

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 34

Stationary Source Notification Requirements

Section 34-005 Definitions

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

1. Plant Site Emission Limit (PSEL) definitions, which may be found in Title 42; and
2. Definitions pertaining to Title V Operating Permits, which may be found in OAR 340-200-0020.

Section 34-005 Amended 06/13/00

RULES APPLICABLE TO ALL STATIONARY SOURCES

Section 34-010 Applicability

1. Except as provided in section (2) of this rule, Title 34 applies to:
 - A. All stationary sources; and
 - B. All air pollution control equipment used to comply with emissions limits or used to avoid LRAPA Title V Operating Permits (OAR 340 division 218) or New Source Review (LRAPA Title 38) requirements, or MACT standards (LRAPA Title 44).
2. Section 34-010 and 34-034 through 34-038 do not apply to the following stationary sources:
 - A. Those sources conducting certain activities that are exempted by LRAPA Title 12
 - B. Heating equipment in or used in connection with residences used exclusively as dwellings for not more than four families;
 - C. Other activities associated with residences used exclusively as dwellings for not more than four families, including, but not limit to barbecues, house painting, maintenance, and groundskeeping; and
 - D. Categorically insignificant activities as defined in LRAPA Title 12 that are not subject to NESHP or NSPS requirements. This exemption applies to all categorically insignificant activities whether or not they are located at major or non-major sources.

Section 34-015 Request for Information

Amended June 13, 2000

34.1

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

1. Issue a permit and ascertain compliance or noncompliance with the permit terms and conditions;
2. Ascertain applicability of any requirement;
3. Ascertain compliance or noncompliance with any applicable requirement; and
4. Incorporate monitoring, recordkeeping, reporting, and compliance certification requirements into a permit.

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

Section 34-020 Information Exempt from Disclosure

1. Pursuant to the provisions of ORS 192.410 to 192.505, all information submitted to LRAPA under Title 34 shall be presumed to be subject to inspection upon request by any person unless such information is determined to be exempt from disclosure pursuant to subsections 2 or 3 of this section.
2. If an owner or operator claims that any writing, as that term is defined in ORS 192.410(5), is confidential or otherwise exempt from disclosure, in whole or in part, the owner or operator shall comply with the following procedures:
 - A. The writing shall be clearly marked with a request for exemption from disclosure. For a multi-page writing, each page shall be so marked.
 - B. The owner or operator shall state the specific statutory provision under which it claims exemption from disclosure and explain why the writing meets the requirements of that provision.
 - C. For writings that contain both exempt and non-exempt material, the proposed exempt material shall be clearly distinguishable from the non-exempt material. If possible, the exempt material shall be arranged so that it is placed on separate pages from the non-exempt material.
3. For a writing to be considered exempt from disclosure as a "trade secret," it shall meet all of the following criteria:
 - A. the information shall not be patented;
 - B. it shall be known only to a limited number of individuals within a commercial concern who have made efforts to maintain the secrecy of the information;

- C. it shall be information which derives actual or potential economic value from not being disclosed to other persons; and
- D. it shall give its users the chance to obtain a business advantage over competitors not having the information.

Section 34-025 Highest and Best Practicable Treatment and Control Requirements

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

Section 34-025 Amended 09/09/97

Section 34-030 Source Registration

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

1. Registration shall be completed within thirty (30) days following the mailing date of the request by LRAPA.
2. Registration shall be made on forms furnished by LRAPA and completed by the owner, lessee of the source, or agent.
3. The following information shall be reported by registrants:
 - A. name, address, and nature of business;
 - B. name of local person responsible for compliance with these rules;
 - C. name of person authorized to receive requests for data and information;
 - D. a description of the production processes and a related flow chart;
 - E. a plot plan showing the location and height of all air contaminant sources (the plot plan shall also indicate the nearest residential or commercial property);
 - F. type and quantity of fuels used;
 - G. amount, nature, and duration of air contaminant emissions;
 - H. estimated efficiency of air pollution control equipment under present or anticipated operating conditions; and
 - I. any other information requested by LRAPA.
4. Once a year, upon the annual date of registration, a person responsible for an air contaminant source shall reaffirm in writing the correctness and current status of the information furnished

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

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

Section 34-034 Requirements for Construction

1. New Stationary Sources. No person is allowed to construct, install, or establish a new stationary source that will cause an increase in any regulated pollutant emissions without first notifying LRAPA in writing.
2. Modifications to Stationary Sources. No person is allowed to make a physical change or change in operation of an existing stationary source that will cause an increase, on an hourly basis at full production, in any regulated pollutant emissions without first notifying LRAPA in writing.
3. Air Pollution Control Equipment. No person is allowed to construct or modify any air pollution control equipment without first notifying LRAPA in writing.

