriums and pathological waste incinerators not elsewhere classified		$901	$1,099
	(e) PCB and/or off-site hazardous waste incinerator		$21,622	$9,316
45.	Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries (not elsewhere classified)	3321, 3322, 3324 & 3325		
	(a) 3,500 or more tons per year production		$4,505	$3,261

	(b) Less than 3,500 tons per year production		$1,081	$1,703
46.	Primary aluminum production	3334	$9,009	$18,658
47.	Primary smelting of zirconium or hafnium or primary smelting and refining of other ferrous or non-ferrous metals not elsewhere classified			
	(a) ≥ 2,000 TPY production	3339	$9,009	$18,658
	(b) < 2,000 TPY production	3339	$4,505	$3,117
48.	Primary smelting of silicon	3339	$3,883	$8,749
49.	Secondary smelting and refining of nonferrous metals	3341	$2,162	$2,162
50.	Nonferrous metal foundries (100 or more tons/year metal charged)	3361, 3362 & 3369	$1,081	$1,875
51.	RESERVED			
52.	Galvanizing and pipe coating--exclude all other activities	3479	$901	$1,415
53.	Battery manufacturing	3691	$1,090	$1,875
54.	Grain elevators--intermediate storage only, located in Air Quality Maintenance Areas			
	(a) 20,000 or more tons per year	4221	$1,622	$2,946
	(b) Less than 20,000 tons per year	4221	$901	$1,415
55.	Electric power generation or cogeneration			
	(a) Solid fuel--25 MW or greater	4911	$36,036	$18,658
	(b) Solid Fuel--less than 25 MW	4911	$17,067	$9,170
	(c) Oil or gas fired	4911	$3,244	$4,505
56.	Fuel burning Equipment at gas production and/or distribution facilities	4925	$3,424	$2,162
57.	Grain elevators--terminal elevators primarily engaged in buying and/or marketing grain in Air Quality Maintenance Areas			
	(a) 20,000 or more tons per year	5153	$4,505	$3,721

	(b) Less than 20,000 tons per year	5153	$1,261	$1,415
58.	Fuel-Burning Equipment (gas or oil), Aggregate Heat Input			
	(a) >250 million BTU/hr	4961	$2,753	$3,819
	(b) >100 and <250 million BTU/hr	4961	$1,872	$1,730
	(c) >10 and <100 million BTU/hr	4961	$1,228	$1,210
	(d) <10 million BTU/hr	4961	$409	$434
	(Note: ODEQ does not charge fees for gas-fired boilers)			
59.	Fuel-Burning Equipment Inside the AQMA (Wood or Coal Only) Aggregate Heat Input			
	(a) >250 million BTU/hr	4961	$4,352	$3,745
	(b) >100 and <250 million BTU/hr	4961	$3,088	$2,877
	(c) >10 and <100 million BTU/hr	4961	$2,244	$1,897
	(d) <10 million BTU/hr	4961	$1,365	$1,252
60.	Fuel-Burning Equipment Outside the AQMA (Wood or Coal Only) Aggregate Heat Input			
	(a) >250 million BTU/hr	4961	$3,274	$2,988
	(b) >100 and <250 million BTU/hr	4961	$2,443	$2,641
	(c) >10 and <100 million BTU/hr	4961	$1,476	$1,624
	(d) <10 million BTU/hr	4961	$608	$1,327
61.	Sources not listed herein which would emit 5 or more tons of PM10/year in a PM10 non-attainment area, or 10 or more tons per year of any criteria pollutant elsewhere in Lane County, including but not limited to: PM, SO_x, NO_x or Volatile Organic Compounds (VOC), if the source were to operate uncontrolled			
	(a) Complex *		$16,216	$11,532
	(b) Moderate		$4,505	$2,019
	(c) Simple *		$1,081	$865

62.	Sources not listed herein which would emit significant malodorous emissions as determined by Authority review of sources which are known to produce similar air contaminant emissions			
	(a) Problematic and/or High Risk **		$16,216	$11,532
	(b) Moderate Concern **		$4,505	$2,019
	(c) Marginal Concern **		$1,081	$865
63.	Sources not listed herein for which an air quality problem is identified by the Authority, including but not limited to: open storage of dusty material and sandblasting operations			
	(a) Problematic and/or High Risk **		$16,216	$11,532
	(b) Moderate Concern **		$4,505	$2,019
	(c) Marginal Concern **		$1,081	$865
64.	Bulk gasoline plants	5100 &	$721	$928
65.	Bulk gasoline terminals	5171	$7,207	$3,117
66.	Volatile organic Liquid storage tanks--39,000 gallons or more capacity (not elsewhere classified)	4200, 5169 & 5171	$360/tank	$640/tank
67.	Can or drum coating			
	(a) ≥ 50,000 units/mon	3411 & 3412	$10,811	$5,595
	(b) < 50,000 units/mon.	3411 & 3412	$721	$1,244
68.	Paper or other substrate coating	2641 & 3861	$10,811	$5,595
69.	Coating flat wood	2400 & 2672	$3,604	$1,875
70.	Surface coating manufacturing			
	(a) 100 tons or more of VOC per year	2851	$3,604	$2,487
	(b) 10 tons or more but less than 100 tons/year VOC	2851	$1,081	$1,244
	(c) Less than 10 tons VOC per year	2851	$360	$523
71.	Flexographic or rotogravure printing			
	(a) ≥60 tons VOC per year	2751, 2754 & 2759	$4,055	$3,604

	(b) 10 tons or more but less than 60 tons VOC per year per plant	2751, 2754 & 2759	$780	$1,680
72.	RESERVED			
73.	Minor sources of HAPs (not elsewhere classified) including area sources subject to federal NESHAPS rules under Section 112 of the federal Clean Air Act (except demolition or renovation)		$721	$901
74.	Major sources of hazardous air pollutants (HAPs), including those subject to Maximum Available Control Technology (MACT) requirements (not elsewhere classified)			
	(a) Complex *		$16,216	$11,532
	(b) Moderate *		$4,505	$2,019
75.	Soil remediation Plants			
	(a) Stationary (emissions ≥ 10 Tons/year)	1799	$1,802	$1,703
	(b) Portable (emissions ≥ 10 Tons/year)	1799	$1,802	$1,703
	(c) Stationary or Portable (emissions < 10 tpy)	1799	$440	$733

* The Authority will assign a level of difficulty (complex, moderate, or simple) on the basis of the estimated time required for processing the permit application and compliance assurance activities. Factors considered in the determination will be: type of process; quality of the information provided by the applicant in regard to evaluation of emissions, regulatory requirements, and applicable emission controls; complexity of applicable requirements; number of sources in the permit; level of emissions; and un-addressed compliance issues.

Note: A filing fee of $98 is required for all sources.

State effective: 6/13/00; EPA effective: 10/2/01

TITLE 38 NEW SOURCE REVIEW

SECTION 38-001 GENERAL APPLICABILITY

Any proposed construction of an air contaminant source (as defined in Section 38-005) or a modification of an air contaminant source must meet the requirements of this title. In addition, the owner or operator of a proposed source or modification must demonstrate that the proposed source or modification can comply with all additional requirements of the Authority, the Department of Environmental Quality and the U. S. EPA. The additional requirements may include, but are not limited to, new source performance standards, emission standards for hazardous air contaminants, and the obtaining of an Air Contaminant Discharge Permit.

State adoptive date: 2/13/90; EPA effective date: 11/8/93

SECTION 38-005 DEFINITIONS

The following definitions are relevant to this title. Additional general definitions can be found in Title 12.

1. "Actual Emissions" means the mass rate of emissions of a pollutant from an emission source.

A. In general, actual emissions as of the baseline period shall equal the average rate at which the source actually emitted the pollutant during the baseline period and which is representative of normal source operation. Actual emissions shall be calculated using the source's actual operating hours, production rates and types of materials processed, stored, or combusted during the selected time period.

B. The Authority may presume that existing source-specific permitted mass emissions for the source are equivalent to the actual emissions of the source, if they are within ten percent (10%) of the calculated actual emissions.

C. For any newly-permitted emission source which had not yet begun normal operation in the baseline period, actual emissions shall equal the potential to emit of the source.

2. "Air Contaminant Source" means, for the purposes of this title, any building, structure, or facility, or combination thereof, which emits or is capable of emitting air contaminants to the atmosphere. This definition does not include fuel-burning equipment used to heat one- or two-family dwellings or internal combustion engines used in motor vehicles, aircraft, and marine vessels.

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

A. Actual emission increases or decreases occurring before January 1, 1978, and

B. Actual emission increases from any major source or major modification on which construction commenced before January 6, 1975.

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

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

conditions.

