

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 37

AIR CONTAMINANT DISCHARGE PERMITS

Section 37-0010

Purpose

This title prescribes the requirements and procedures for obtaining Air Contaminant Discharge Permits (ACDPs).

Section 37-0020

Applicability

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

1. No person may construct, install, establish, develop or operate any air contaminant source which is referred to in **Table 1** without first obtaining an Air Contaminant Discharge Permit (ACDP) from ODEQ or LRAPA unless otherwise deferred from the requirement to obtain an ACDP in Section 1.C or D. of this rule. No person may continue to operate an air contaminant source if the ACDP expires, or is terminated or revoked; except as provided in Section 37-0082.
 - A. For portable sources, a single permit may be issued for operating at any area of the state if the permit includes the requirements from both the ODEQ and LRAPA.
 - B. The ODEQ or LRAPA where the portable source's Corporate offices are located will be responsible for issuing the permit. If the corporate office of a portable source is located outside of the state, the ODEQ will be responsible for issuing the permit.
 - C. An air contaminant source required to obtain an ACDP or ACDP Attachment pursuant to a NESHAP or NSPS adopted by the LRAPA Board by rule is not required to submit an application for an ACDP or ACDP Attachment until four months after the effective date of the LRAPA Board's adoption of the NESHAP or NSPS, and is not required to obtain an ACPD or ACDP Attachment until six months after the LRAPA Board's adoption of the NESHAP or NSPS. In addition, LRAPA may defer the requirement to submit an application for, or to obtain an ACDP or ACDP Attachment, or both, for up to an additional 12 months.
 - D. Deferrals of LRAPA and/or ODEQ permitting requirements do not relieve an air contaminant source from the responsibility of complying with the federal NESHAP or NSPS requirements.
2. No person may construct, install, establish, or develop any source that will be subject to the LRAPA Title V Operating Permit program without first obtaining an ACDP from ODEQ or LRAPA.

3. No person may modify any source that has been issued an ACDP without first complying with the requirements of Section 34-010 and Section 34-035 through Section 34-038.
4. No person may modify any source required to have an ACDP such that the source becomes subject to the LRAPA Title V Operating Permit program without complying with the requirements of Section 34-010 and Section 34-035 through Section 34-038.
5. No person may increase emissions above the PSEL by more than the de minimis levels specified in LRAPA Title 12 without first applying for and obtaining a modified ACDP.

Section 37-0025 Types of Permits

1. Construction ACDP
 - A. A Construction ACDP may be used for approval of Type 3 changes specified in Section 34-035 at a source subject to the ACDP permit requirements in this title.
 - B. A Construction ACDP is required for Type 3 changes specified in Section 34-035 at sources subject to the LRAPA Title V Operating Permit requirements.
2. General ACDP. A General ACDP is for a category of sources for which individual permits are unnecessary in order to protect the environment. An owner or operator of a source may be assigned to a General ACDP if LRAPA has issued a General ACDP for the source category:
 - A. The source meets the qualifications specified in the General ACDP;
 - B. LRAPA determines that the source has not had ongoing, reoccurring, or serious compliance problems; and
 - C. LRAPA determines that a General ACDP would appropriately regulate the source.
3. Short Term Activity ACDP. A Short Term Activity ACDP is a letter permit that authorizes the activity and includes any conditions placed upon the method or methods of operation of the activity. LRAPA may issue a Short Term Activity ACDP for unexpected or emergency activities, operations, or emissions.
4. Basic ACDP. A Basic ACDP is a letter permit that authorizes the regulated source to operate in conformance with the rules contained LRAPA's rules.
 - A. Owners and operators of sources and activities listed in Table 1, Part A of Section 37-0020 must at a minimum to obtain a Basic ACDP.
 - B. Any owner or operator of a source required to obtain a Basic ACDP may obtain either a Simple or Standard ACDP.
5. Simple ACDP A Simple ACDP is a permit that contains:

- A. All relevant applicable requirements for source operation, including general ACDP conditions for incorporating generally applicable requirements;
 - B. Generic PSELS for all pollutants emitted at more than the de minimis level in accordance with LRAPA Title 42;
 - C. Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and
 - D. A permit duration not to exceed 5 years.
6. Standard ACDP A Standard ACDP is a permit that contains:
- A. All applicable requirements, including general ACDP conditions for incorporating generally applicable requirements;
 - B. Source specific PSELS or Generic PSELS, whichever are applicable, as specified in LRAPA Title 42;
 - C. Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and
 - D. A permit duration not to exceed 5 years.
7. All owners and operators of sources and activities listed in Table 1, Part C of Section 37-0020 must obtain a Standard ACDP.
8. Owners or operators of sources and activities listed in Table 1, Part B of Section 37-0020 which do not qualify for a General ACDP or Simple ACDP must obtain a Standard ACDP.
9. Any owner or operator of a source not required to obtain a Standard ACDP may obtain a Standard ACDP.

Section 37-0030 Definitions

- 1. The definitions in LRAPA Title 12 and this rule apply to this title. If the same term is defined in this rule and LRAPA Title 12, the definition in this rule applies to this title.
- 2. “Permit modification” or “modified permit” means any change to the content of a permit.

Section 37-0040 Application Requirements

- 1. New Permits. Except for Short Term Activity ACDPs, any person required to obtain a new ACDP must provide the following general information, as applicable, using forms provided by LRAPA in addition to any other information required for a specific permit type:
 - A. Identifying information, including the name of the company, the mailing address, the facility address, and the nature of business (Standard Industrial Classification (SIC) code);

- B. The name and phone number of a local person responsible for compliance with the permit;
 - C. The name of a person authorized to receive requests for data and information;
 - D. A description of the production processes and related flow chart;
 - E. A plot plan showing the location and height of air contaminant sources. The plot plan must also indicate the nearest residential or commercial property;
 - F. The type and quantity of fuels used;
 - G. An estimate of the amount and type of each air contaminant emitted by the source in terms of hourly, daily, or monthly and yearly rates, showing calculation procedures;
 - H. Any information on pollution prevention measures and cross-media impacts the applicant wants LRAPA to consider in determining applicable control requirements and evaluating compliance methods;
 - I. Estimated efficiency of air pollution control equipment under present or anticipated operating conditions;
 - J. Where the operation or maintenance of air pollution control equipment and emission reduction processes can be adjusted or varied from the highest reasonable efficiency and effectiveness, information necessary for LRAPA to establish operational and maintenance requirements in accordance with Section 32-0120-1. and 2.;
 - K. A Land Use Compatibility Statement signed by a local (city or county) planner either approving or disapproving construction or modification of the source, if required by the local planning agency; and
 - L. Any other information requested by LRAPA.
2. Renewal Permits. Except for Short Term Activity ACDPs, any person required to renew an existing permit must submit the information identified in section 1. using forms provided by LRAPA, unless there are no significant changes to the permit. If there are significant changes, the applicant must provide the information identified in section 1. only for those changes. Where there are no significant changes to the permit, the applicant may use a streamlined permit renewal application process by providing the following information:
- A. Identifying information, including the name of the company, the mailing address, the facility address, and the nature of business (Standard Industrial Classification (SIC) code) using a form provided by LRAPA; and
 - B. A marked up copy of the previous permit indicating minor changes along with an explanation for each requested change.
3. Permit Modifications. For Simple and Standard ACDP modifications, the applicant must provided the information in section 1. relevant to the requested changes to the permit and a list of any new requirements applicable to those changes.
4. Any owner or operator who fails to submit any relevant facts or who has submitted incorrect information in a permit application must, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.
5. LRAPA must receive the application at least 60 days before a permit or modified permit is needed.

