

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 12

General Provisions and Definitions

Section 12-001 General

1. Description: The general provisions and definitions included in this Title shall apply to all other LRAPA rules and regulations. Definitions that are included in any other LRAPA title are specific to that Title and shall not apply to any other titles, rules or regulations.
2. More than One Emission Standard: In cases of apparent conflict between rules and regulations within these titles, the most stringent regulation applies unless otherwise expressly stated.
3. Violations Not Authorized: Nothing in LRAPA rules or regulations is intended to permit any practice intended or designed to evade or circumvent LRAPA rules or regulations.
4. Severability: If a court of competent jurisdiction adjudges any LRAPA rule or regulation to be invalid such judgment shall be limited to that rule, regulation or portion thereof, and not otherwise effect, or invalidate the remainder of LRAPA rules and regulations.
5. The Lane Regional Air Protection Agency administers the air pollution control regulations listed in Titles 12 through 51 in all areas of Lane County.

Section 12-005 Definitions

- “Abate” means to eliminate the nuisance or suspected nuisance by reducing or managing the emissions using reasonably available practices. The degree of abatement will depend on an evaluation of all of the circumstances of each case and does not necessarily mean completely eliminating the emissions.
- ”Accidental Release” means an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.
- “Act and FCAA” mean the Federal Clean Air Act, (42 U.S.C. 7401 et seq.,as amended by Public Law 101.549 Stat 2399).
- “Activity” means any process, operation, action or reaction (e.g., chemical) at a source that emits a regulated pollutant.
- "Actual Emissions" means the mass rate of emissions of a pollutant from an emissions source during a specified time period. Where the term “actual emissions” is used:
 - A. For determining actual emissions as of the baseline period:

- (1) Except as provided in paragraph (2), actual emissions equal the average rate at which the source actually emitted the pollutant during a baseline period and that represents normal source operation.
- (2) LRAPA presumes that the source-specific mass emissions limit included in a source's permit that was effective on September 8, 1981 is equivalent to the source's actual emissions during the baseline period if it is within 10 percent of the actual emissions calculated under paragraph (1).

~~(3)~~ **B.** For any source that had not begun normal operation, actual emissions equal the potential to emit of the source.

BC. For determining actual emissions for Oregon Title V Operating Permit Fees under OAR 340 Division 220:

- (1) 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, except categorically insignificant activities and secondary emissions.

CD. For determining Oregon Title V Operating Permit Fees under OAR 340 Division 220:

- (1) Actual emissions must be directly measured with a continuous monitoring system or;
- (2) 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.

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- "Adjacent" means interdependent facilities that are nearby each other.
- "Affected Source," for the purposes of Title IV of the FCAA (Acid Rain) means a source that includes one or more affected units that are subject to emission reduction requirements or limitation.
- "Affected states," means all states:
 - A. Whose air quality may be affected by a proposed permit, permit modification, or permit renewal and that are contiguous to Oregon; or
 - B. That are within 50 miles of the permitted source.
- "Agency" means Lane Regional Air Protection Agency
- "Agency Administering SIP" where found in the federal rule, means LRAPA, the Department, or the EPA.
- "Agency-Approved Method" means any method of sampling and analyzing for an air contaminant approved by the Agency. These methods are listed in the state Department of Environmental Quality's Source Sampling Manual.
- "Aggregate Insignificant Emissions" means the annual actual emissions of any regulated air pollutant from one or more designated activities at a source that are less than or equal to the lowest applicable level specified in this section. The total emissions from each designated activity and the aggregate emissions from all designated activities must be less than or equal to the lowest applicable level specified.

- A. one (1) ton for each criteria pollutant (except lead), total reduced sulfur, hydrogen sulfide, sulfuric acid mist, any Class I or Class II substance subject to a standard promulgated under or established by Title VI of the act, Stratospheric Ozone Protection;
- B. 500 pounds for PM₁₀ in a PM₁₀ nonattainment area;
- C. 500 pounds for PM_{2.5} in a PM_{2.5} nonattainment area;
- ~~C~~D. 120 pounds for lead;
- ~~D~~E. 600 pounds for fluoride;
- ~~E~~F. the lesser of the amount established in LRAPA Title 44, Table 1 List of Hazardous Air Pollutants or Title 44, Table 3 List of Regulated Toxic and Flammable Substances for Purposes of Accidental Release Prevention, or 1,000 pounds;
- ~~F~~G. an aggregate of 5,000 pounds for all Hazardous Air Pollutants.

- "Agricultural operation" means an activity on land currently used or intended to be used primarily for the purpose of obtaining a profit in money by raising, harvesting and selling crops or by the raising and sale of livestock or poultry, or the produce thereof, which activity is necessary to serve that purpose. It does not include the construction and use of dwellings customarily provided in conjunction with the agricultural operation.
- "Air Contaminant" or "Air Pollutant" means material which, when emitted, causes or tends to cause the degradation of air quality. Such material includes but is not limited to particulate matter, aerosol, gas, smoke, soot, carbon, acids or any combination thereof. Such term includes any precursors to the formation of any air pollutant; to the extent the EPA has identified such precursor or precursors for the particular purpose for which the term air pollutant is used.
- "Air Contaminant Discharge Permit" means a written permit issued by LRAPA in accordance with Title 37, Air Contaminant Discharge Permits.
- "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 air stream. It does not include particle dryers.
- "Air Pollution Control Equipment" means any equipment that 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 Agency 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.
- "Alternative Method" means any method of sampling and analyzing for an air pollutant that is not a reference or equivalent method but has been demonstrated to LRAPA's satisfaction to, in specific cases, produce results adequate for determination of compliance. Notwithstanding, the

EPA must approve an alternative method used to meet an applicable federal requirement for which a reference method is specified unless the EPA has delegated authority for the approval to LRAPA.

- "Ambient Air" means the air that surrounds the earth, excluding the volume of gases contained within any building or structure.
- "Applicable requirement" means all of the following as they apply to emissions units in an Oregon Title V Operating Permit program source or ACDP program source, including requirements that have been promulgated or approved by the EPA through rule making at the time of issuance but have future-effective compliance dates:
 - A. Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by the EPA through rulemaking under Title I of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in **40 CFR Part 52** (Air Programs);
 - B. Any standard or other requirement adopted under LRAPA's State Implementation Plan, that is more stringent than the federal standard or requirement which has not yet been approved by the EPA, and other state-only enforceable air pollution control requirements;
 - C. Any term or condition in an ACDP, LRAPA Title 37, Air Contaminant Discharge Permits, including any term or condition of any preconstruction permits issued pursuant to LRAPA Title 38, New Source Review, until or unless LRAPA revokes or modifies the term or condition by a permit modification;
 - D. Any term or condition in a Notice of Construction and Approval of Plans, Titles 34 and 38, Stationary Source Notification Requirements and Major New Source Review, until or unless LRAPA revokes or modifies the term or condition by a Notice of Construction and Approval of Plans or a permit modification;
 - E. Any term or condition in a Notice of Approval, OAR 340-218-0190, issued before July 1, 2001, until or unless LRAPA revokes or modifies the term or condition by a Notice of Approval or a permit modification;
 - F. Any term or condition of a PSD permit issued by the EPA until or unless the EPA revokes or modifies the term or condition by a permit modification;
 - G. Any standard or other requirement under section 111 of the Act (NSPS), including section 111(d);
 - H. Any standard or other requirement under section 112 of the Act (HAPs), including any requirement concerning accident prevention under section 112(r)(7) of the Act (Accidental Release Prevention);
 - I. Any standard or other requirement of the acid rain program under Title IV of the Act or the regulations promulgated thereunder;
 - J. Any requirements established pursuant to section 504(b) (Title V permit monitoring and analysis requirements) or section 114(a)(3) of the Act (Federal Enforcement; compliance certification);
 - K. Any standard or other requirement under section 126(a)(1) and (c) (PSD) of the Act;
 - L. Any standard or other requirement governing solid waste incineration, under section 129 of the Act (Solid Waste Combustion);
 - M. Any standard or other requirement for consumer and commercial products, under section 183(e) of the Act (Federal ozone measures);
 - N. Any standard or other requirement for tank vessels, under section 183(f) of the Act;