6. "Lowest Achievable Emission Rate (LAER)" means that rate of emissions which reflects:

A. The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or

B. The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any air contaminant in excess of the amount allowable under applicable new source performance standards or standards for hazardous air pollutants.

7. "Major Modification" means any physical change or change of operation of a source that would result in a net significant emission rate increase (as defined in this section) for any pollutant subject to regulation under the Clean Air Act. This criteria also applies to any pollutants not previously emitted by the source. Calculations of net emission increases must take into account all accumulated increases and decreases (not including mandated decreases) in actual emissions occurring at the source since January 1, 1978, or since the time of the last major source or major modification approval issued for the source pursuant to the rules for that pollutant, whichever time is more recent. If accumulation of emission increases results in a net significant emission rate increase, the modifications causing such increases become subject to the major modification requirements of this title, including the retrofit of required controls. For the purposes of this title, fugitive emissions shall be included in the calculation of emission rates of all air contaminants. Fugitive emissions are subject to the same control requirements and analyses required for emissions from identifiable stacks or vents. Secondary emissions shall not be included in calculations of potential emissions which are made to determine if a proposed source or modification is major. Once a source or modification is identified as being major, secondary emissions must be added to the primary emissions and become subject to these rules.

8. "Major Source" means a stationary source which emits, or has the potential to emit, any pollutant regulated under the Clean Air Act at a Significant Emission Rate (as defined in this section). For the purposes of this title, fugitive emissions shall be included in the calculation of emission rates of all air contaminants. Fugitive emissions are subject to the same control requirements and analyses required for emissions from identifiable stacks or vents. Secondary emissions shall not be included in calculations of potential emissions which are made to determine if a proposed source or modification is major. Once a source or modification is identified as being major, secondary emissions must be added to the primary emissions and become subject to these rules.

9. "Modification of an Air Contaminant Source" means any physical change or change in operation of a source which would result in a non-permitted increase in the air contaminant emissions from that source.

10. "Prevention of Significant Deterioration Increments" means maximum allowable ambient air quality impacts over baseline concentrations in areas designated Class I, II or III, as follows:

Micrograms Per Cubic Meter			
	Class I	Class II	Class III

Particulate Matter--			
TSP Annual Geometric Mean	5	19	37
*TSP 24-Hour Maximum	10	37	75
Sulfur Dioxide--			
Annual Arithmetic Mean	2	20	40
*24-Hour Maximum	5	91	182
*3-Hour Maximums	25	512	700

11. "Significant Air Quality Impact" means an ambient air quality impact which is equal to or greater than:

Pollutant Averaging Time					
Pollutant	Annual	24-hour	8-hour	3-hour	1-hour
SO_2	1.0 ug/m^3	5 ug/m^3	---	25 ug/m^3	---
TSP or PM10	0.2 ug/m^3	1.0 ug/m^3	---	---	
NO_2	1.0 ug/m^3	---	---	---	---
CO	—	---	0.5 mg/m^3	---	2 mg/m^3

For sources of volatile organic compounds (VOC), a major source or major modification will be deemed to have a significant impact if it is located within thirty (30) kilometers of an ozone nonattainment area and is capable of impacting the nonattainment area.

12. "Significant Emission Rate" means emission rates equal to or greater than the following for air pollutants regulated under the Clean Air Act:

Pollutant	Significant Emission Rate	
Carbon Monoxide	100	tons/year
Nitrogen Oxides	40	tons/year
Particulate Matter	25	tons/year
PM10	15	tons/year
Sulfur Dioxide	40	tons/year
Volatile Organic Compounds	40	tons/year
Lead	0.6	ton/year

Mercury	0.1 ton/year
Beryllium	0.0004 ton/year
Asbestos	0.007 ton/year
Vinyl Chloride	1 ton/year
Fluorides	3 tons/year
Sulfuric Acid Mist	7 tons/year
Total Reduced Sulfur (including hydrogen sulfide)	10 tons/year
Reduced Sulfur Compounds (including hydrogen sulfide)	10 tons/year

For pollutants not listed above, the Authority shall determine the rate that constitutes a significant emission rate.

Any emissions increase less than these rates associated with a new source or modification which would construct within ten (10) kilometers of a Class I area and would have an impact on such area equal to or greater than 1 ug/m^3 (24-hour average) shall be deemed to be emitting at a significant emission rate.

State adoptive date: 2/13/90; EPA effective date: 11/8/93

SECTION 38-010 GENERAL REQUIREMENTS FOR MAJOR SOURCES AND MAJOR MODIFICATIONS

1. Prior to construction of new major sources or major modifications, the owner or operator must obtain from the Director authority to construct or modify the source, and a permit to discharge air contaminants. These are issued only after review and approval of the application according to the requirements of this title.

2. The owner or operator of a proposed new major source or major modification shall submit an application on forms provided by the Authority, together with all information necessary to perform any analysis or make any determination required under these rules. Such information shall include, but not be limited to:

A. A description of the nature, location, design capacity, and typical operating schedule of the source or modification, including specifications and drawings showing its design and plant layout;

B. An estimate of the amount and type of each air contaminant emitted by the source in terms of hourly, daily, seasonal, and yearly rates, showing the calculation procedure;

C. A detailed schedule for construction of the source or modification;

D. A detailed description of the system of continuous emission reduction which is planned for the source or modification, and any other information necessary to determine that best available control technology or lowest achievable emission rate technology, whichever is applicable, would be applied;

E. To the extent required by these rules, an analysis of the air quality 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

F. To the extent required by these rules, an analysis of the air quality impacts, and the nature and extent of all commercial, residential, industrial, and other growth which has occurred since January 1, 1978, in the area the source or modification would affect.

3. Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to these Rules or with the terms of any approval to construct, or any owner or operator of a source or modification subject to this section who commences construction after the effective date of these regulations without applying for and receiving an air contaminant discharge permit, shall be subject to appropriate enforcement action.

4. Approval to construct shall become invalid if construction is not commenced within eighteen (18) months after receipt of such approval, if construction is discontinued for a period of eighteen (18) months or more, or if construction is not completed within eighteen (18) months of the scheduled time. The Authority may extend the eighteen (18) month period upon satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen (18) months of its respective projected and approved commencement date.

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

6. Within thirty (30) days after receipt of an application, or any addition to such application, the Authority shall advise the applicant of any deficiency in the application or in the information submitted. The date of the receipt of a complete application shall be, for the purpose of this section, the date on which the Authority received all required information.

7. Notwithstanding the requirements of Title 34 of these rules, but as expeditiously as possible and at least within six (6) months after receipt of a complete application, the Authority shall make a final determination on the application. This involves performing the following actions in a timely manner:

A. Make a preliminary determination whether construction should be approved, approved with conditions, or disapproved.

B. Make available for a thirty (30) day period in at least one location a copy of the permit application, a copy of the preliminary determination, and a copy or summary of other materials, if any, considered in making the preliminary determination.

C. Notify the public, by advertisement in a newspaper of general circulation in the area in which the proposed source or modification would be constructed, of the application, the preliminary determination, the extent of growth increment consumption that is expected from the source or modification, and the opportunity for a public hearing and for written public comment.

D. Send a copy of the notice of opportunity for public comment to the applicant and to officials and agencies having jurisdiction over the location where the proposed construction

would occur as follows: The chief executives of the city and county where the source or modification would be located, any comprehensive regional land use planning agency, any state, federal land manager, or Indian governing body whose lands may be affected by emissions from the source or modification, the Oregon Department of Environmental Quality, and the U. S. Environmental Protection Agency.

E. Upon determination that significant interest exists, provide opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the source or modification, alternatives to the source or modification, the control technology required, and other appropriate considerations. Any hearing shall be conducted pursuant to Title 14, Section 120.

F. Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing(s) in making a final decision on the approvability of the application. No later than ten (10) working days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Authority shall consider the applicant's response in making a final decision. The Authority shall make all comments available for public inspection in the same location where the Authority made available preconstruction information relating to the proposed source or modification.

G. Make a final determination whether construction should be approved, approved with conditions, or disapproved pursuant to this section.

H. Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location where the Authority made available preconstruction information and public comments relating to the source or modification.

State adoptive date: 2/13/90; EPA effective date: 11/8/93

SECTION 38-015 ADDITIONAL REQUIREMENTS FOR MAJOR SOURCES OR MAJOR MODIFICATIONS LOCATED IN NONATTAINMENT AREAS

1. New major sources and major modifications which are located in designated nonattainment areas shall meet the following requirements:

A. The owner or operator of the proposed major source or major modification must demonstrate that the source or modification will comply with the lowest achievable emission rate (LAER) for each nonattainment pollutant. In the case of a major modification, the requirement for LAER shall apply only to each new or modified emission unit which increases emissions. For phased construction projects, the determination of LAER shall be reviewed at the latest reasonable time prior to commencement of construction of each independent phase.