6. The application must be completed in full and signed by the applicant or the applicant's legally authorized representative.
7. Two copies of the application are required, unless otherwise requested by LRAPA. At least one of the copies must be a paper copy, but the others may be in any other format, including electronic copies, upon approval by LRAPA.
8. A copy of NSR permit applications and supplemental information must also be submitted directly to the EPA.
9. The name of the applicant must be the legal name of the facility or the owner's agent or the lessee responsible for the operation and maintenance of the facility. The legal name must be registered with the Secretary of State Corporations Division.
10. All applications must include the appropriate fees as specified in Table 2 of Section 37-0020.
11. Applications that are obviously incomplete, unsigned, improperly signed, or lacking the required exhibits or fees will be rejected by LRAPA and returned to the applicant for completion.
12. Within 15 days after receiving the application, LRAPA will preliminarily review the application to determine the adequacy of the information submitted:
 - A. If LRAPA determines that additional information is needed, LRAPA will promptly ask the applicant for the needed information. The application will not be considered complete for processing until the requested information is received. The application will be considered withdrawn if the applicant fails to submit the requested information within 90 days of the request;
 - B. If, in the opinion of LRAPA, additional measures are necessary to gather facts regarding the application, LRAPA will notify the applicant that such measures will be instituted along with the timetable and procedures to be followed. The application will not be considered complete for processing until the necessary additional fact-finding measures are completed. When the information in the application is deemed adequate for processing, LRAPA will so notify the applicant.
13. If at any time while processing the application, LRAPA determines that additional information is needed, LRAPA will promptly ask the applicant for the needed information. The application will not be considered complete for processing until the requested information is received. The application will be considered withdrawn if the applicant fails to submit the requested information within 90 days of the request.
14. If, upon review of an application, LRAPA determines that a permit is not required, LRAPA will so notify the applicant in writing. Such notification is a final action by LRAPA on the application.

Section 37-0052 Construction ACDP

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

- A. For complex construction or modification projects that require an extended period of time to construct, the Construction ACDP may provide construction approval faster than issuance of a Standard ACDP or modified Standard ACDP because the operating requirements would not need to be included in the permit.
 - B. For LRAPA Title V Operating Permit sources, the Construction ACDP may include the requirements of OAR 340-218-0050 and follow the external review procedures in OAR 340-218-0210 and 340-218-0230 so that the requirements may later be incorporated into the LRAPA Title V Operating Permit by an administrative amendment. If the applicant elects to incorporate the Construction ACDP by administrative amendment, all of the application submittal, permit content, and permit issuance requirements of OAR 340, division 218 must be met for the Construction ACDP.
2. Application requirements. Any person requesting a Construction ACDP must:
- A. Submit an application in accordance with Section 37-0040 and provide the information specified in Section 37-0040-1. as it relates to the proposed new construction or modification; and
 - B. Provide a list of any applicable requirements related to the new construction or modification.
3. Fees. Applicants for a Construction ACDP must pay the fees set forth in Table 2 of Section 37-0020.
4. Permit content. A Construction ACDP must include at least the following:
- A. A requirement that construction must commence within 18 months after the permit is issued;
 - B. A requirement to construct in accordance with approved plans;
 - C. A requirement to comply with all applicable requirements;
 - D. Emission limits for affected stationary sources;
 - E. Performance standards for affected stationary sources and air pollution control equipment;
 - F. Performance test requirements;
 - G. Monitoring requirements, if specialized equipment is required (e.g., continuous monitoring systems);
 - H. Notification and reporting requirements (construction status reports, startup dates, source test plans, CEMS performance specification testing plans, etc.);
 - I. General ACDP conditions for incorporating generally applicable requirements;

- J. A requirement to modify the operating permit before commencing operation of the new construction or modification;
 - K. A permit expiration date of no more than 5 years; and
 - L. LRAPA Title V Permit requirements as specified in OAR 340-218-0050, if the applicant requests the external review procedures in OAR 340-218-0210 and 340-218-0230.
5. Permit issuance procedures:
- A. A Construction ACDP requires public notice in accordance with LRAPA Title 31 for Category III permit actions.
 - B. For sources subject to the LRAPA Title V Operating Permit program, the applicant may ask for the external review procedures in OAR 340-218-0210 and 340-218-0230 in addition to the requirements of LRAPA Title 31 to allow the Construction ACDP to be incorporated into the LRAPA Title V Operating Permit later by an administrative amendment provided the requirements of 1.B. are met.
 - C. Issuance of a modified Construction ACDP requires one of the following, as applicable:
 - 1) Non-technical modifications and non-NSR Basic and Simple technical modifications require public notice in accordance with LRAPA Title 31 for Category I permit actions.
 - 2) Non-NSR/PSD Moderate and Complex technical modifications require public notice in accordance with LRAPA Title 31 for Category II permit actions