Section 34-035 Types of Construction/Modification Changes

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

1. Type 1 changes include construction or modification of stationary sources or air pollution control equipment where such a change:
 - A. Would not increase emissions above the Plant Site Emission Limit by more than the de minimis levels defined in LRAPA Title 12 for sources required to have a permit;
 - B. Would not increase emissions above the netting basis by more than or equal to the significant emissions rate;
 - C. Would not increase emissions from any stationary source or combination of stationary sources by more than the de minimis levels defined in LRAPA Title 12;
 - D. Would not be used to establish a federally enforceable limit on the potential to emit; and
 - E. Would not require a TACT determination under Section 32-008 or a MACT determination under Section 44-0200.
2. Type 2 changes include construction or modification of stationary sources or air pollution control equipment where such a change:
 - A. Would meet the criteria of sub-sections 1.A, 1.B., 1.C., and 1.E. of this Section; and
 - B. Would not increase emissions from any stationary source or combination of stationary sources by more than or equal to the significant emission rate;

3. Type 3 changes include construction or modification of stationary sources or air pollution control equipment where such a change:
 - A. Would increase emissions above the Plant Site Emission Limit by more than the de minimis levels defined in LRAPA Title 12 but less than the significant emission rate for sources required to have a permit;
 - B. Would increase emissions from any stationary source or combination of stationary sources by more than the significant emission rate but are not subject to Section 42-00413.B. or LRAPA Title 38 (NSR rules);
 - C. Would be used to establish a federally enforceable limit on the potential to emit; or
 - D. Would require a TACT determination under Section 32-008 or a MACT determination under Section 44-130.
4. Type 4 changes include construction or modification of stationary sources or air pollution control equipment where such a change or changes would increase emissions above the PSEL or Netting Basis of the source by more than the significant emission rate.

Section 34-036 Notice to Construct

1. Any person proposing a Type 1 or 2 change must provide notice to LRAPA before constructing or modifying a stationary source or air pollution control equipment. The notice must be in writing on a form supplied by LRAPA and include the following information as applicable:
 - A. Name, address, and nature of business;
 - B. Name of local person responsible for compliance with these rules;
 - C. Name of person authorized to receive requests for data and information;
 - D. The type of construction or modification as defined in Section 34-035;
 - E. A description of the constructed or modified source;
 - F. A description of the production processes and a related flow chart;
 - G. A plot plan showing the location and height of all air contaminant sources and indicating the nearest residential or commercial property;
 - H. Type and quantity of fuels used;
 - I. Change in amount, nature and duration of air contaminant emissions;
 - J. Plans and specifications for air pollution control equipment and facilities and their relationship to the production process;

- K. Estimated efficiency of air pollution control equipment under present or anticipated operating conditions;
 - L. Any information on pollution prevention measures and cross-media impacts desired to be considered in determining applicable control requirements and evaluating compliance methods;
 - M. A list of any requirements applicable to the new construction or modification;
 - N. Where the operation or maintenance of air pollution control equipment and emission reduction processes can be adjusted or varied from the highest reasonable efficiency and effectiveness, information necessary for LRAPA to establish operational and maintenance requirements under subsections 32-007-1 and 2;
 - O. Amount and method of refuse disposal; and
 - P. Land Use Compatibility Statement signed by a local (city or county) planner either approving or disapproving construction or modification to the source if required by the local planning agency.
- 2. Any person proposing a Type 3 or 4 change must submit an application for either a construction ACDP, new permit, or permit modification, whichever is appropriate.
 - 3. LRAPA must be notified of any corrections and revisions to the plans and specifications upon becoming aware of the changes.
 - 4. Where a permit issued in accordance with LRAPA Title 37 or OAR 340 Division 218 includes construction approval for future changes for operational flexibility, the notice requirements in this rule are waived for the approved changes.

Section 34-037 Construction Approval

- 1. Approval to Construct:
 - A. For Type 1 changes, the owner or operator may proceed with construction or modification 10 days after LRAPA receives the notice required in Section 34-0230, unless LRAPA notifies the owner or operator in writing that the proposed construction or modification is not a Type 1 change.
 - B. For Type 2 changes, the owner or operator may proceed with the construction or modification 60 days after LRAPA receives the notice required in Section 34-0230 or on the date that LRAPA approves the proposed construction in writing, whichever is sooner.
 - C. For Type 3 changes, the owner or operator must obtain either a Construction ACDP or a new or modified Standard ACDP in accordance with LRAPA Title 37 before proceeding with the construction or modification.
 - D. For Type 4 changes, the owner or operator must obtain a new or modified Standard

ACDP in accordance with LRAPA Title 37 before proceeding with the construction or modification.