- O. Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the Act;
 - P. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act, unless the Administrator has determined that such requirements need not be contained in an Oregon Title V Operating Permit; and
 - Q. Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the Act, but only as it would apply to temporary sources permitted pursuant to section 504(e) of the Act.
- "Applicable State Implementation Plan" and "Plan" refer to the programs and rules of the Department or LRAPA, as approved by the EPA, or any EPA-promulgated regulations (see **40 CFR Part 52, Subpart MM**).
 - "Assessable Emission" means a unit of emissions for which the owner or operator of the major source will be assessed a fee. It includes an emission of a pollutant defined in OAR 340-220-0060, Oregon Title V Operating Permit Fees from emission devices or activities and processes within a major source.
 - "ASTM" means the American Society for Testing Materials.
 - "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. LRAPA shall allow the use of a prior time period upon a determination that it is more representative of normal source operation.~~
A. For any regulated pollutant other than PM2.5, calendar years 1977 or 1978. LRAPA may allow the use of a prior time period upon a determination that it is more representative of normal source operation.
B. For PM2.5, calendar years 2006 or 2007. LRAPA may allow the use of a prior time period upon a determination that it is more representative of normal source operation.
 - "Best Available Control Technology (BACT)" means an emissions limitation based on the maximum degree of reduction (considering energy, environmental, and economic impacts) achievable for each pollutant, on a case by case basis, through the application of production processes and available methods, systems, and techniques, including fuel cleaning, treatment or innovative fuel combustion techniques. The federal definition of BACT requires that BACT limits be no less stringent than any emission standard promulgated under NSPS and NESHAPS. 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

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degree possible, set forth the emission reduction achievable and shall provide for compliance by prescribing appropriate permit conditions.

- "Board" means the Board of Directors of the Lane Regional Air Protection Agency
- "CFR" means Code of Federal Regulations
- "Calculated Emission" means actual emissions estimated using Agency-approved procedures.
- "Capacity" means the maximum regulated pollutant emissions from a stationary source under its physical and operational design.
- Capture System means the equipment (including but not limited to hoods, ducts, fans, and booths) used to contain, capture and transport a pollutant to a control device.
- "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 218 and 220, and LRAPA Titles 12 through 51 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 (Stratospheric Ozone Protection), 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 deionized 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 exclusively 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 due to circumstances beyond the reasonable control of the owner or operator, or to address a power emergency as determined by LRAPA or the Department;

- 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.
- “Certifying Individual” means the responsible person or official authorized by the owner or operator of a source who certifies accuracy of the emission statement.
 - "Chair" means the chairperson of the Board of Directors of the Lane Regional Air Protection Agency.
 - "Class I Area" means any federal, state, or Indian reservation land which is classified or reclassified as a Class I area. 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.
 - “Commence” or “commencement” means, that the owner or operator has obtained all necessary preconstruction approvals required by the Act and either has: begun, or caused to begin a continuous program of actual on-site construction of the source to be completed in a reasonable time; or Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed in a reasonable time.
 - "Commission" or “EQC” means the Oregon Environmental Quality Commission.
 - "Compliance" means meeting the requirements of LRAPA’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, but not limited to, 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.
- "Contingency Measures" means specific identified measures in an implementation plan to be undertaken if an area fails to make reasonable further progress, or attain a national air quality standard by the applicable attainment date.
- "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 (CEMS)" means the total equipment used to sample, condition (if applicable), analyze, and provide a permanent record of emissions.
- "Continuous Monitoring Systems (CMS)" is a comprehensive term that may include, but is not limited to, continuous emission monitoring systems, continuous opacity monitoring systems, continuous parameter monitoring systems, or other manual or automatic monitoring that is used for demonstrating compliance on a continuous basis.
- "Continuous opacity monitoring system (COMS)" means a continuous monitoring system that measures the opacity of emissions.
- "Continuous parameter monitoring system" means the total equipment that may be required to meet the data acquisition and availability requirements of this part, used to sample, condition (if applicable), analyze, and provide a record of process or control system parameters.
- "Department" means the Oregon Department of Environmental Quality.

- “De minimis emission level” means:

Pollutant	De minimis (tons/year, except as noted)
CO	1
NO _x	1
SO ₂	1
VOC	1
PM	1
PM ₁₀	1
Direct PM _{2.5}	<u>1</u>
Lead	0.1
Fluorides	0.3
Sulfuric Acid Mist	0.7
Hydrogen Sulfide	1
Total Reduced Sulfur (including hydrogen sulfide)	1
Reduced Sulfur	1
Municipal waste combustor organics (Dioxin and furans)	0.0000005
Municipal waste combustor metals	1
Municipal waste combustor acid gases	1
Municipal solid waste landfill gases	1
Single HAP	1
Combined HAP (aggregate)	1

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Note: De minimis is compared to all increases that are not included in the PSEL.

- "Director" means the Director of the Lane Regional Air Protection Agency or the Director of the Oregon Department of Environmental Quality and authorized deputies or officers.
- “Direct PM_{2.5}” has the meaning provided in the definition of PM_{2.5}.
- "Distillate Fuel Oil" means any oil meeting the specifications of ASTM Grade 1 or Grade 2 fuel oils.
- "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 estimate of the rate at which a pollutant is released into the atmosphere, as the result of some activity, divided by the rate of that activity (e.g., production or process rate). Where an emission factor is required sources must use an emission factor approved by EPA, Department or LRAPA.