Section 37-0054 Short Term Activity ACDPs

- 1. Application requirements. Any person requesting a Short Term Activity ACDP must apply in writing, fully describing the emergency and the proposed activities, operations, and emissions. The application must include the fees specified in section 2. of this rule.
- 2. Fees. Applicants for a Short Term Activity ACDP must pay the fees set forth in Table 2 of Section 37-0020.
- 3. Permit content.
 - A. This permit includes conditions that ensure adequate protection of property and preservation of public health, welfare, and resources.
 - B. A Short Term Activity ACDP does not include a PSEL for any air contaminants discharged as a result of the permitted activity.
 - C. A Short Term Activity ACDP automatically terminates 60 days from the date of issuance and may not be renewed.

- D. A Short Term Activity ACDPs will be properly conditioned to ensure adequate protection of property and preservation of public health, welfare and resources.
- 4. Permit issuance procedures. A Short Term Activity ACDP requires public notice in accordance with LRAPA Title 31 for Category I permit actions.

Section 37-0056 Basic ACDPs

- 1. Application requirements. Any person requesting a Basic ACDP must submit an application in accordance with Section 37-0040 and provide the information specified in Section 37-0040-1.
- 2. Fees. Applicants for a new Basic ACDP must pay the fees set forth in Table 2 of 37-0020.
- 3. Permit content:
 - A. A Basic ACDP contains only the most significant and relevant rules applicable to the source.
 - B. A Basic ACDP does not contain a PSEL;
 - C. A Basic ACDP requires a simplified annual report be submitted to LRAPA; and
 - D. A Basic ACDP may be issued for a period not to exceed ten years.
- 4. Permit issuance procedures. A Basic ACDP requires public notice in accordance with LRAPA Title 31 for Category I permit actions.

Section 37-0060 General Air Contaminant Discharge Permits

- 1. Applicability.
 - A. LRAPA may issue a General ACDP under the following circumstances:
 - 1) There are several sources that involve the same or substantially similar types of operations;
 - 2) All requirements applicable to the covered operations can be contained in a General ACDP;
 - 3) The emission limitations, monitoring, recordkeeping, reporting and other enforceable conditions are the same for all operations covered by the General ACDP; and
 - 4) The pollutants emitted are of the same type for all covered operations.
 - B. Permit content. Each General ACDP must include the following:
 - 1) All relevant requirements for the operations covered by the General ACDP;
 - 2) Generic PSELS for all pollutants emitted at more than the de minimis level in accordance with LRAPA Title 42;

- 3) Testing, monitoring, recordkeeping, and reporting requirements necessary to ensure compliance with the PSEL and other applicable emissions limits and standards, and;
 - 4) A permit expiration date not to exceed 10 years from the date of issuance.
- C. Permit issuance procedures: A new General ACDP requires public notice and opportunity for comment in accordance with LRAPA Title 31 for Category III permit actions. A reissued General ACDP or a modification to a General ACDP requires public notice and opportunity for comment in accordance with LRAPA Title 31 for Category II permit actions. All General ACDPs are on file and available for review at LRAPA. The Director signs a General ACDP.