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

2. Approval to construct does not relieve the owner of the obligation of complying with applicable requirements.
3. Notice of Completion. Unless otherwise specified in the construction ACDP or approval, the owner or operator must notify LRAPA in writing that the construction or modification has been completed using a form furnished by LRAPA. Unless otherwise specified, the notice is due 30 days after completing the construction or modification. The notice of completion must include the following:
 - A. The date of completion of construction or modification; and
 - B. The date the stationary source or air pollution control equipment was or will be put in operation.
4. Order Prohibiting Construction or Modification. If at any time, LRAPA determines that the proposed construction is not in accordance with applicable statutes, rules, regulations, and orders, LRAPA will issue an order prohibiting the construction or modification. The order prohibiting construction or modification will be forwarded to the owner or operator by certified mail.
5. Hearing. A person against whom an order prohibiting construction or modification is directed may demand a hearing within 20 days from the date of mailing the order. The demand must be in writing, state the grounds for hearing, and be mailed to the Director of LRAPA. The hearing will be conducted pursuant to the applicable provisions in LRAPA Title 14.

Section 34-038 Approval to Operate

1. The approval to construct does not provide approval to operate the constructed or modified stationary source or air pollution control equipment unless otherwise allowed by either the ACDP or LRAPA Title V Operating Permit programs (LRAPA Title 37 and OAR 340 division 218).
2. Type 1 and 2 changes:
 - A. For sources that are not required to obtain a permit in accordance with Section 37-0020, Type 1 and 2 changes may be operated without further approval.
 - B. For new sources that are required to obtain an ACDP in accordance with Section 37-0020, the ACDP, which allows operation, is required before operating Type 1 or 2 changes.

- C. For sources currently operating under an ACDP, Type 1 and 2 changes may be operated without further approval unless the ACDP specifically prohibits the operation.
 - D. For sources currently operating under an LRAPA Title V Operating Permit, Type 1 and 2 changes may only be operated in accordance with OAR 340-218-0190(2).
3. Type 3 and 4 changes:
- A. For new sources, Type 3 or 4 changes require a standard ACDP before operation of the changes.
 - B. For sources currently operating under an ACDP, approval to operate Type 3 or 4 changes will require a new or modified standard ACDP. All ACDP terms and conditions remain in effect until the ACDP is modified.
 - C. For sources currently operating under an LRAPA Title V Operating Permit, approval to operate Type 3 or 4 changes must be in accordance with OAR 340-218-0190(2).

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

1. No existing source of air contaminant emissions will be allowed to operate out of compliance with the provisions of new rules, unless the owner or operator of that source first obtains a Board-approved compliance schedule which lists the steps being taken to achieve compliance and the final date when compliance will be achieved. Approval of a reasonable time to achieve compliance shall be at the discretion of the Board.
2. The owner or operator of any existing air contaminant source found by the Director to be in non-compliance with the provisions of new rules shall submit to the Board for approval a proposed schedule of compliance to meet those provisions. This schedule shall be in accordance with timetables contained in the new rules or in accordance with an administrative order by the Director. This schedule shall contain, as necessary, reasonable time milestones for engineering, procurement, fabrication, equipment installation and process refinement. This request shall also contain documentation of the need for the time extension to achieve compliance and the justification for each of the milestones indicated in the schedule.
3. Within one hundred and twenty (120) days of the submittal date of the request, the Board shall act to either approve or disapprove the request. A schedule for compliance becomes effective upon the date of the written order of the Board.
4. Compliance schedules of longer than eighteen (18) months' duration shall contain requirements for periodic reporting of progress toward compliance.
5. An owner or operator of an air contaminant source operating in non-compliance with these rules, but under an approved compliance schedule, who fails to meet that schedule or make reasonable progress toward completion of that schedule, shall be subject to enforcement procedures in accordance with these rules.

RecordsSection 34-080 Excess Emissions

See Title 36, Section 36-001 through 36-030. Section 34-160 New Source Review

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

RULES APPLICABLE TO SOURCES REQUIRED TO HAVE
TITLE V OPERATING PERMITS

Section 34-170 Applicability

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

Section 34-170 Amended 06/13/00.

Section 34-180 Authority to Implement

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

Section 34-180 Amended 06/13/00.

Section 34-190 Definitions

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

Section 34-190 Amended 06/13/00.

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

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

Section 34-200 Amended 06/13/00.