B. The owner or operator of the proposed major source or major modification must demonstrate that all major sources owned or operated by such person (or by an entity controlling, controlled by, or under common control of such person) in the state are in compliance or on a schedule for compliance, with all applicable emission limitations and standards under the Clean Air Act.

C. The owner or operator of the proposed major source or major modification must demonstrate that the source or modification will provide emission reductions ("offsets") as specified by these Rules.

D. For cases in which emission reductions or offsets are required, the applicant must demonstrate that a net air quality benefit will be achieved in the affected area as described in Section 38-035 (Requirements for Net Air Quality Benefit) and that the reductions are consistent with reasonable further progress toward attainment of the air quality standards.

E. An alternative analysis must be conducted for new major sources or major modifications of sources emitting volatile organic compounds or carbon monoxide locating in carbon monoxide or ozone nonattainment areas. The analysis must include an evaluation of alternative sites, sizes, production processes, and environmental control techniques for such proposed source or modification which demonstrates that benefits of the proposed source or modification significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification.

State adoptive date: 2/13/90; EPA effective date: 11/8/93

SECTION 38-020 ADDITIONAL REQUIREMENTS FOR MAJOR SOURCES OR MAJOR MODIFICATIONS IN ATTAINMENT OR UNCLASSIFIED AREAS (PREVENTION OF SIGNIFICANT DETERIORATION)

1. New major sources or major modifications locating in areas designated attainment or unclassifiable shall meet the following requirements:

A. The owner or operator of the proposed major source or major modification shall apply best available control technology (BACT) for each pollutant which is emitted at a significant emission rate (see Section 38-005). In the case of a major modification, the requirement for BACT shall apply only to each new or modified emission unit which increases emissions. For phased construction projects, the determination of BACT shall be reviewed at the latest reasonable time prior to commencement of construction of each independent phase.

B. The owner or operator of the proposed major source or major modification shall demonstrate that the potential to emit any pollutant at a significant emission rate, in conjunction with all other applicable emissions increases and decreases (including secondary emissions), would not cause or contribute to air quality levels in excess of:

(1) Any state or national ambient air quality standards, or

(2) Any applicable increment established by the prevention of significant deterioration requirements (see Section 38-005-10). (Note that the area classifications are found in OAR 340-31-120 through 340-31-130.) or

(3) An impact on a designated nonattainment area greater than the significant air quality impact levels (see Section 38-005).

2. Sources or modifications with the potential to emit at rates greater than the significant emission rate but less than one hundred (100) tons/year, and which are greater than fifty (50) kilometers from a nonattainment area are not required to assess their impact on the nonattainment area.

3. If the owner or operator of a proposed major source or major modification wishes to provide emission offsets such that a net air quality benefit as defined in Section 38-035 is provided, the Authority may consider the requirements of Section 38-020-1.B. to have been met.

4. All estimates of ambient concentrations required under these Rules shall be based on the applicable air quality models, data bases, and other requirements specified in the "Guidelines on Air

Quality Models (Revised)", EPA 450/2-780-027R U. S. EPA, September 1986, including Supplement A, July, 1987. Where an air quality impact model specified in the "Guidelines on Air Quality Models (Revised), including Supplement A," is inappropriate, the model may be modified or another model substituted. Such a change must be subject to notice and opportunity for public comment and must receive approval of the Authority and the Environmental Protection Agency. Methods like those outlined in the "Interim Procedures for Evaluating Air Quality Models (Revised)", U. S. EPA 1984, should be used to determine the comparability of air quality models.

5. The owner or operator of a proposed major source or major modification shall submit with the application, subject to approval of the Authority, an analysis of ambient air quality in the area of the proposed project. This analysis shall be conducted for each pollutant potentially emitted at a significant emission rate by the proposed source or modification. As necessary to establish ambient air quality levels, the analysis shall include continuous air quality monitoring data for any pollutant potentially emitted by the source or modification except for non-methane hydrocarbons. Such data shall relate to, and shall have been gathered over the year preceding receipt of the complete application, unless the owner or operator demonstrates that such data gathered over a portion or portions of that year or another representative year 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 increment. A possible exemption to the monitoring requirement is outlined in paragraph "B," below.

A. Air quality monitoring which is conducted pursuant to this requirement shall be conducted in accordance with 40 CFR 58 Appendix B., "Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring" and with other methods on file with the Authority.

B. The Authority may exempt a proposed major source or major modification from monitoring for a specific pollutant if the owner or operator demonstrates that the air quality impact from the emissions increase would be less than the amounts listed below or that the concentrations of the pollutant in the area that the source or modification would impact are less than these amounts:

(1) Carbon monoxide--575 ug/m^3, 8-hour average;

(2) Nitrogen dioxide--14 ug/m^3, annual average;

(3) Particulate Matter--10 ug/m^3, 24-hour average for TSP, 10 ug/m^3, 24-hour average for PM10;

(4) Sulfur dioxide--13 ug/m^3, 24-hour average;

(5) Ozone--any net increase of 100 tons/year or more of volatile organic compounds from a source of modification subject to PSD is required to perform an ambient impact analysis, including the gathering of ambient air quality data;

(6) Lead--0.1 ug/m^3, 24-hour average;

(7) Mercury--0.25 ug/m^3, 24-hour average;

(8) Beryllium--0.0005 ug/m^3, 24-hour average;

(9) Fluorides--0.25 ug/m^3, 24-hour average;

(10) Vinyl Chloride--15 ug/m^3, 24-hour average;

(11) Total reduced sulfur--10 ug/m^3, 1-hour average;

(12) Hydrogen Sulfide--0.04 ug/m^3, 1-hour average;

(13) Reduced sulfur compounds--10 ug/m^3, 1-hour average;

C. When monitoring is required by 5.A, above, PM10 preconstruction monitoring shall be required according to the following transition program:

(1) Complete PSD applications submitted before May 31, 1988 shall not be required to perform new PM10 monitoring.

(2) Complete PSD application submitted after May 31, 1988, and before November 30, 1988, must use existing PM10 or other representative air quality data or collect PM10 monitoring data. The collected Data may come from non-reference sampling methods. At least four months of data must be collected which the Authority judges to include the season(s) of highest PM10 levels.

(3) Complete PSD applications submitted after November 30, 1988, must use reference sampling methods. At least four months of data must be collected which the Authority judges to include the season(s) of highest PM10 levels.)

D. The owner or operator of a proposed major source or major modification shall, after construction has been completed, conduct such ambient air quality monitoring as the Authority may require as a permit condition to establish the effect which emissions of a pollutant (other than nonmethane hydrocarbons) may have, or is having, on air quality in any area which such emissions would affect.

6. The owner or operator of a proposed major source or major modification shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the source or modification and general commercial, residential, industrial and other growth associated with the source or modification. The owner or operator may be exempted from providing an analysis of the impact on vegetation having no significant commercial or recreational value.

7. The owner or operator shall provide an analysis of the air quality concentration projected for the area as a result of general commercial, residential, industrial and other growth associated with the major source or modification.

8. Where a proposed major source or major modification impacts or may impact a Class I area, the Authority shall provide notice to the Environmental Protection Agency and to the appropriate Federal Land Manager of the receipt of such permit application and of any preliminary and final actions taken with regard to such application. The Federal Land Manager shall be provided an opportunity in accordance with Section 38-010 to present a demonstration that the emissions from the proposed source or modification would have an adverse impact on the air-quality-related values (including visibility) of any federal mandatory Class I lands, notwithstanding that the change in air quality resulting from emissions from such source or modification would not cause or contribute to concentrations which would exceed the maximum allowable increment for a Class I area. If the

Authority concurs with such demonstration, the permit shall not be issued.
State adoptive date: 2/13/90; EPA effective date: 11/8/93

SECTION 38-025 EXEMPTIONS FOR MAJOR SOURCES AND MAJOR MODIFICATIONS

1. Resource recovery facilities burning municipal refuse and sources subject to federally-mandated fuel switches may be exempted by the Authority from requirements of Section 38-015-1.C and 1.D, provided that:

A. No growth increment is available for allocation to such source or modification, and

B. The owner or operator of such source or modification demonstrates that every effort was made to obtain sufficient offsets and that every available offset was secured.

(Such an exemption may result in a need to revise the State Implementation Plan to require additional control of existing sources.)

2. Temporary emission sources, which would be in operation at a site for less than two years, such as pilot plants and portable facilities, and emissions resulting from the construction phase of a new source or modification, must comply with Section 38-015-1.A and 1.B, or Section 38-020-1.A, whichever is applicable, but are exempt from the remaining requirements of Section 38-015 and Section 38-020, provided that the source or modification would impact no Class I area or no area where an applicable increment is known to be violated.