2. Source assignment:

- A. Application requirements. Any person requesting that a source be assigned to a General ACDP must submit a written application in accordance with Section 37-0040 that includes the information in Section 37-0040-1., specifies the General ACDP source category, and shows that the source qualifies for the General ACDP.
- B. Fees. Applicants must pay the fees set forth in Table 2 of Section 37-0020. The fee class for each General ACDP is as follows:
 - 1) Hard chrome platers – Fee Class Three;
 - 2) Halogenated solvent degreasers -- batch cold – Fee Class Two;
 - 3) Perchloroethylene dry cleaners – Fee Class Six;
 - 4) Asphalt plants – Fee Class Three;
 - 5) Rock crushers – Fee Class Two;
 - 6) Ready-mix concrete – Fee Class One;
 - 7) Sawmills, planing mills, millwork, plywood manufacturing and veneer drying – Fee Class Three;
 - 8) Boilers – Fee Class Two;
 - 9) Crematories – Fee Class Two;
 - 10) Coffee roasters – Fee Class One;
 - 11) Bulk gasoline plants – Fee Class One;
 - 12) Electric power generators – Fee Class Two;
 - 13) Clay ceramics – Fee Class One;
 - 14) Secondary nonferrous metals – Fee Class One;
 - 15) Gasoline dispensing facilities -- stage I – Fee Class Five;
 - 16) Wood preserving – Fee Class Four;
 - 17) Metal fabrication and finishing – Fee Class Two;
 - 18) Plating and polishing – Fee Class One;
 - 19) Surface coating operations (Miscellaneous, motor vehicle and mobile equipment) – Fee Class One;
 - 20) Paint stripping – Fee Class One;
 - 21) Spray coating – Fee Class One;
 - 22) Motor vehicle and mobile equipment surface coating operations – Fee Class One;
 - 23) Aluminum, copper, and nonferrous foundries – Fee Class Two;
 - 24) Paints and allied products manufacturing – Fee Class Two;

25) Any General ACDP not listed above – Fee Class One.

C. Source assignment procedures:

- 1) Assignment of a source to a General ACDP is subject to public notice in accordance with LRAPA Title 31 for Category I permit actions.
 - 2) A person is not a permittee under the General ACDP until LRAPA assigns the General ACDP to the person.
 - 3) Assignments to General ACDPs and ACDP Attachment(s) terminate when the General ACDP or ACDP Attachment(s) expires or is modified, terminated or revoked.
 - 4) Once a source has been assigned to a General ACDP, if the assigned General ACDP does not cover all requirements applicable to the source, the other applicable requirements must be covered by assignment to one or more General ACDP Attachments in accordance with Section 37-0062, otherwise the source must obtain a Simple or Standard ACDP.
 - 5) A source requesting to be assigned to a General ACDP Attachment, in accordance with Section 37-0062, for a source category in a higher annual fee class than the General ACDP the source is currently assigned to, must be reassigned to the General ACDP for the source category in the higher annual fee class.
3. LRAPA Initiated Modification. If LRAPA determines that the conditions have changed such that a General ACDP for a category needs to be modified, LRAPA may issue a new General ACDP for that category and assign all existing General ACDP permit holders to the new General ACDP.
4. Rescission. In addition to Section 37-0082 (Termination or Revocation of an ACDP), LRAPA may rescind an individual source's assignment to a General ACDP if the source no longer meets the requirements of this rule or the conditions of the permit, including, but not limited to a source having an ongoing, reoccurring or serious compliance problem. Upon rescinding a source's assignment to a General ACDP LRAPA will place the source on a Simple or Standard ACDP. LRAPA may also revoke a General ACDP or Attachment or both if conditions, standards or rules have changed so the permit or attachment no longer meets the requirements of this rule.

Section 37-0062 General ACDP Attachments

1. Purpose. This rule allows a source to be assigned to one General ACDP and one or more General ACDP Attachments, as long as the General ACDP and General ACDP Attachment(s) contain all requirements applicable to the source. This would allow a source to avoid having to obtain a more costly Simple or Standard ACDP if there are no General ACDPs that contain all requirements applicable to the source.
2. Applicability.
 - A. LRAPA may issue a General ACDP Attachment under the following circumstances:
 - 1) There are several sources that involve the same or substantially similar types of operations;