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- "Emission Limitation" or "Emission Standard" mean a requirement established by a State, local government, or the EPA which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.
- "Emission Reduction Credit Banking" means to presently reserve, subject to requirements of LRAPA Title 41, Emission Reduction Credits, emission reductions for use by the reserver or assignee for future compliance with air pollution reduction requirements.
- "Emission Reporting Form" means a paper or electronic form developed by LRAPA that shall be completed by the permittee to report calculated emissions, actual emissions, or permitted emissions for interim emission fee assessment purposes.
- "Emission Unit" means any part or activity of a source (including specific process equipment) which emits or would have the potential to emit any regulated air pollutant.
 - A. A part of a stationary source is any machine, equipment, raw material, product, or by-product that produces or emits air pollutants. An activity is any process, operation, action, or reaction (e.g., chemical) at a stationary source that emit air pollutants. Except as described in subsection D of this section, parts and activities may be grouped for purposes of defining an emissions unit provided the following conditions are met:
 - (1) the group used to define the emissions unit may not include discrete parts or activities to which a distinct emissions standard applies or for which different compliance demonstration requirements apply; and
 - (2) the emissions from the emissions unit are quantifiable.
 - B. Emissions units may be defined on a pollutant-by-pollutant basis where applicable.
 - C. The term emissions unit is not meant to alter or affect the definition of the term unit for purposes of Title IV of the FCAA.
 - D. Parts and activities shall not be groups for purposes of determining emissions increases from an emissions unit under Section 44-070 (HAP Early Reductions) or OAR 340-218-0190 (Title V Construction/Modification), or for purposes of determining the applicability of a New Source Performance Standard (NSPS).
- "Enforcement" means any documented action taken to address a violation.
- "EPA" or "Administrator" means the Administrator of the United States Environmental Protection Agency or the Administrator's designee.
- EPA Conditional Method means any method of sampling and analyzing for air pollutants which has been validated by the EPA but which has not been published as an EPA reference method.
- EPA Reference Method means any method of sampling and analyzing for an air pollutant as described in **40 CFR Part 60, 61, or 63**.

- "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.
- "Equipment leaks" means leaks from pumps, compressors, pressure relief devices, sampling connection systems, open ended valves or lines, valves, connectors, agitators, accumulator vessels, and instrumentation systems in hazardous air pollutant service.
- "Equivalent method" means any method of sampling and analyzing for an air pollutant that has been demonstrated to LRAPA's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions. An equivalent method used to meet an applicable federal requirement for which a reference method is specified must be approved by EPA unless EPA has delegated authority for the approval to LRAPA.
- "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 Boundary (ESUGB)" means the area within and around the cities of Eugene and Springfield, as described in the currently acknowledged Eugene-Springfield Metropolitan Area General Plan, as amended.
- "Event" means excess emissions that arise from the same condition and occur during a single calendar day or continue into subsequent calendar days.
- "Exceedance" means a condition that is detected by monitoring that provides data in terms of an emission limitation or standard and that indicates that emissions (or opacity) are greater than the applicable emission limitation or standard (or less than the applicable standard in the case of a percent reduction requirement) consistent with any averaging period specified for averaging the results of the monitoring.
- "Excess emissions" means emissions in excess of a permit limit or any applicable air quality rule.
- "Excess emissions and continuous monitoring system performance report" is a report that must be submitted periodically by an affected source to provide data on its compliance with relevant emission limits, operating parameters, and the performance of its continuous parameter monitoring systems
- "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 Major Source" means a source with potential to emit any individual regulated pollutant, excluding hazardous air pollutants listed in LRAPA Title 44, greater than or equal to 100 tons per year if in a source category listed below, or for non-listed sources 250 tons per year. Potential to emit calculations must include emission increases due to a new or modified source.

- (a) Fossil fuel-fired steam electric plants of more than 250 million BTU/hour heat input;
- (b) Coal cleaning plants with thermal dryers;
- (c) Kraft pulp mills;
- (d) Portland cement plants;
- (e) Primary Zinc Smelters;
- (f) Iron and Steel Mill Plants;
- (g) Primary aluminum ore reduction plants;
- (h) Primary copper smelters;
- (i) Municipal Incinerators capable of charging more than 50 tons of refuse per day;
- (j) Hydrofluoric acid plants;
- (k) Sulfuric acid plants;
- (l) Nitric acid plants;
- (m) Petroleum Refineries;
- (n) Lime plants;
- (o) Phosphate rock processing plants;
- (p) Coke oven batteries;
- (q) Sulfur recovery plants;
- (r) Carbon black plants, furnace process;
- (s) Primary lead smelters;
- (t) Fuel conversion plants;
- (u) Sintering plants;
- (v) Secondary metal production plants;
- (w) Chemical process plants;
- (x) Fossil fuel fired boilers, or combinations thereof, totaling more than 250 million BTU per hour heat input;
- (y) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (z) Taconite ore processing plants;
- (aa) Glass fiber processing plants;
- (bb) Charcoal production plants.

- "Federal Operating Permit Program" means a program approved by the EPA Administrator under 40 CFR Part 70. The rules and regulations which shall apply until superseded by LRAPA rules and regulations are OAR 340-218-0010 through 340-218-0240 (Title V Operating Permit Program) and 340-220-0010 through 340-220-0190 (Title V Operating Permit Fees), and 248 (Asbestos).
- "Filing" or "filed" means receipt in the office of the Director. Such receipt is adequate where filing is required for a document on a matter before LRAPA, except a claim of personal liability.
- "Fugitive Emissions," means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- "Generally Available Control Technology (GACT)" means an alternative emission standard promulgated by EPA for non-major sources of Hazardous Air Pollutants which provides for the use of control technology or management practices which are generally available.

- "General permit":
 - Except as provided in subsection B. of this section, means an Air Contaminant Discharge Permit established under Section 37-0060.
 - As used in OAR 340 division 218 means an Oregon Title V Operating Permit established under OAR 340-218-0090.

- "Generic PSEL" means:

Pollutant	Generic PSEL (tons/year, except as noted)
CO	99
NO _x	39
SO ₂	39
VOC	39
PM	24
PM ₁₀	14
PM _{2.5}	9
Lead	0.5
Fluorides	2
Sulfuric Acid Mist	6
Hydrogen Sulfide	9
Total Reduced Sulfur (including hydrogen sulfide)	9
Reduced Sulfur	9
Municipal waste combustor organics (Dioxin and furans)	0.0000030
Municipal waste combustor metals	14
Municipal waste combustor acid gases	39
Municipal solid waste landfill gases	49
Single HAP	9
Combined HAPs (aggregate)	24

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Note: Sources are eligible for a generic PSEL if expected emissions are less than or equal to the levels listed in the table above. Baseline emission rate and netting basis do not apply to pollutants at sources using generic PSELs.