3. Proposed increases in hours of operation or production rates, which would cause emission increases above the levels allowed in an air contaminant discharge permit and would not involve a physical change in the source, may be exempted from the requirement of Section 38-020-1.A (Best Available Control Technology) provided that the increases cause no exceedances of an increment or standard and that the net impact on a nonattainment area is less than the significant air quality impact levels. This exemption shall not be allowed for new sources or modifications that received permits to construct after January 1, 1978.
State adoptive date: 2/13/90; EPA effective date: 11/8/93

SECTION 38-030 BASELINE FOR DETERMINING CREDIT FOR OFFSETS

The baseline for determining credit for emission offsets shall be the Plant Site Emission Limit as established in these Rules or, in the absence of a Plant Site Emission Limit, the actual emission rate for the source providing the offsets. Sources in violation of air quality emission limitations may not supply offsets from those emissions which are or were in excess of permitted emission rates. Offsets, including offsets from mobile and area source categories, must be quantifiable and enforceable before the Air Contaminant Discharge Permit is issued and must be demonstrated to remain in effect throughout the life of the proposed source or modification.
State adoptive date: 2/13/90; EPA effective date: 11/8/93

SECTION 38-035 REQUIREMENTS FOR NET AIR QUALITY BENEFIT FOR MAJOR SOURCES AND MAJOR MODIFICATIONS

1. A demonstration must be provided showing that the proposed offsets will improve air quality in the same geographical area affected by the new source or modification. This demonstration may require that air quality modeling be conducted according to the procedures specified in the "Guidelines on Air Quality Models (Revised)," including Supplement A. Offsets for volatile

organic compounds or nitrogen oxides shall be within the same general air basin as the proposed source. Offsets for total suspended particulate, PM10, sulfur dioxide, carbon monoxide and other pollutants shall be within the area of significant air quality impact.

2. For new sources or modifications having a significant air quality impact within a designated nonattainment area or that will cause or contribute to a violation of the ambient air quality standards or exceed the PSD increments, the emission offsets must provide reductions which are equivalent or greater than the proposed increases. The offsets must be appropriate in terms of short-term, seasonal, and yearly time periods to mitigate the impacts of the proposed emissions. For new sources or modifications locating outside of a designated nonattainment area, which have a significant air quality impact on the nonattainment areas, the emissions offsets must be sufficient to reduce impacts to levels below the significant air quality impact level within the nonattainment area. Proposed major sources or major modifications which emit volatile organic compounds and are located in or within thirty (30) kilometers of an ozone nonattainment area shall provide reductions which are equivalent or greater than the proposed emission increases. An exemption will be granted for those sources located outside the AQMA if the applicant demonstrates that the proposed emissions will not impact the nonattainment area.

3. The emission reductions must be of the same type of pollutant as the emissions from the new source or modification. Sources of PM10 must be offset with particulate in the same size range. In areas where atmospheric reactions contribute to pollutant levels, offsets may be provided from precursor pollutants if a net air quality benefit can be shown.

4. The emission reductions must be contemporaneous; that is, the reductions must take effect prior to the time of startup but not more than one year prior to the submittal of a complete permit application for the new source or modification. This time limitation may be extended as provided for in Section 38-040 (Emission Reduction Credit Banking). In the case of replacement facilities, the Authority may allow simultaneous operation of the old and new facilities during the startup period of the new facility, provided that net emissions are not increased during that time period.
State adoptive date: 2/13/90; EPA effective date: 11/8/93

SECTION 38-040 EMISSION REDUCTION CREDIT BANKING

1. The owner or operator of a source of air pollution who wishes to reduce emissions by implementing more stringent controls than required by a permit, or an applicable regulation, may bank such emission reductions (except any such emission reduction attributable to facilities for which tax credit has been received on or after January 1, 1981, may be banked or used for contemporaneous offsets but may not be sold without reimbursement of the tax credits). Cities, counties or other local jurisdictions may participate in the emissions bank in the same manner as a private firm.

2. Emission reduction credit banking shall be subject to the following conditions:

> **A.** To be eligible for banking, emission reduction credits must be in terms of actual emission decreases resulting from permanent continuous control of existing sources. The baseline for determining emission reduction credits shall be the actual emissions of the source or the Plant Site Emission Limit established pursuant to these Rules.
>
> **B.** Emission reductions may be banked for a specified period not to exceed ten (10) years unless extended by the Authority, after which time such reductions will revert to the Authority for use in attainment and maintenance of air quality standards or to be allocated as a growth margin.

C. Emission reductions which are required pursuant to an adopted rule shall not be banked.

D. Permanent source shutdowns or curtailments other than those used within one year for contemporaneous offsets, as provided in Section 38-035-4, are not eligible for banking by the owner or operator but will be banked by the Authority for use in attaining and maintaining standards. The Authority may allocate these emission reductions as a growth increment. The one (1) year limitation for contemporaneous offsets shall not be applicable to those shutdowns or curtailments which are to be used as internal offsets within a plant as part of a specific plan. Such a plan for use of internal offsets shall be submitted to the Authority and receive written approval within one (1) year of the permanent shutdown or curtailment. A permanent source shutdown or curtailment shall be considered to have occurred when a permit is modified, revoked or expires without renewal, pursuant to the criteria established in Title 34.

E. The amount of banked emission reduction credits shall be discounted without compensation to the holder for a particular source category when new regulations requiring emission reductions are adopted by the Authority. The amount of discounting of banked emission reduction credits shall be calculated on the same basis as the reductions required for existing sources which are subject to the new regulation. Banked emission reduction credits shall be subject to the same rules, procedures, and limitations as permitted emissions.

3. Emission reductions must be in the amount of five (5) tons/year or more to be creditable for banking.

4. Requests for emission reduction credit banking must be submitted in writing to the Authority and must contain the following documentation:

A. A detailed description of the processes controlled;

B. Emission calculations showing the types and amounts of actual emissions reduced;

C. The date or dates of such reductions;

D. Identification of the probable uses to which the banked reductions are to be applied;

E. Procedure by which such emission reductions can be rendered permanent and enforceable.

5. Requests for emission reduction credit banking shall be submitted to the Authority prior to or within the year following the actual emissions reduction. The Authority shall approve or deny requests for emission reduction credit banking and, in the case of approvals, shall issue a letter to the owner or operator defining the terms of such banking. The Authority shall take steps to insure the permanence and enforceability of the banked emission reductions by including appropriate conditions in air contaminant discharge permits or by appropriate revision of the State Implementation Plan.

6. The Authority shall provide for the allocation of the banked emission reduction credits, in accordance with the uses specified by the holder of the emission reduction credits. When emission reduction credits are transferred, the Authority must be notified in writing. Any use of emission reduction credits must be compatible with local comprehensive plans, statewide planning goals, state laws and these Rules.

7. Operators of existing sources requesting emission reduction credit for banking shall at the time of application pay the following fees:

A. Request for credit for any air contaminant of five (5) tons/year, but less than the rate equal to the significant emissions rate as defined in Section 38-005:

(1) A filing fee of $75;

(2) An application processing fee of $250;

(3) An annual recordkeeping fee of $100.

B. Request for credit for any air contaminant of a rate equal to or greater than a significant emission rate as defined in Section 38-005:

(1) A filing fee of $75;

(2) An application processing fee of $500;

(3) An annual recordkeeping fee of $100.

State adoptive date: 2/13/90; EPA effective date: 11/8/93

SECTION 38-045 REQUIREMENTS FOR NON-MAJOR SOURCES AND NON-MAJOR MODIFICATIONS

1. The owner or operator of a proposed non- major source or non-major modification shall submit to the Director all information necessary to perform any analysis or make any determination required b these rules. Such information shall include the following:

A. Plans and specifications for ay proposed new equipment or proposed modifications to existing equipment drawn in accordance with acceptable engineering practices;

B. A description of the process and a related flow chart;

C. An estimation of the amount and type of air contaminants to be emitted by the proposed new source or modification;

D. Any additional information which may be required by the Authority.

2. Within sixty (60) days of receipt of all required information, the Authority shall make a determination as to whether the proposed new source of modification is in accordance with the provisions of these rules.

A. If the proposed construction is found to be in accordance with the provisions of these rules, the Authority shall issue a "Notice to Proceed" with construction. This issuance shall not relieve the owner or operator of the obligation of complying with all other titles of these rules.

B. If the proposed construction is found not to be in accordance with the provisions of these rules, the Director may issue an order prohibiting construction. Failure to issue the order within the sixty (60) day period shall be considered a determination that the construction may proceed in accordance with the information provided in the application.