- 2) All requirements applicable to the covered operations can be contained in a General ACDP Attachment;
 - 3) The emission limitations, monitoring, recordkeeping, reporting and other enforceable conditions are the same for all operations covered by the General ACDP Attachment;
 - 4) The pollutants emitted are of the same type for all covered operations. If a General ACDP and a General ACDP Attachment(s) cannot address all activities at a source, the owner or operator of the source must apply for Simple or Standard ACDP in accordance with this Title.
- B. Attachment content. Each General ACDP Attachment must include the following:
- 1) All relevant requirements for the operations covered by the General ACDP Attachment;
 - 2) Testing, monitoring, recordkeeping, and reporting requirements necessary to ensure compliance with the applicable emissions limits and standards; and
 - 3) An attachment expiration date not to exceed 10 years from the date of issuance.
- C. Attachment issuance procedures: A General ACDP Attachment requires public notice and opportunity for comment in accordance with LRAPA Title 31 for Category II permit actions. All General ACDP Attachments will be on file and available for review at LRAPA.
3. Source assignment:
- A. Application requirements. Any person requesting to be assigned to a General ACDP Attachment must submit a written application for each requested General ACDP Attachment that specifies the requested General ACDP Attachment and shows that the source qualifies for the requested General ACDP Attachment.
- B. Fees. Permittees must pay set forth in Table 2 of Section 37-0020 for each assigned General ACDP Attachment.
- C. Assignment procedures:
- 1) Assignment to a General ACDP Attachment is a Category I permit action and is subject to the Category I public notice requirements in accordance with LRAPA Title 31.
 - 2) A person is not a permittee under the General ACDP Attachment until LRAPA assigns the General ACDP Attachment to the person.
 - 3) Assignments to a General ACDP Attachments terminate when the General ACDP Attachment expires or is modified, terminated or revoked.
 - 4) A source may not be assigned to a General ACDP Attachment for a source category in a higher annual fee class than the General ACDP the source is currently assigned to. Instead a source must be reassigned to the General ACDP for the source category in the higher annual fee class in accordance with Section 37-0060-2.C.5) and may be assigned to one or more General ACDP Attachments associated with source categories in an equal or lower annual fee class.
- D. If all activities at a source cannot be addressed by a General ACDP and General ACDP Attachments, the owner or operator of the source must apply for a Simple or Standards ACDP in accordance with this Title.

Section 37-0064 Simple ACDP

1. Applicability.

- A. Sources and activities listed in Table 1, Part B of Section 37-0020 that do not qualify for a General ACDP and are not required to obtain a Standard ACDP must, at a minimum, obtain a Simple ACDP.
 - B. Any source required to obtain a Simple ACDP may obtain a Standard ACDP.
 - C. LRAPA may determine that a source is ineligible for a Simple ACDP and must obtain a Standard ACDP based upon, but not limited to, the following considerations:
 - 1) The nature, extent, and toxicity of the source's emissions;
 - 2) The complexity of the source and the rules applicable to that source;
 - 3) The complexity of the emission controls and potential threat to human health and the environment if the emission controls fail;
 - 4) The location of the source; and
 - 5) The compliance history of the source.
2. Application Requirements. Any person requesting a new, modified, or renewed Simple ACDP must submit an application in accordance with Section 37-0040.
3. Fees. Applicants for a new or modified Simple ACDP must pay the fees set forth in Table 2 of Section 37-0020. Annual fees for Simple ACDPs will be assessed based on the following:
- A. Low Fee -- A Source may qualify for the Low Fee if:
 - 1) The source is, or will be, permitted under only one of the following categories from Section 37-0020 Table 1, Part B (category 25. Electric Power Generation, may be included with any category listed below):
 - (a) Category 6. Asphalt felt and coatings;
 - (b) Category 12. Boilers and other fuel burning equipment;
 - (c) Category 16. Cement Manufacturing and/or Distribution;
 - (d) Category 30. Galvanizing & Pipe coating;
 - (e) Category 36. Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries 100 or more tons/yr. metal charged (not elsewhere identified);
 - (f) Category 37. Gypsum products;
 - (g) Category 50. Non-Ferrous Metal Foundries 100 or more tons/yr. of metal charged;
 - (h) Category 51. Organic or Inorganic Industrial Chemical Manufacturing;
 - (i) Category 63. Secondary Smelting and/or Refining of Ferrous and Non-Ferrous Metals
 - (j) Category 74. All Other Sources not listed in Table 1 that LRAPA determines an air quality concern exists including minor sources of HAPs not elsewhere classified or one which would emit significant malodorous emissions;