- "Growth Allowance" means an allocation of some part of an airshed's capacity to accommodate future proposed major sources and major modifications of sources.
- "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 Pollutant (HAP)" means an air pollutant listed by the EPA pursuant to **Section 112(b) of the FCAA** or determined by the Commission to cause, or reasonably be anticipated to cause, adverse effects to human health or the environment.
- "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.
- "Hot Mix Asphalt Plant" 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.
- "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.
- "Industrial Area" means land which is zoned or used for industrial operations, including manufacturing.
- "Inherent process equipment" means equipment that is necessary for the proper or safe functioning of the process, or material recovery equipment that the owner or operator documents is installed and operated primarily for purposes other than compliance with air pollution regulations. Equipment that must be operated at an efficiency higher than that achieved during normal process operations in order to comply with the applicable emission limitation or standard is not inherent process equipment. For the purposes of source testing requirements, inherent process equipment is not considered a control device.
- "Insignificant Activity" means an activity or emission that LRAPA has designated as categorically insignificant, or that meets the criteria of aggregate insignificant emissions.
- "Insignificant Change" means an off-permit change defined under OAR 340-218-0140(2)(a) to either a significant or an insignificant activity which:
 - A. Does not result in a redesignation from an insignificant to a significant activity;
 - B. Does not invoke an applicable requirement not included in the permit; and
 - C. Does not result in emission of regulated air pollutants not regulated by the source's permit.
- "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.

- "Late Payment" means a fee payment which is postmarked after the due date.
- "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 (NSPS) or standards for hazardous air pollutants.

- "LRAPA" means the Lane Regional Air Protection Agency, a regional air quality control authority.
- "Maintenance Area" means a geographical area of Lane County that was designated as a nonattainment area, redesignated as an attainment area by EPA, and redesignated as a maintenance area by LRAPA.
- "Maintenance Pollutant" means a pollutant for which a maintenance area was formerly designated a nonattainment area.
- "Major Modification" means any physical change or change of operation of a source that results in the following for any regulated air pollutant:
 - A. An increase in the PSEL by an amount equal to or more than the significant emission rate over the netting basis; and
 - B. The accumulation of physical changes and changes of operation since baseline that would result in a significant emission rate increase.
 1. Calculations of emission increases in (B) must account for all accumulated increases in actual emissions due to physical changes and changes of operation occurring at the source since the baseline period, or since the time of the last construction approval issued for the source pursuant to the New Source Review Regulations in LRAPA Title 38 for that pollutant, whichever time is more recent. These include emissions from insignificant activities.
 2. Emission increases due solely to increased use of equipment or facilities that existed during the baseline period are not included, if that increased use was possible during the baseline period under the baseline configuration of the source, and the increased use of baseline equipment capacity is not to support a physical change or change in operation.
 - C. For new or modified major sources that were permitted to construct and operate after the baseline period and were not subject to New Source Review, a major modification means:

1. Any change at a source, including production increases, that would result in a Plant Site Emission Limit increase of 1 ton or more for any regulated pollutant for which the source is a major source; or
 2. The addition or modification of any stationary source or sources after the initial construction that have cumulative potential emissions greater than or equal to the significant emission rate, excluding any emission decreases.
 3. Changes to the PSEL solely due to the availability of better emissions information are exempt from being considered an increase.
- D. The following are not considered major modifications:
1. Except as provided in C., proposed increases in hours of operation or production rates that would not involve a physical change or change in method of operation in the source, nor cause a PSEL increase;
 2. Routine maintenance, repair, and replacement of components;
 3. Temporary equipment installed for maintenance of the permanent equipment if the temporary equipment is in place for less than six months and operated within the permanent equipment's existing PSEL;
 4. Use of alternate fuel or raw materials, that were available and the source was capable of accommodating in the baseline period.
- "Major Source":
 - A. Except as provided in subsection B., means a source that emits, or has the potential to emit, any regulated air pollutant at a Significant Emission Rate. This includes emissions from insignificant activities.
 - B. As used in LRAPA Title 34, Stationary Source Notification Requirements, OAR 340 division 218, rules applicable to sources required to have LRAPA Title V Operating Permits OAR 340 division 220, Title V Operating Permit Fees, and LRAPA Section 37-0066 Standard ACDPs, means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties and are under common control of the same person (or persons under common control)) belonging to a single major industrial grouping or supporting the major industrial group and that is described in paragraphs (1), (2), or (3) of this subsection. For the purposes of this subsection, a stationary source or group of stationary sources is 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 (U.S. Office of Management and Budget, 1987) or support the major industrial group.
 - (1) A major source of hazardous air pollutants, which means:
 - (i) 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 single hazardous air pollutant; 25 tpy or more of any combination of hazardous air pollutants, unless the Administrator establishes a lesser quantity, or in the case of radionuclide, different criteria from those in this sentence. Emissions from any oil or gas exploration or production well, along with its associated equipment, and emissions from any pipeline compressor or pump station will not be aggregated with emissions from other similar units, whether or not

- such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or
- (ii) For radionuclides, "major source" will have the meaning specified by the Administrator by rule.
- (2) A major stationary source of air pollutants, as defined in section 302 of the Act, that directly emits or has the potential to emit 100 tpy or more of any regulated air pollutant, including any major source of fugitive emissions of any such pollutant. The fugitive emissions of a stationary source are not considered in determining whether it is a major stationary source for the purposes of section 302(j) of the Act, unless the source belongs to one of the following categories of stationary source:
- (i) Coal cleaning plants (with thermal dryers);
 - (ii) Kraft pulp mills;
 - (iii) Portland cement plants;
 - (iv) Primary zinc smelters;
 - (v) Iron and steel mills;
 - (vi) Primary aluminum ore reduction plants;
 - (vii) Primary copper smelters;
 - (viii) Municipal incinerators capable of charging more than 50 tons of refuse per day;
 - (ix) Hydrofluoric, sulfuric, or nitric acid plants;
 - (x) Petroleum refineries;
 - (xi) Lime plants;
 - (xii) Phosphate rock processing plants;
 - (xiii) Coke oven batteries;
 - (xiv) Sulfur recovery plants;
 - (xv) Carbon black plants (furnace process);
 - (xvi) Primary lead smelters;
 - (xvii) Fuel conversion plants;
 - (xviii) Sintering plants;
 - (xix) Secondary metal production plants;
 - (xx) Chemical process plants;
 - (xxi) Fossil-fuel boilers, or combination thereof, totaling more than 250 million British thermal units per hour heat input;
 - (xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
 - (xxiii) Taconite ore processing plants;
 - (xxiv) Glass fiber processing plants;
 - (xxv) Charcoal production plants;
 - (xxvi) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or
 - (xxvii) All other stationary source categories, that as of August 7, 1980, is being regulated by a standard promulgated under section 111 or 112 of the Act, but only with respect to those air pollutants that have been regulated for that category.
- (3) A major stationary source as defined in part D of Title I of the Act, including:

- (i) 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 do not apply with respect to any source for which the Administrator has made a finding, under section 182(f)(1) or (2) of the Act, that requirements under section 182(f) of the Act do not apply;
 - (ii) For ozone transport regions established pursuant to section 184 of the Act, sources with the potential to emit 50 tpy or more of VOCs;
 - (iii) For carbon monoxide nonattainment areas:
 - (I) That are classified as "serious;" and
 - (II) 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.
 - (iv) For particulate matter (PM₁₀) nonattainment areas classified as "serious," sources with the potential to emit 70 tpy or more of PM₁₀.
- "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.
 - "Modification", except as used in the term "major modification", means any physical change to, or change in the method of operation of, a stationary source that results in an increase in the stationary source's potential to emit any regulated air pollutant on an hourly basis. Modifications do not include the following:
 - A. Increases in hours of operation or production rates that do not involve a physical change or change in the method of operation;
 - B. Changes in the method of operation due to using an alternative fuel or raw material that the stationary source was physically capable of accommodating during the baseline period; and
 - C. Routine maintenance, repair and like-for-like replacement of components unless they increase the expected life of the stationary source by using component upgrades that would not otherwise be necessary for the stationary source to function.
 - "Monitoring" means any form of collecting data on a routine basis to determine or otherwise assess compliance with emission limitations or standards. Monitoring may include record keeping if the records are used to determine or assess compliance (such as records of raw material content and usage, or records documenting compliance with work practice requirements). Monitoring may include conducting compliance tests, such as the procedures in appendix A to 40 CFR part 60, on a routine periodic basis. Requirements to conduct such tests on a one-time basis, or at such times as a regulatory authority may require on a non-regular basis, are not considered monitoring requirements for purposes of this definition. Monitoring may include one or more than one of the following data collection techniques as appropriate for a particular circumstance:
 - A. Continuous emission or opacity monitoring systems.

- B. Continuous process, capture system, control device or other relevant parameter monitoring systems or procedures, including a predictive emission monitoring system.
 - C. Emission estimation and calculation procedures (e.g., mass balance or stoichiometric calculations).
 - D. Maintaining and analyzing records of fuel or raw materials usage.
 - E. Recording results of a program or protocol to conduct specific operation and maintenance procedures.
 - F. Verifying emissions, process parameters, capture system parameters, or control device parameters using portable or in situ measurement devices.
 - G. Visible emission observations and recording.
 - H. Any other form of measuring, recording, or verifying on a routine basis emissions, process parameters, capture system parameters, control device parameters or other factors relevant to assessing compliance with emission limitations or standards.
- “Netting Basis” means the baseline emission rate MINUS any emission reductions required by rule, orders, or permit conditions required by the SIP or used to avoid SIP requirements, MINUS any unassigned emissions that are reduced from allowable emissions under LRAPA Title 42, Section 42-0045, MINUS any emission reduction credits transferred off site, PLUS any emission increases approved through the New Source Review regulations of Title 38.
 - A. With the first permitting action for a source after October 14, 2008, the baseline emissions rate will be frozen for all pollutants required to have a baseline emission rate other than PM_{2.5} and shall be recalculated only if:
 1. A better emission factor is established for the baseline period and approved by LRAPA;
 2. A currently operating emissions unit that LRAPA formerly thought had negligible emissions, is determined to have non-de minimis emissions and needs to be added to the baseline emission rate; or
 3. A new pollutant is added to the regulated pollutant list (e.g., PM_{2.5}). For a pollutant that is newly regulated after 11/15/90, the initial netting basis is the actual emissions during the baseline period defined for that pollutant; or any 12 consecutive month period within the 24 months immediately preceding its designation as a regulated pollutant if a baseline period is not defined for the pollutant. LRAPA may allow a prior 12 consecutive month time period to be used if it is shown to be more representative of normal source operation.
 - B. The baseline emission rate and netting basis for PM_{2.5} will be established for a source with the first permitting action involving a public notice after September 1, 2010. The baseline emission rate for PM_{2.5} will be frozen with the permit action involving a public notice that is five years or more after the baseline emission rate is established and recalculated only as specified in A.1 and A.2.
 - BC. Netting basis is zero for:
 1. Any source constructed after the baseline period and has not undergone New Source Review;
 2. Any pollutant that has a generic PSEL in a permit;
 3. Any source permitted as portable; and
 4. Any source with a netting basis calculation resulting in a negative number.

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~~CD~~. If a source relocates to an adjacent site, and the time between operation at the old and new sites is less than six months, the source may retain the netting basis from the old site.

~~DE~~. Emission reductions required by rule, order, or permit condition affect the netting basis if the source currently has devices or emissions units that are subject to the rules, order, or permit condition. The baseline emission rate is not affected.

~~EE~~. Netting basis for a pollutant with a revised definition will be adjusted if the source is emitting the pollutant at the time of redefining and the pollutant is included in the permit's netting basis.

~~FG~~. Where EPA requires an attainment demonstration based on dispersion modeling, the netting basis will be established at no more than the level used in the dispersion modeling to demonstrate attainment with the ambient air quality standard (i.e., the attainment demonstration is an emission reduction required by rule).

- "Nitrogen Oxides" or "NO_x" means all oxides of nitrogen except nitrous oxide.
- "Nonattainment Area" means a geographical area within the jurisdiction of the Agency, as designated by the Board, the Environmental Quality Commission, or the Environmental Protection Agency which exceeds any federal, state or local primary or secondary ambient air quality standard.
- "Nonattainment Pollutant" means a pollutant for which an area is designated a nonattainment area.
- "Normal Source Operation" means operations which do not include such conditions as forced fuel substitution, equipment malfunction, or highly abnormal market conditions.
- "Nuisance" means a substantial and unreasonable interference with another's use and enjoyment of real property, or the substantial and unreasonable invasion of a right common to members of the general public.
- "Odor" means the property of a substance which allows its detection by the sense of smell.
- "Offset" means an equivalent or greater emission reduction that is required before allowing an emission increase from a proposed major source or major modification of an existing source.
- "Opacity" means the degree to which an emission reduces transmission of light and obscures the view of an object in the background as measured in accordance with Section 35-0120 and 35-0140. Unless otherwise specified by rule, opacity shall be measured in accordance with EPA Method 9 or a continuous opacity monitoring system (COMS) installed and operated in accordance with the Department's Continuous Monitoring Manual. For all standards, the minimum observation period shall be six minutes, though longer periods may be required by a specific rule or permit condition. Aggregate times (e.g. 3 minutes in any one hour) consist of the total duration of all readings during the observation period that equal or exceed the opacity percentage in the standard, whether or not the readings are consecutive.

- "Oregon Title V Operating Permit" or "LRAPA Title V Operating Permit" means any permit covering an Oregon or LRAPA Title V Operating Permit source that is issued, renewed, amended, or revised pursuant to OAR 340 division 218.
- "Oregon Title V Operating Permit program" means a program approved by the Administrator under 40 CFR Part 70.
- "Oregon Title V Operating Permit program source" means any source subject to the permitting requirements, OAR 340 division 218.
- "Ozone Season" means the contiguous 3 month period during which ozone exceedances typically occur (i.e., June, July, and August).
- "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.
- "Particulate Matter" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by the method specified within the standard or by an applicable reference method in accordance with LRAPA 35-0120 and LRAPA 35-0140. Sources with exhaust gases at or near ambient conditions may be tested with DEQ Method 5 or DEQ Method 8, as approved by LRAPA. Direct heat transfer sources shall be tested with DEQ Method 7; indirect heat transfer combustion sources and all other non-fugitive emissions sources not listed above shall be tested with DEQ Method 5 or an equivalent method approved by LRAPA. Equivalent methods applied to federal standards included in the State Implementation Plan may only be used if they are also approved in advance by EPA.
- "Permit" or "Air Contaminant Discharge Permit" means a written permit issued by LRAPA, pursuant to LRAPA and DEQ rules and regulations.
- "Permittee" means the owner or operator of the facility, authorized by the Air Contaminant Discharge Permit or the Oregon or LRAPA Title V Operating Permit to operate the source.
- "Person" means any individual, public or private corporation, political subdivision, agency, board, department, or bureau of the state or federal government, municipality, partnership, association, firm, trust, estate, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.
- "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 for a major source may consist of more than one assessable emission.
- "PM₁₀" when used in the context of ambient concentration, means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured in accordance with **40 CFR 53 Subpart, Appendix J**.
- "PM₁₀ 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.