C. Any person against whom an order prohibiting construction is issued may, within twenty (20) days from the date of mailing of the order, demand a hearing. The demand shall be in writing, shall state the grounds for a hearing, and shall be conducted as a contested case pursuant to Title 14.

D. Deviation from approved plans or specification, without the written permission of the Director, shall constitute a violation of these rules.

E. The Authority may require any order or other notice to be displayed on the premises designated. No person shall mutilate, alter, or remove such order or notice unless authorized to do so by the Authority.

3. Notice shall be provided in writing to the Authority of the completion of construction and the date when operation will commence. The Authority following receipt of the notice of completion, shall inspect the premises.

State adoptive date: 2/13/90; EPA effective date: 11/8/93

SECTION 38-050 STACK HEIGHT AND DISPERSION TECHNIQUES

1. Title 40, Code of Federal Regulation, Parts 51.100(ff) through (kk), 51.118(a) and (b), and 51.164, as amended on November 7, 1986 in the Federal Register (51 FR 40656), is by this reference adopted and incorporated herein, concerning stack heights and dispersion techniques.

2. In general, the rule prohibits the use of excessive stack height and certain dispersion techniques when calculating compliance with ambient air quality standards. The rule does not forbid the construction and actual use of excessively tall stacks, nor use of dispersion techniques; it only forbids their use in compliance calculations.

3. The rule has the following general applicability. With respect to the use of excessive stack height, stacks 65 meters high or higher, constructed after December 31, 1970, and major modifications to existing plants after December 31, 1970 with stacks 65 meters high or higher which were constructed before that date, are subject to this rule, with the exception that certain stacks at federally-owned, coal-fired steam electric generating units constructed under a contract awarded before February 8, 1974, are exempt. With respect to the use of dispersion techniques, any technique implemented after December 31, 1970, at any plant, is subject to this rule. However, if the plant's total allowable emissions of sulfur dioxide are less than 5,000 tons per year, then certain dispersion techniques to increase final exhaust gas plume rise are permitted to be used when calculating compliance with ambient air quality standards for sulfur dioxide.

A. Where found in the federal rule, the term "reviewing agency" means the Lane Regional Air Pollution Authority (LRAPA), the Oregon Department of Environmental Quality (DEQ), or the U. S. Environmental Protection Agency (EPA), as applicable.

B. Where found in the federal rule, the term "authority administering the State Implementation Plan" means LRAPA, DEQ or EPA.

C. The "procedures" referred to in 40 CFR 51.164 are the New Source Review procedures at LRAPA (Title 38), and the review procedures for new, or modifications to, minor sources at LRAPA (Title 34 and Rule 38-045).

D. Where "the State" or "State, or local control agency" is referred to in 40 CFR 51.118(a), it means DEQ or LRAPA.

E. Where 40 CFR 51.100 refers to the Prevention of Significant Deterioration program and

cites 40 CFR 51.166, it means the EPA-approved new source review rules of LRAPA (see 40 CFR 52.1987), where they cover Prevention of Significant Deterioration.

4. Where found in the federal rule, the terms "applicable state implementation plan" and "plan" refer to the programs and rules of LRAPA, as approved by the Oregon Environmental Quality Commission (EQC) or EPA, or any EPA-promulgated regulations (see 40 CFR Part 52, Subpart MM).

5. Publications incorporated by reference in this rule are available from the office of the Lane Regional Air Pollution Authority.
State adoptive date: 2/13/90; EPA effective date: 11/8/93

TITLE 39 CONTINGENCY FOR PM10 SOURCES IN EUGENE-SPRINGFIELD NON-ATTAINMENT AREA

SECTION 39-001 PURPOSE

Section 172 of the Clean Air Act, as amended, requires that specific measures be undertaken in a non-attainment area if the area fails to attain the national primary ambient air quality standard by the applicable attainment date. Such measures are to take effect without further action by LRAPA. The purpose of these rules is to establish contingency measures for significant industrial and area sources of PM10 which will become effective in the Eugene-Springfield PM10 non-attainment area if the area fails to attain the national primary ambient air quality standard for PM10 by December 31, 1994.
State adoptive date: 11/13/91; EPA effective date: 10/24/94

SECTION 39-005 RELATION TO OTHER RULES

Sections 39-001 through 39-060 shall apply in addition to all other LRAPA rules. The adoption of these rules shall not, in any way, affect the applicability of all other LRAPA rules, and the latter shall remain in full force and effect, except as expressly provided otherwise. In cases of apparent conflict, the most stringent rule shall apply.
State adoptive date: 11/13/91; EPA effective date: 10/24/94

SECTION 39-010 APPLICABILITY

Sections 39-001 through 39-060 shall apply to the Eugene-Springfield PM10 non-attainment area upon publication by EPA of notice in the Federal Register that the area has failed to attain the national ambient air quality standard for PM10 after December 31, 1994.
State adoptive date: 11/13/91; EPA effective date: 10/24/94

SECTION 39-015 DEFINITIONS

As used in Sections 39-001 through 39-060, unless otherwise required by context:

1. "Air Conveying System" means an air moving device, such as a fan or blower, associated ductwork, and a cyclone or other collection device, the purpose of which is to move material from one point to another by entrainment in a moving air stream.

2. "Average Operating Opacity" means the opacity of emissions determined using EPA method 9 on three days within a 12-month period which are separated from each other by at least 30 days. A violation of the average operating opacity limitation is judged to have occurred if the opacity of emissions on each of the three days is greater than the specified average operating opacity limitation.

3. "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.

4. "Contingency Requirements" means the requirements of Sections 39-001 through 39-060.

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

6. "Design Criteria" means the numerical as well as narrative description of the basis of design including, but not necessarily limited to, design flow rates, temperatures, humidities, descriptions of the types and chemical species of contaminants, uncontrolled and expected controlled mass emission rates and concentrations, scopes of any vendor-supplied and owner-supplied equipment and utilities, and a description of any operational controls.

7. "EPA" means the United States Environmental Protection Agency.

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

9. "Fugitive Emissions" means dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof not easily given to measurement, collection and treatment by conventional pollution control methods.

10. "General Arrangement" in the context of the compliance schedule requirements in this division, means drawings or reproductions which show, as a minimum, the size and location of equipment served by the emission-control system, the location and elevation above grade of the ultimate point of contaminant emission to the atmosphere, and the diameter of the emission vent.

11. "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.

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

13. "Maximum Opacity" means the opacity as determined by EPA Method 9 (average of 24 consecutive observations).

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

15. "Particulate Matter" means all solid or liquid material, other than uncombined water, emitted to the ambient air as measured in accordance with the Department Source Test Manual. Particulate matter emission determinations shall consist of the average of three separate consecutive runs. For sources tested using DEQ Method 5 or DEQ method 7, each run shall have a minimum sampling time of one hour, a maximum sampling time of eight hours, and a minimum sampling volume of 31.8 dscf. For sources tested using DEQ Method 8, each run shall be sampled isokinetically, shall have a minimum sampling time of 15 minutes and shall collect a minimum particulate sample of 100 mg. Wood waste boilers shall be tested with DEQ Method 5; veneer dryers, wood particle dryers and fiber dryers shall be tested with DEQ Method 7; and air conveying systems shall be tested with DEQ Method 8; pulp mills shall be tested with DEQ method 5, except that water shall be used instead of acetone as the clean-up solvent.

16. "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.

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

18. "Veneer Dryer" means equipment in which veneer is dried.
State adoptive date: 11/13/91; EPA effective date: 10/24/94

SECTION 39-020 COMPLIANCE SCHEDULE FOR EXISTING SOURCES

1. Except as provided in Subsection 2 of this rule, compliance with applicable contingency requirements for a source that is located in the Eugene-Springfield non-attainment area prior to the date the contingency requirements first apply shall be demonstrated as expeditiously as possible, but in no case later than the following schedules:

A. No later than three months of the date the contingency requirements first apply, the owner or operator shall submit Design Criteria and general specifications for emission control systems for Authority review and approval;

B. No later than three months of receiving the Authority's approval of the Design Criteria, the owner or operator shall submit to the Authority a General Arrangement and copies of purchase orders for any emission control devices, and apply for Authority to Construct the Facility;

C. No later than eight months of receiving the Authority's approval of the Design Criteria, the owner or operator shall submit to the Authority vendor drawings as approved for construction of any emission control devices and specifications of any other major equipment in the emission control system in sufficient detail to demonstrate that the requirements of the Design Criteria will be satisfied;

D. No later than nine months of receiving the Authority's approval of the Design Criteria, the owner or operator shall begin construction of any emission control devices;

E. No later than sixteen months of receiving the Authority's approval of Design Criteria, the owner or operator shall complete construction in accordance with the Design Criteria;

F. No later than twenty four months of receiving the Authority's approval of Design Criteria, but no later than thirty months from the date the contingency requirements first apply, the owner or operator shall demonstrate compliance with the applicable contingency requirements.