- (k) Category 75. All Other Sources not listed in Table 1 which would have actual emissions, if the source were to operate uncontrolled, of 5 or more tons a year of direct PM_{2.5} or PM₁₀ if located in a direct PM_{2.5} or PM₁₀ non-attainment or maintenance area, or 10 or more tons of any single criteria pollutant in any part of Lane County.
- 2) The actual emissions from the 12 months immediately preceding the invoice date, and future projected emissions are less than 5 tons/yr. PM₁₀ in a PM₁₀ nonattainment or maintenance area, and less than 10 tons/yr. for each criteria pollutant; and
- 3) The source is not considered an air quality problem or nuisance source by LRAPA.
- B. High Fee -- Any source required to have a Simple ACDP (Section 37-0020 Table 1 Part B) that does not qualify for the Low Fee will be assessed the High Fee.
- C. If LRAPA determines that a source was invoiced for the Low Annual Fee but does not meet the Low Fee criteria outlined above, the source will be required to pay the difference between the Low and High Fees, plus applicable late fees in accordance with Section 37-0020 Table 2. Late fees start upon issuance of the initial invoice. In this case, LRAPA will issue a new invoice specifying applicable fees.
- 4. Permit Content.
 - A. All relevant applicable requirements for source operation, including general ACDP conditions for incorporating generally applicable requirements;
 - B. Generic PSELS for all pollutants emitted at more than the de minimis level in accordance with LRAPA Title 42;
 - C. Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and
 - D. A permit duration not to exceed 5 years
- 5. Permit issuance procedures:
 - A. Issuance of a new or renewed Simple ACDP requires public notice in accordance with LRAPA Title 31 for Category II permit actions.
 - B. Issuance of a modification to a Simple ACDP requires one of the following procedures, as applicable:
 - 1) Non-technical and non-NSR/PSD Basic and Simple technical modifications require public notice in accordance with LRAPA Title 31 for Category I permit actions; or
 - 2) Issuance of non-NSR/PSD Moderate and Complex technical modifications require public notice in accordance with LRAPA Title 31 for Category II permit actions.

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

Section 37-0066 Standard ACDPs

1. Application requirements. Any person requesting a new, modified, or renewed Standard ACDP must submit an application in accordance with Section 37-0040 and include the following additional information as applicable:
 - A. For new or modified Standard ACDPs that are not subject to NSR (LRAPA Title 38) but have emissions increases above the significant emissions rate, the application must include an analysis of the air quality and visibility (visibility analysis for federal major sources only) impact of the source or modification according to the applicable requirements in LRAPA Title 40 (and as specified in Section 42-0041), including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts.
 - B. For new or modified Standard ACDPs that are subject to NSR (LRAPA Title 38), the application must include the following additional information as applicable:
 - 1) A detailed description of the air pollution control equipment and emission reductions processes which are planned for the source or modification, and any other information necessary to determine that BACT or LAER technology, whichever is applicable, would be applied;
 - 2) An analysis of the air quality and visibility (federal major sources only) impact of the source or modification, including meteorological and topographical data, specific details of models used, and other information necessary to estimate air quality impacts; and
 - 3) An analysis of the air quality and visibility (federal major sources only) impacts, and the nature and extent of all commercial, residential, industrial, and other source emission growth, which has occurred since January 1, 1978, in the area the source or modification would affect.
2. Fees. Applicants for a Standard ACDP must pay the fees set forth in Table 2 of Section 37-0020.
3. Permit content. A Standard ACDP is a permit that contains:
 - A. All applicable requirements, including general ACDP conditions for incorporating generally applicable requirements;
 - B. Source specific PSELS or Generic PSELS, whichever are applicable, as specified in LRAPA Title 42;
 - C. Testing, monitoring, recordkeeping, and reporting requirements sufficient to determine compliance with the PSEL and other emission limits and standards, as necessary; and
 - D. A permit duration not to exceed 5 years.
4. Permit issuance procedures.
 - A. Issuance of a new or renewed Standard ACDP requires public notice as follows:

- 1) For non-NSR permit actions, issuance of a new or renewed Standard ACDP requires public notice in accordance with LRAPA Title 31 for Category III permit actions for any increase in allowed emissions, or Category II permit actions if no emissions increase is allowed.
 - 2) For NSR permit actions, issuance of a new Standard ACDP requires public notice in accordance with LRAPA Title 31 for Category IV permit actions.
- B. Issuance of a modified Standard ACDP requires one of the following, as applicable:
- 1) Non-technical modifications and non-NSR Basic and Simple technical modifications require public notice in accordance with LRAPA Title 31 for Category I permit actions.
 - 2) Non-NSR/PSD Moderate and Complex technical modifications require public notice in accordance with LRAPA Title 31 for Category II permit actions.
 - 3) NSR/PSD modifications require public notice in accordance with LRAPA Title 31 for Category IV permit actions.

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

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

Section 37-0082 Termination or Revocation of an ACDP

1. Expiration
 - A. A source may not be operated after the expiration date of a permit, unless any of the following occur prior to the expiration date of the permit:
 - 1) A timely and complete application for renewal has been submitted; or
 - 2) Another type of permit (ACDP or Title V) has been issued authorizing operation of the source.
 - B. For a source operating under an ACDP or Title V Permit, a requirement established in an earlier ACDP remains in effect notwithstanding expiration of the ACDP, unless the provision expires by its terms or unless the provision is modified or terminated according to the procedures used to establish the requirement initially.
2. Automatic Termination. A permit is automatically terminated upon:
 - A. Issuance of a renewal or new ACDP for the same activity or operation;
 - B. Written request of the permittee, if LRAPA determines that a permit is no longer required;

- C. Failure to submit a timely application for permit renewal. Termination is effective on the permit expiration date; or
 - D. Failure to pay annual fees within 90 days of invoice by LRAPA, unless prior arrangements for payment have been approved in writing by LRAPA.
3. Reinstatement of Terminated Permit: A permit automatically terminated under 37-0082-2.B. through 2.D. may only be reinstated by the permittee by applying for a new permit, including the applicable new source permit application fees as set forth in this Title.
4. Revocation:
- A. If LRAPA determines that a permittee is in noncompliance with the terms of the permit, submitted false information in the application or other required documentation, or is in violation of any applicable rule or statute, LRAPA may revoke the permit. Notice of the intent to revoke the permit will be provided to the permittee in accordance with LRAPA Title 31. The notice will include the reasons why the permit will be revoked, and include an opportunity for hearing prior to the revocation. A written request for hearing must be received within 60 days from service of the notice, and must state the grounds of the request. The hearing will be conducted as a contested case hearing in accordance with LRAPA Title 31. The permit will continue in effect until the 60 days expires, or until a final order is issued if an appeal is filed, whichever is later.
 - B. If LRAPA finds there is a serious danger to the public health, safety or the environment caused by a permittee's activities, LRAPA may immediately revoke or refuse to renew the permit without prior notice or opportunity for a hearing. If no advance notice is provided, notification will be provided to the permittee as soon as possible as provided in LRAPA Title 31. The notification will set forth the specific reasons for the revocation or refusal to renew. For the permittee to contest LRAPA's revocation or refusal to renew LRAPA must receive a written request for a hearing within 90 days of service of the notice and the request must state the grounds for the request. The hearing will be conducted as a contested case hearing in accordance with LRAPA Title 31. The revocation or refusal to renew becomes final without further action by LRAPA if a request for a hearing is not received within the 90 days.

Section 37-0084 LRAPA Initiated Modification

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

Section 37-0090 Sources Subject to ACDPs and Fees

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

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

Section 37-0094 Temporary Closure

1. Permittees who are temporarily suspending activities for which an ACDP is required may apply for a fee reduction due to temporary closure. However, the anticipated period of closure must exceed six months and must not be due to regular maintenance or seasonal limitations.
2. Annual fees for temporary closure are one half of the regular annual fee for the source.
3. Sources who have received LRAPA approval for payment of the temporary closure fee must obtain authorization from LRAPA prior to resuming permitted activities. Owners or operators must submit written notification, together with the prorated annual fee for the remaining months of the year, to LRAPA at least thirty (30) days before startup and specify in the notification the earliest anticipated startup date.