- "PM_{2.5}" means:

~~A. A. Prior to January 1, 2011, when used in the context of direct PM_{2.5} emissions, means finely divided solid or liquid filterable material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, emitted to the ambient air as measured by conditional test method CTM-040 (EPA Emission Measurement Center) and a reference method based on 40 CFR Part 52, Appendix M.~~

B. On or after January 1, 2011 direct PM_{2.5} emissions means finely divided solid or liquid material, including condensable particulate, other than uncombined water, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, emitted to the ambient air.

C. When used in the context of PM_{2.5} Precursor emissions, means sulfur dioxide (SO₂) and nitrogen oxides (NO_x) emitted to the ambient air as measured by an EPA reference method in 40 CFR Part 60, appendix A

B.D. When used in the context of ambient concentration, means particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR Part 50, Appendix L, or an equivalent method designated in accordance with 40 CFR Part 53.

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- "Potential to emit" or "PTE" means the lesser of:

- A. The capacity of a stationary source; or
- B. The maximum allowable emissions taking into consideration any physical or operational limitation, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, if the limitation is enforceable by the Administrator.
- C. This definition does not alter or affect the use of this term for any other purposes under the Act or the term "capacity factor" as used in Title IV of the Act and the regulations promulgated thereunder. Secondary emissions are not considered in determining the potential to emit.

- "Presiding Officer" means the Agency, the Chairperson of its Board of Directors, Hearings Officer, the Director, or any individual designated by the Agency or the Director to preside in any contested case, public, or other hearing. Any employee of LRAPA who actually presided in any such hearing is presumptively designated by LRAPA or Director, such presumptive designation to be overcome only by a written statement to the contrary bearing the signature of the Chairperson or the Director.

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

- "Reference method" means any method of sampling and analyzing for an air pollutant as specified in **40 CFR Part 60, 61 or 63.**

- "Regional Agency" means the Lane Regional Air Protection Agency

- "Regulated air pollutant" or "Regulated Pollutant":
 - A. Except as provided in subsections B. and C. of this rule, means:
 - 1. Nitrogen oxides or any VOCs;
 - 2. Any pollutant for which a national ambient air quality standard has been promulgated;
 - 3. Any pollutant that is subject to any standard promulgated under section 111 of the Act;
 - 4. Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act; or
 - 5. Any pollutant listed under LRAPA Title 44, Section 44-020 or 44-160.
 - B. As used in OAR 340 division 220, means any air pollutant as included in subsection A. of this rule, except the following:
 - 1. Carbon monoxide;
 - 2. Any pollutant that is a regulated pollutant solely because it is a Class I or Class II substance subject to a standard promulgated under or established by Title VI of the Federal Clean Air Act; or
 - 3. Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under section 112(r) of the Federal Clean Air Act.
 - C. As used in LRAPA Title 38 any pollutant listed under LRAPA Title 44, Section 44-020 or Section 44-160 is not a regulated pollutant.

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

- "Reviewing Agency", where found in the federal rule, means LRAPA, the Department, or the EPA, as applicable.

- "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.

- "Section 111" means that section of the FCAA that includes Standards of Performance for New Stationary Sources (NSPS).

- "Section 112(b)" means that subsection of the FCAA that includes the list of hazardous air pollutants to be regulated.

- "Section 112(d)" means that subsection of the FCAA that directs the EPA to establish emissions standards for sources of Hazardous Air Pollutants. This section also defines the criteria to be used by EPA when establishing the emission standards.

- “Section 112(e)” means that subsection of the FCAA that directs the EPA to establish and promulgate emissions standards for categories and subcategories of sources that emit Hazardous Air Pollutants.
- “Section 112(n)” means that subsection of the FCAA that includes requirements for the EPA to conduct studies on the hazards to public health prior to developing emissions standards for specified categories of Hazardous Air Pollutant emission sources.
- “Section 112(r)” means that subsection of the FCAA that includes requirements for the EPA to promulgate regulations for the prevention, detection and correction of accidental releases.
- “Section 129” means that section of the FCAA that requires EPA to promulgate regulations for solid waste combustion.
- "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 additional ambient air quality concentration equal to or greater than the concentrations listed in **Table 1 of LRAPA Title 12**. The threshold concentrations listed in Table 1 are used for comparison against the ambient air quality standard and do not apply for protecting PSD Class I increments or air quality related values (including visibility). For sources of VOC or NO_x, a major source or major modification has a significant impact if it is located within the Ozone Precursor Distance defined in LRAPA Title 40, Section 40-0020.
- "Significant Emission Rate" or "SER," except as provided in subsections A. and B. of this section, means an emission rate equal to or greater than the rates specified in **Table 2**.
 - A. For regulated air pollutants not listed in **Table 2 or 3**, the significant emission rate is zero unless LRAPA determines the rate that constitutes a significant emission rate.
 - B. Any new source or modification with an emissions increase less than the rates specified in **Table 2 or 3** 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 ug/m³ (24 hour average) is emitting at a significant emission rate.
- "Significant Impairment" occurs when visibility impairment, in the judgement of LRAPA, 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.
- "Source" means any building, structure, facility, installation or combination thereof that emits or is capable of emitting air contaminants to the atmosphere, is located on one or more contiguous or adjacent properties and is owned or operated by the same person or by persons under common control. The term includes all pollutant emitting activities that belong to a single major

industrial group (i.e., that have the same two-digit code) as described in the Standard Industrial Classification Manual, (U.S. Office of Management and Budget, 1987) or that support the major industrial group.

- "Source category":
 - A. Except as provided in subsection B. of this section, means all the pollutant emitting activities that belong to the same industrial grouping (i.e., that have the same two-digit code) as described in the Standard Industrial Classification Manual, (U.S. Office of Management and Budget, 1987).
 - B. As used in OAR 340 division 220, Oregon Title V Operating Permit Fees, means a group of major sources that LRAPA and the Department determines are using similar raw materials and have equivalent process controls and pollution control equipment.

- "Source Test" means the average of at least three test runs conducted in accordance with the Department's Source Sampling Manual or other LRAPA-approved methods. Alternative methods applied to standards included in the State Implementation Plan may only be used if they are also approved in advance by EPA.

- "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.