G. The dates in subsections A through F may be changed only upon written approval of the Authority.

2. Subsection 1 of this rule shall not apply if the owner or operator has demonstrated, within six months of the date the contingency requirements first apply, that the source is capable of being operated and is operated in continuous compliance with applicable contingency requirements; the Authority has agreed with the demonstration in writing; and the applicable contingency requirements have been incorporated into the Air Contaminant Discharge Permit issued to the source.
State adoptive date: 11/13/91; EPA effective date: 10/24/94

SECTION 39-025 WOOD-WASTE BOILERS

No person shall cause or permit the emission into the atmosphere from any wood-waste boiler that is located on a plant site where the total heat input capacity from all woodwaste boilers is less than

35 million BTU/hr unless the boiler(s) are equipped with emission control equipment which:

1. Limits emissions of particulate matter to 0.05 grains per standard cubic foot, corrected to 12% CO_2;

2. Limits visible emissions such that the opacity does not exceed 20% for more than an aggregate of 3 minutes in any one hour. Specific opacity limits shall be included in the ACD permit for each affected emission point.

State adoptive date: 11/13/91; EPA effective date: 10/24/94

SECTION 39-030 VENEER DRYERS

No person shall operate any veneer dryer such that visible air contaminants emitted from any dryer stack or emission point exceed:

1. An average operating opacity of 10%; and

2. A maximum opacity of 20%, unless the permittee demonstrates by source test that the emission limits in subsections 3 through 6 of this section can be achieved at higher visible emissions than specified in subsections 1 and 2 of this section, in which case the emissions shall not exceed the visible air contaminant limitations of LRAPA Section 32-010.3.b. Allowable opacity limits shall be included in the Air Contaminant Discharge Permit for each affected emission point.

3. 0.30 pounds per 1,000 square feet of veneer dried (3/8" basis) for direct natural gas or propane fired veneer dryers;

4. 0.30 pounds per 1,000 square feet of veneer dried (3/8" basis) for steam heated veneer dryers;

5. 0.40 pounds per 1,000 square feet of veneer dried (3/8" basis) for direct wood fired veneer dryers using fuel which has a moisture content by weight less than 20%;

6. 0.45 pounds per 1,000 square feet of veneer dried (3/8" basis) for direct wood fired veneer dryers using fuel which has a moisture content by weight greater than 20%;

7. In addition to subsections 5 and 6 of this section, 0.20 pounds per 1,000 pounds of steam generated.

State adoptive date: 11/13/91; EPA effective date: 10/24/94

SECTION 39-035 PARTICLEBOARD PLANTS AND WOOD PARTICLE DRYERS

1. No person shall cause or permit the total emission of particulate matter from all wood particle dryers at a particleboard plant site to exceed 0.40 pounds per 1,000 square feet of board produced by the plant on a 3/4" basis of finished product equivalent.

2. No person shall cause or permit the visible emissions from the wood particle dryers at a particleboard plant to exceed 10% opacity for more than an aggregate of 3 minutes in any one hour, unless the permittee demonstrates by source test that the particulate matter emission limit in section (1) can be achieved at high visible emissions, but in no case shall emissions equal or exceed 20% opacity for more than an aggregate of 3 minutes in any one hour. Specific opacity limits shall be included in the Air Contaminant Discharge Permit for each affected source.

State adoptive date: 11/13/91; EPA effective date: 10/24/94

SECTION 39-040 KRAFT PULP MILLS

No person shall cause or permit the emission of particulate matter from kraft pulp mills in excess of

the following:

1. Recovery furnaces;

A. 0.044 gr/dscf, corrected to 8% O_2, and,

B. 35% opacity.

2. Lime Kilns

A. Gas fired, 0.067 gr/dscf, corrected to 10% O_2

B. Liquid fossil fuel fired, 0.13 gr/dscf, corrected to 10% O_2

3. Smelt dissolving tanks, 0.2 lb/ton of black liquor solids (BLS), dry weight.
State adoptive date: 11/13/91; EPA effective date: 10/24/94

SECTION 39-050 AIR CONVEYING SYSTEMS

1. No person shall cause or permit the emission of particulate matter in excess of 0.1 grains per standard cubic foot from any air conveying systems emitting less than or equal to 10 tons per year of particulate matter to the atmosphere at the time of adoption of this rule.

2. All air conveying systems emitting greater than 10 tons per year of particulate matter to the atmosphere at the time adoption of this rule shall be equipped with a control system with a collection efficiency of at least 98.5%.

3. No person shall cause or permit the emission of an air contaminant which is equal to or greater than 5% opacity from any air conveying system subject to this section.
State adoptive date: 11/13/91; EPA effective date: 10/24/94

SECTION 39-055 FUGITIVE DUST

1. Construction sites for commercial, industrial or residential subdivisions within the Eugene-Springfield non-attainment area shall provide paved trackout strips or mud cleaning stations on site to reduce mud trackout onto public roads.
State adoptive date: 11/13/91; EPA effective date: 10/24/94

SECTION 39-060 OPEN BURNING

No person shall cause or permit open burning within the Eugene-Springfield non-attainment area.
State adoptive date: 11/13/91; EPA effective date: 10/24/94

TITLE 47 RULES FOR OPEN OUTDOOR BURNING

SECTION 47-001 GENERAL POLICY

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

demolition, commercial, and industrial waste.
State adoptive date: 8/14/84; EPA effective date: 11/8/93

SECTION 47-005 STATUTORY EXEMPTIONS FROM THESE RULES

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

1. The operation of residential barbecue equipment for the purpose of cooking food for human consumption.

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

3. Agricultural open burning.

4. Open burning on forest land permitted under the Forest Practices Smoke Management Plan filed with the Secretary of State.
State adoptive date: 8/14/92; EPA effective date: 11/8/93

SECTION 47-010 DEFINITIONS

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

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

2. "Commercial open burning" means the open burning of "commercial wastes," which are materials actually generated or used by a commercial operation.

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

4. "Demolition open burning" means the open burning of "demolition wastes," which are materials actually resulting from or produced by the complete or partial destruction or tearing down of any man-made structure or the clearing of any site, or land clearing for site preparation for development.

5. "Eugene-Springfield Urban Growth Area (ESUGA)" means the area within and around the cities of Eugene and Springfield, as described in the August 23, 1982 acknowledged Eugene-Springfield Metropolitan Area General Plan, as amended.

6. "Residential open burning" means the open burning of clean wood, and woody yard trimmings and prunings which are actually generated in or around a dwelling for four (4) or fewer family living units. Once this material is removed from the property of origin it becomes commercial waste. Such materials actually generated in or around a dwelling of more than four (4) family living units are commercial wastes.

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

8. "Industrial open burning" means the open burning of "industrial wastes," which are materials produced as a direct result of any manufacturing or industrial process.

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

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

11. "Open outdoor burning" includes burning in open outdoor fires, burn barrels, incinerators which do not meet emission limitations specified in Section 33-010 of these Rules and Regulations, and any other outdoor burning which occurs in such a manner that combustion air is not effectively controlled and combustion products are not effectively vented through a stack or chimney.

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

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

State adoptive date: 1/1/93; EPA effective date: 3/13/95

SECTION 47-015 OPEN BURNING REQUIREMENTS

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

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

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

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

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

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

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

G. No person shall cause, or allow to be initiated or maintained, any open burning at any solid waste disposal site unless authorized by a Solid Waste Permit issued pursuant to OAR 340-61-005 through 340-61-085. The Authority shall be notified by the responsible person prior to such burning.

H. Fires involving materials less than three (3) cubic yards of volume, set for recreational purposes in designated recreational areas (such as parks, recreational campsites, and campgrounds) are allowed, except that prohibited materials listed in Section 47-015-1.E shall not be burned.

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

2. Residential Open Burning Requirements
The residential open burning season is October 1 through June 15, with the following restrictions:

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

B. All open burning is prohibited within the Springfield city limits, except that burning of woody yard trimmings is allowed on lots of one-half acre or more.

C. Within the ESUGA, burning is prohibited if required by local fire codes.

D. Residential open burning outside the city limits of Eugene and Springfield but within the Eugene-Springfield Urban Growth Area is permitted subject to the general requirements of Section 47-015-1, with the following restrictions:

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

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

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

E. Residential open burning is allowed only on approved burning days, between sunrise and sunset, with a valid fire permit (if required by fire district). The beginning time for burning varies and is set as part of the daily burning advisory; however, fires must always be out by sunset.