- "Stationary Source" means:
 - A. Any building, structure, facility, or installation which emits or may emit any regulated air pollutant.
 - B. As used in Section 44-160, any buildings, structures, equipment, installations, or substance-emitting stationary activities:
 - (1) That belong to the same industrial group;
 - (2) That are located on one or more contiguous properties;
 - (3) That are under the control of the same person (or persons under common control);and

(4) From which an accidental release may occur.

- “State or State or Local Control Agency”, where found in **40 CFR 51.118**, means LRAPA or the Department.
- "Title I modification" means one of the following modifications pursuant to Title I of the FCAA:
 - A. A major modification subject to LRAPA 38-0050, Requirements for Sources in Nonattainment Areas;
 - B. A major modification subject to LRAPA 38-0060, Requirements for Sources in Maintenance Areas;
 - C. A major modification subject to LRAPA 38-0070, Prevention of Significant Deterioration Requirements for Sources in Attainment or Unclassified Areas;
 - D. A modification that is subject to a New Source Performance Standard under Section 111 of the FCAA; or
 - E. A modification under Section 112 of the FCAA.
- "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 (H₂S).
- “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 LRAPA 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. LRAPA may consider emission control technologies typically applied to other types of emissions units where such technologies could be readily applied to the emissions unit. If an emission limitation is not feasible, a design, equipment, work practice, or operational standard, or combination thereof, may be required.
- "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.
- "Unassigned Emissions" means the amount of emissions that are in excess of the PSEL but less than the Netting Basis.
- "Uncombined Water" means water which is not chemically bound to a substance.
- "Upset" or "Breakdown" means any failure or malfunction of any pollution control equipment or process equipment which may cause excess emissions.

- "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 in the formation of tropospheric ozone: methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-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); HCFC 225ca and cb; HFC 43-10mee; pentafluoroethane [2] (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); perchlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene (tetrachloroethylene); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1-chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4-nonafluoro-4-methoxybutane (C₄F₉OCH₃); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CFCF₂OCH₃); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CFCF₂OC₂H₅); methyl acetate; 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C₃F₇OCH₃, HFE-7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea); methyl formate (HCOOCH₃); (1) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300); 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, the latter may be excluded as VOC if the amount of such compounds is accurately quantified, and LRAPA approves the exclusion.
 - C. LRAPA may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of LRAPA, the amount of negligibly reactive compounds in the source's emissions.
 - D. The following compound(s) are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to

VOC and must be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate.

- "Year", unless otherwise defined, means any consecutive 12 month period of time.

Section 12-010 Abbreviations and Acronyms

- (1) "ACDP" means Air Contaminant Discharge Permit.
- (2) "ACT" means Federal Clean Air Act.
- (3) "AE" means Actual Emissions.
- (4) "AICPA" means Association of Independent Certified Public Accountants.
- (5) "AQCR" means Air Quality Control Region.
- (6) "AQMA" means Air Quality Maintenance Area.
- (7) "ASME" means American Society of Mechanical Engineers.
- (8) "ASTM" means American Society for Testing & Materials.
- (9) "ATETP" means Automotive Technician Emission Training Program.
- (10) "AWD" means all wheel drive.
- (11) "BACT" means Best Available Control Technology.
- (12) "BLS" means black liquor solids.
- (13) "CAA" means Clean Air Act
- (14) "CAR" means control area responsible party.
- (15) "CBD" means central business district.
- (16) "CCTMP" means Central City Transportation Management Plan.
- (17) "CEM" means continuous emissions monitoring.
- (18) "CEMS" means continuous emission monitoring system.
- (19) "CERCLA" means Comprehensive Environmental Response Compensation and Liability Act.
- (20) "CFRMS" means continuous flow rate monitoring system.
- (21) "CFR" means Code of Federal Regulations.
- (22) "CMS" means continuous monitoring system.
- (23) "CO" means carbon monoxide.

- (24) "COMS" means continuous opacity monitoring system.
- (25) "CPMS" means continuous parameter monitoring system.
- (26) "DEQ" means Oregon Department of Environmental Quality.
- (27) "DOD" means Department of Defense.
- (28) "EA" means environmental assessment.
- (29) "ECO" means employee commute options.
- (30) "EEAF" means emissions estimate adjustment factor.
- (31) "EF" means emission factor.
- (32) "EGR" means exhaust gas re-circulation.
- (33) "EIS" means Environmental Impact Statement
- (34) "EPA" means Environmental Protection Agency.
- (35) "EQC" means Environmental Quality Commission.
- (36) "ESP" means electrostatic precipitator.
- (37) "FCAA" means Federal Clean Air Act.
- (38) "FHWA" means Federal Highway Administration.
- (39) "FONSI" means finding of no significant impact.
- (40) "FTA" means Federal Transit Administration.
- (41) "GFA" means gross floor area.
- (42) "GLA" means gross leasable area.
- (43) "GPM" means grams per mile.
- (44) "gr/dscf" means grains per dry standard cubic foot.
- (45) "GTBA" means grade tertiary butyl alcohol.
- (46) "GVWR" means gross vehicle weight rating.
- (47) "HAP" means hazardous air pollutant.
- (48) "HEPA" means high efficiency particulate air.
- (49) "HMIWI" means hospital medical infectious waste incinerator.
- (50) "I/M" means inspection and maintenance program.
- (51) "IG" means inspection grade.

- (52) "IRS" means Internal Revenue Service.
- (53) "ISECP" means indirect source emission control program.
- (54) "ISTEA" means Intermodal Surface Transportation Efficiency Act.
- (55) "LAER" means Lowest Achievable Emission Rate.
- (56) "LDT2" means light duty truck 2.
- (57) "LIDAR" means laser radar; light detection and ranging.
- (58) "LPG" means liquefied petroleum gas.
- (59) "LRAPA" means Lane Regional Air Protection Agency.
- (60) "LUCS" means Land Use Compatibility Statement.
- (61) "MACT" means Maximum Achievable Control Technology.
- (62) "MPO" means Metropolitan Planning Organization.
- (63) "MTBE" means methyl tertiary butyl ether.
- (64) "MWC" means municipal waste combustor.
- (65) "NAAQS" means National Ambient Air Quality Standards.
- (66) "NEPA" means National Environmental Policy Act.
- (67) "NESHAP" means National Emissions Standard for Hazardous Air Pollutants.
- (68) "NIOSH" means National Institute of Occupational Safety & Health.
- (69) "NO_x" means nitrogen oxides.
- (70) "NSPS" means New Source Performance Standards.
- (71) "NSR" means New Source Review.
- (72) "NSSC" means neutral sulfite semi-chemical.
- (73) "O₃" means ozone.
- (74) "OAR" means Oregon Administrative Rules.
- (75) "ODOT" means Oregon Department of Transportation.
- (76) "ORS" means Oregon Revised Statutes.
- (77) "OSAC" means orifice spark advance control.
- (78) "OSHA" means Occupational Safety & Health Administration.
- (79) "PCDE" means pollution control device collection efficiency.

- (80) "PEMS" means predictive emission monitoring system.
- (81) "PM" means particulate matter.
- (82) "PM₁₀" means particulate matter less than 10 microns.
- (83) "POTW" means Publicly Owned Treatment Works.
- (84) "POV" means privately owned vehicle.
- (85) "PSD" means Prevention of Significant Deterioration.
- (86) "PSEL" means Plant Site Emission Limit.
- (87) "QIP" means quality improvement plan.
- (88) "RACT" means Reasonably Available Control Technology.
- (89) "RVCOG" means Rogue Valley Council of Governments.
- (90) "RWOC" means running weighted oxygen content.
- (91) "SKATS" means Salem-Kaiser Area Transportation Study.
- (92) "scf" means standard cubic feet.
- (93) "SCS" means speed control switch.
- (94) "SD" means standard deviation.
- (95) "SIP" means State Implementation Plan.
- (96) "SO₂" means sulfur dioxide.
- (97) "SOCMI" means synthetic organic chemical manufacturing industry.
- (98) "SOS" means Secretary of State.
- (99) "TAC" means thermostatic air cleaner.
- (100) "TACT" means Typically Achievable Control Technology.
- (101) "TCM" means transportation control measures.
- (102) "TCS" means throttle control solenoid.
- (103) "TIP" means Transportation Improvement Program.
- (104) "TRS" means total reduced sulfur.
- (105) "TSP" means total suspended particulate matter.
- (106) "UGA" means urban growth area.
- (107) "UGB" means urban growth boundary.

(108) "US DOT" means United States Department of Transportation.

(109) "UST" means underground storage tanks.

(110) "UTM" means universal transverse mercator.

(111) "VIN" means vehicle identification number.

(112) "VMT" means vehicle miles traveled.

(113) "VOC" means volatile organic compounds.

TABLE 1					
LRAPA Title 12					
SIGNIFICANT AMBIENT AIR QUALITY IMPACT WHICH IS EQUAL TO OR GREATER THAN:					
Pollutant	Pollutant Averaging Time				
	Annual	24-Hour	8-Hour	3-Hour	1-Hour
SO₂	1.0 µg/m³	5 µg/m³		25 µg/m³	
PM₁₀	0.2 µg/m³	1.0 µg/m³			
NO₂	1.0 µg/m³				
CO			0.5 mg/m³		2 mg/m³

TABLE 1				
LRAPA Title 12				
SIGNIFICANT AMBIENT AIR QUALITY IMPACT WHICH IS EQUAL TO OR GREATER THAN:				
Pollutant	Averaging Time	Air Quality Area Designation		
		Class I	Class II	Class III
SO₂ (µg/m³)	Annual	0.10	1.0	1.6
	24-hour	0.20	5.0	7.3
	3-hour	1.0	25.0	28
PM₁₀ (µg/m³)	Annual	0.20	0.2	0.2
	24-hour	0.30	1.0	2.4
PM_{2.5} (µg/m³)	Annual	0.04	0.2	0.2
	24-hour	0.08	1.0	1.0
NO₂ (µg/m³)	Annual	0.10	1.0	1.0
CO (mg/m³)	8 hour	---	0.5	0.5
	1-hour	---	2.0	2.0

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TABLE 2 LRAPA Title 12 SIGNIFICANT EMISSION RATES FOR POLLUTANTS REGULATED UNDER THE CLEAN AIR ACT		
	<i>Significant Pollutant</i>	<i>Emission Rate</i>
(A)	Carbon Monoxide	100 tons/year
(B)	Nitrogen Oxides (NO _x)	40 tons/year
(C)	Particulate Matter	25 tons/year
(D)	PM ₁₀	15 tons/year
	Direct PM _{2.5}	10 tons/year
	PM _{2.5} Precursors (NO _x and SO ₂)	40 tons/year
(E)	Sulfur Dioxide	40 tons/year
(F)	Volatile Organic Compounds (VOC)	40 tons/year
	Ozone Precursors (NO _x and SO ₂)	40 tons/year
(G)	Lead	0.6 ton/year
(H)	Fluorides	3 tons/year
(I)	Sulfuric Acid Mist	7 tons/year
(J)	Hydrogen Sulfide	10 tons/year
(K)	Total Reduced Sulfur (including hydrogen sulfide)	10 tons/year
(L)	Reduced sulfur compounds (including hydrogen sulfide)	10 tons/year
(M)	Municipal waste combustor organics (measured as total tetra-through octa- chlorinated dibenzo-p-dioxins and dibenzofurans)	0.0000035 ton/year
(N)	Municipal waste combustor metals (measured as particulate matter)	15 tons/year
(O)	Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	40 tons/year
(P)	Municipal solid waste landfill emissions (measured as nonmethane organic compounds)	50 tons/year

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Table 3 LRAPA Title 12 SIGNIFICANT EMISSION RATES FOR THE FUTURE AIR QUALITY MAINTENANCE AREA(S)*			
<i>Air Contaminant</i>	<i>Emission Rate</i>		
	<i>Annual</i>	<i>Day</i>	
Pollutant	NA	NA	

*There currently are no air quality maintenance areas for which SERs different from those contained in Table 2 of Title 12 are required.

Section 12-020 Exceptions

1. Except as provided in section 2. of this rule, LRAPA Rules and Regulations do not apply to:
 - A. Agricultural operations, including but not limited to:

- 1) Growing or harvesting crops;
 - 2) Raising fowl or animals;
 - 3) Clearing or grading agricultural land;
 - 4) Propagating and raising nursery stock;
 - 5) Propane flaming of mint stubble; and
 - 6) Stack or pile burning of residue from Christmas trees, as defined in ORS 571.505, during the period beginning October 1 and ending May 31 of the following year.
- B. Equipment used in agricultural operations, except boilers used in connection with propagating and raising nursery stock.
 - C. Barbeque equipment used in connection with any residence.
 - D. Heating equipment in or used in connection with residences used exclusively as dwellings for not more than four families, except woodstoves which shall be subject to regulation under this section, ORS 468A.460 to 468A.480, 468A.490 and 468A.515.
 - E. Fires set or permitted by any public agency when such fire is set or permitted in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, or instruction of employees in the methods of fire fighting, which in the opinion of the agency is necessary.
 - F. Fires set pursuant to permit for the purpose of instruction of employees of private industrial concerns in methods of fire fighting, or for civil defense instruction.
2. Section 1. of this rule does not apply to the extent:
 - A. Otherwise provided in ORS 468A.555 to 468A.620, 468A.790, 468A.992, 476.380 and 478.960;
 - B. Necessary to implement the federal Clean Air Act (P.L. 88-206 as amended) under ORS 468A.025, 468A.030, 468A.035, 468A.040, 468A.045 and 468A.300 to 468A.330; or
 - C. Necessary for LRAPA, in the Board's discretion, to implement a recommendation to the Task Force on Dairy Air Quality created under section 3, chapter 799, Oregon Laws 2007, for the regulation of dairy air contaminant emissions.