F. Residential open burning of woody yard trimmings, leaves and grass clippings is allowed within the fire districts identified below:

(1) Bailey-Spencer RFPD

(2) Coburg RFPD

(3) Cottage Grove

(4) Creswell RFPD

(5) Crow Valley RFPD

(6) Dexter RFPD west of the Willamette Meridian

(7) Eugene RFPD #1

(8) Fernridge Fire Dept. east of Range 7 West Willamette Meridian

(9) Goshen RFPD

(10) Junction City Fire District

(11) Junction City RFPD

(12) Lane RFPD #1 outside the ESUGA

(13) Lowell RFPD

(14) Marcola RFPD

(15) McKenzie RFPD outside the ESUGA

(16) Monroe RFPD, that portion within Lane County

(17) Oakridge RFPD

(18) Pleasant Hill RFPD

(19) Santa Clara RFPD outside the ESUGA

(20) South Lane RFPD

(21) Willakenzie RFPD

(22) Zumwalt RFPD

*(**Note:** Some fire districts require burning permits. Persons wishing to conduct residential open burning should check first with their fire district.)*

G. Residential open burning is allowed year-round outside of the affected areas defined in subsections A through F of this section.

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

3. Construction/Demolition Open Burning Requirements

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

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

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

4. Commercial Open Burning Requirements

A. Commercial open burning is prohibited inside the ESUGA.

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

5. Industrial Open Burning Requirements

A. Industrial open burning is prohibited inside the ESUGA.

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

State adoptive date: 1/1/93; EPA effective date: 3/13/95

SECTION 47-020 LETTER PERMITS

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

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

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

4. Permits issued for commercial or industrial operations to conduct commercial, industrial, construction, or demolition open burning require a permit fee of $100.

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

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

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

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

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

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

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

G. Any prior open burning violations by the applicant;

H. Any additional relevant information.

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

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

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

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

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

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

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

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

D. Any other relevant factor.

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

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

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

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

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

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

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

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

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

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

10. Letter permits issued by the Authority pursuant to this rule shall be forwarded to the fire permit issuing agency having jurisdiction.

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

State adoptive date: 1/1/93; EPA effective date: 3/13/95

SECTION 47-030 SUMMARY OF SEASONS, AREAS, AND PERMIT REQUIREMENTS FOR OPEN BURNING

Type of Burning	Inside City Limits of Eugene	Inside City Limits of Springfield	Elsewhere Inside the ESUGA	Inside Affected Fire Districts and Outside ESUGA	All Other Areas
Residential Open Burning (Section 47-015-2)	Prohibited by City Ordinance and by LRAPA Section 47-015.2A	Prohibited by City Ordinance, except that tree trimmings and shrub prunings, only, may be burned on lots of one-half acre or greater in size. Burning of grass clippings and fallen leaves is prohibited. Also prohibited by LRAPA Section 47-015.2B	Prohibited by LRAPA Title 47, except that, between October 1 and June 15, tree trimmings and shrub prunings, only, may be burned on lots of one-half acre or greater in size. Burning of grass clippings and fallen leaves is prohibited.	Burning of woody yard trimmings, leaves, and grass clippings is allowed between October 1 and June 15 on approved burning days with a valid permit from the local fire district (where required by fire district)	Burning of clean wood and yard debris is allowed year round on approved burning days with a valid permit from the local fire district (where required by fire district)
Construction/ Demolition Open Burning (Section 47-015-3)	Burning is prohibited by city ordinance and by LRAPA Section 47-015.3	Burning is prohibited by city ordinance and by LRAPA Section 47-015.3	Burning is prohibited by LRAPA Section 47-015.3	Burning is prohibited, except by letter permit from LRAPA	Burning of approved materials is allowed year round on approved burning days with a valid permit from the local fire district (where required by fire district)
Commercial Open Burning (Section 47-015-4)	Burning is prohibited by city ordinance and by LRAPA Section 47-015.4	Burning is prohibited by city ordinance and by LRAPA Section 47-015.4	Burning is prohibited by LRAPA Section 47-015.4	Burning is prohibited, except by letter permit from LRAPA	Burning is prohibited, except by letter permit from LRAPA
Industrial Open Burning (Section 47-015-5)	Burning is prohibited by city ordinance and by LRAPA Section 47-015.5	Burning is prohibited by city ordinance and by LRAPA Section 47-015.5	Burning is prohibited by LRAPA Section 47-015.5	Burning is prohibited, except by letter permit from LRAPA	Burning is prohibited, except by letter permit from LRAPA

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

State adoptive date: 1/1/93; EPA effective date: 3/13/95

TITLE 50 AMBIENT AIR STANDARDS

SECTION 50-005 GENERAL

These ambient air standards are established to ensure the health and welfare of the citizens of Lane County. It is the policy of the Authority to take whatever legally available reasonable measures may be required to attain and maintain these standards.
State adoptive date: 7/12/88; EPA effective date: 11/8/93

SECTION 50-015 SUSPENDED PARTICULATE MATTER

1. Concentrations of suspended particulate matter at a location meeting ambient air monitoring site criteria, and as measured by an approved method, shall not exceed:

A. 60 micrograms of TSP per cubic meter (ug/m^3) of air as an annual geometric mean for any calendar year.

B. 150 ug/m^3 of TSP as a 24-hour average concentration more than once per year.

C. 50 ug/m^3 of PM10 as an annual arithmetic mean. This standard is attained when the expected mean concentration, as determined in accordance with appendix K of 40 CFR 50 is less than or equal to 50 ug/m^3.

D. 150 ug/m^3 of PM10 as a 24-hour average concentration for any calendar day. This standard is attained when the expected number of days per calendar year with a 24-hour average concentration, rounded to the nearest 10 ug/m^3, above 150 ug/m^3, as determined in Appendix K of 40 CFR 50 is equal to or less than one.

2. Concentrations of calcium oxide present as total suspended particulate (TSP), as measured at an Authority-approved site by an approved method shall not exceed 20 ug/m^3.
State adoptive date: 7/12/88; EPA effective date: 11/8/93

SECTION 50-025 SULFUR DIOXIDE

1. Concentrations of sulfur dioxide at a location meeting ambient air monitoring site criteria, and as measured by an approved method, shall not exceed:

A. 0.02 ppm as an annual arithmetic mean for any calendar year;

B. 0.10 ppm as a 24-hour average concentration more than once per year;

C. 0.50 ppm as a 3-hour average concentration more than once per year.
State adoptive date: 7/12/88; EPA effective date: 11/8/93

SECTION 50-030 CARBON MONOXIDE

1. For comparison to the standard, averaged ambient concentrations of carbon monoxide shall be rounded to the nearest integer in parts per million (ppm). Fractional parts of 0.5 or greater shall be rounded up.

2. Concentrations of carbon monoxide at a location meeting ambient air monitoring site criteria, and as measured by an approved method, shall not exceed:

A. 9 ppm as an 8-hour average concentration more than once per year;

B. 35 ppm as a 1-hour average concentration more than once per year.
State adoptive date: 7/12/88; EPA effective date: 11/8/93

SECTION 50-035 OZONE

Concentrations of ozone at a location meeting ambient air monitoring site criteria, and as measured by an approved method, shall not exceed 0.12 ppm as a 1-hour average concentration. This standard is attained when the expected number of days per calendar year with maximum hourly concentrations greater than 0.12 ppm is equal to or less than one as determined by Appendix H, 40 CFR 50.9.
State adoptive date: 7/12/88; EPA effective date: 11/8/93

SECTION 50-040 NITROGEN DIOXIDE

Concentrations of nitrogen dioxide at a location meeting ambient air monitoring site criteria, and as measured by an approved method, shall not exceed 0.053 ppm as an annual arithmetic mean.
State adoptive date: 7/12/88; EPA effective date: 11/8/93

SECTION 50-045 LEAD

The lead concentration at a location meeting ambient air monitoring site criteria, and as measured by an approved method, shall not exceed 1.5 ug/m^3 as an arithmetic average concentration of all samples collected at that location during any one calendar quarter.
State adoptive date: 7/12/88; EPA effective date: 11/8/93

TITLE 51 AIR POLLUTION EMERGENCIES

SECTION 51-005 INTRODUCTION

1. Notwithstanding any other rule or standard, these emergency rules are designed to prevent the excessive accumulation of air contaminants, thereby preventing the occurrence of an emergency due to the effects of these contaminants on the public health.

2. These rules establish criteria for identifying and declaring air pollution episodes at levels below the level of Significant Harm. They are adopted according to the requirements of the federal Clean Air Act as amended and 40 CFR, Part 51, Subpart H.

3. The levels of Significant Harm are:

A. For sulfur dioxide (SO_2)--1.0 ppm, 24-hour average;

B. For particulate matter (PM10)--600 ug/m^3, 24-hour average;

C. For carbon monoxide (CO)

(1) 50 ppm, 8-hour average

(2) 75 ppm, 4-hour average

(3) 125 ppm, 1-hour average;

D. For ozone (0_3)--0.6 ppm, 1-hour average; and

E. For nitrogen dioxide (NO_2)

(1) 2.0 ppm, 1-hour average

(2) 0.5 ppm, 24-hour average

State adoptive date: 7/12/88; EPA effective date: 11/8/93

SECTION 51-010 EPISODE CRITERIA

The determination of an Air Pollution Episode Stage shall be made by the Director. In making this determination, the Director will be guided by the following criteria:

1. "Pre-Episode Standby"--In this condition ambient levels of air pollutants have reached levels at the ambient standard. Atmospheric ventilation is poor, and the forecast is for continued poor ventilation. Under these conditions, monitoring may be increased, and some formal public notification warning sensitive individuals of poor air quality may be made.

2. "Air Pollution Alert"--In this condition, ambient levels of air pollutants have reached levels significantly above the standards, but there is no immediate danger of reaching the level of significant harm. Monitoring may be intensified, and a review of possible abatement actions should be made. A formal public notification should be made, warning sensitive individuals of poor air quality. If the conditions of A and B, below are both met, an Air Pollution Alert is declared, and the actions in Table I shall 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:

(1) Sulfur dioxide--0.3 ppm, 24-hour average;

(2) Particulate matter (PM10)--350 ug/m^3;

(3) Carbon monoxide--15 ppm, 8-hour average;

(4) Ozone--0.2 ppm, 1-hour average;

(5) Nitrogen dioxide--0.6 ppm, 1-hour average; or 0.15 ppm, 24-hour average.

3. "Air Pollution Warning"--In this condition, air pollutants reach ambient levels well above those of an Air Pollution Alert. Substantial restrictions of activities may be required. The public should be frequently informed of current pollution levels and of the hazards. If the conditions in both A and B, below, are met, an Air Pollution Warning will be declared, and the actions in Table II shall 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:

(1) Sulfur dioxide--0.6 ppm, 24-hour average;

(2) Particulate matter (PM10)--420 ug/m^3, 24-hour average;

(3) Carbon monoxide--30 ppm, 8-hour average;

(4) Ozone--0.4 ppm, 1-hour average;

(5) Nitrogen dioxide--1.2 ppm, 1-hour average; or 0.3 ppm, 24-hour average.

4. "Air Pollution Emergency"--In this condition, ambient levels of air pollutants are approaching the Significant Harm levels, and stringent abatement actions may be necessary. The public should be frequently informed of current pollution levels and of the hazards. If the conditions in both A and B, below, are met, an Air Pollution Emergency will be declared, and the actions in Table III shall 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:

(1) Sulfur dioxide--0.8 ppm, 24-hour average;

(2) Particulate matter (PM10)--500 ug/m^3, 24-hour average;

(3) Carbon monoxide--40 ppm, 8-hour average;

(4) Ozone--0.5 ppm, 1-hour average;

(5) Nitrogen dioxide--1.6 ppm, 1-hour average; or 0.4 ppm, 24-hour average.

5. "Termination"--Any air pollution episode stage established by these criteria may be reduced to a lower stage or terminated, when the required conditions are no longer met.
State adoptive date: 7/12/88; EPA effective date: 11/8/93

SECTION 51-015 EMISSION REDUCTION PLANS

Tables I, II and III of this regulation set forth specific emission reduction measures that shall be taken upon the declaration of an Air Pollution Episode. Any person responsible for a source of air contamination shall, upon declaration of an episode, take all actions specified in the applicable Table and shall particularly put into effect the Authority-approved preplanned abatement strategy for such condition.
State adoptive date: 7/12/88; EPA effective date: 11/8/93

SECTION 51-020 PREPLANNED ABATEMENT STRATEGIES

1. Any person responsible for the operation or control of a source of air contamination shall, when requested by the Authority in writing, prepare preplanned strategies consistent with good industrial practice and safe operating procedures, for reducing the emission of air contaminants during Air Pollution Episodes.

2. Preplanned strategies as required by this section shall be in writing and describe the source of air contamination, contaminants and a brief description of the manner and amount in which the reduction will be achieved during each Episode stage.

3. During an Air Pollution Episode, preplanned strategies required by this section shall be made available on the premises to any person authorized to enforce the provisions of these rules.

4. Preplanned strategies required by this section shall be submitted to the Authority upon request within thirty days of the receipt of such request; such preplanned strategies shall be subject to review and approval by the Authority. Matters of dispute in developing preplanned strategies shall, if necessary,

be brought before the Board of Directors.

5. Municipal and county governments, or other appropriate governmental bodies, shall, when requested by the Authority in writing, prepare pre-planned strategies consistent with good traffic management practice and public safety, for reducing the use of motor vehicles or aircraft within designated areas during Air Pollution Episodes. These plans shall be designed to reduce or eliminate emissions of air contaminants from motor vehicles in accordance with the objectives set forth in Tables I - III and shall be prepared and submitted for review and approval by the Authority in accordance with subsections 1, 2 and 3 of this section.

State adoptive date: 7/12/88; EPA effective date: 11/8/93

SECTION 51-025 IMPLEMENTATION

1. The Authority and the Department of Environmental Quality shall cooperate to the fullest extent possible to insure uniformity of enforcement and administrative action necessary to implement these regulations. With the exception of sources of air contamination retained by the Department of Environmental Quality, all persons within the territorial jurisdiction of the Authority shall submit the preplanned abatement strategies prescribed in Section 51-020 to the Authority. The Authority shall submit summaries of the abatement strategies to the Department of Environmental Quality.

2. Declarations of Air Pollution Alert, Air Pollution Warning and Air Pollution Emergency shall be made by the Authority. In the event conditions warrent and such declaration is not made by the Authority, the Department of Environmental Quality shall issue the declaration and the Authority shall take appropriate remedial actions as set forth in these rules.

3. Additional responsibilities of the Authority shall include, but are not limited to:

A. Securing acceptable preplanned abatement strategies.

B. Measurement and reporting of air quality data to the Department of Environmental Quality.

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 emergency emission reductions plans.

State adoptive date: 7/12/88; EPA effective date: 11/8/93

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 be requested to voluntarily curtail or eliminate all unnecessary operations within the designated Alert area, and public transportation systems shall 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 be taken in the designated area:

1. There shall be no open burning by any person of any material.

2. Persons operating fuel burning equipment which requires boiler lancing or soot blowing shall 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 take all required actions for the Alert level, in accordance with the preplanned strategy:

Sources	Control Actions - Alert Level
(A) Coal, Oil or wood-fired facilities content.	(A) Utilization of electric generating fuels having low ash and sulfur.
	(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 generating facilities	(A) Utilization of fuel having low process steam ash and sulfur content.
	(B) Uilization 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:	(A) Reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and all operations.
Primary Metals Industries Petroleum Refining Chemical Industries Mineral Processing Ind. Grain Industries Paper and Allied Products Wood Processing Industry	(B) Reduction by deferring trade waste disposal operations which emit solid particle gas vapors or malodorous substance.
	(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 be taken:

1. Operating of motor vehicles carrying fewer than three (3) persons shall be prohibited within designated 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 Authority, operations of all private vehicles within designated areas or entry of vehicles into designated areas, may be prohibited for specified periods of time.

3. Public transportation operators shall, 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 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 perchlorethylene).

5. Where appropriate for carbon monoxide episodes during the heating season, and where legal authority exists, governmental agencies shall 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 be taken:

1. There shall be no open burning by any person of any material.

2. The use of incinerators for the disposal of solid or liquid wastes shall be prohibited.

3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 p.m.

4. Where legal authority exists, governmental agencies shall 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 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:	(A) Reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardships by postponing production and allied operations.
Petroleum Refining Chemical Industries Primary Metals Industries Glass Industries Paper and Allied Products	(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 be no open burning by any person of any material.

2. The use of incinerators for the disposal of solid or liquid wastes shall be prohibited.

3. All places of employment, commerce, trade, public gatherings, government, industry, business, or manufacture shall 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 Authority.

4. All commercial and manufacturing establishments not included in these rules shall 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 be closed to all except emergency air traffic.

7. Where legal authority exists, governmental agencies shall prohibit all use of woodstoves and fireplaces.

8. Any person responsible for the operation of a source of atmospheric contamination listed below shall take all required control actions for this Emergency Level.

Source	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 the 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 of 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.