



**LANE REGIONAL AIR PROTECTION AGENCY**  
1010 Main Street, Springfield, Oregon 97477  
(541) 736-1056

## **SIMPLE AIR CONTAMINANT DISCHARGE PERMIT** **(SIMPLE ACDP)**

Issued in accordance with provisions of title 37, Lane Regional Air Protection Agency's Rules and Regulations, and based on the land use compatibility findings included in the permit record.

Issued To:

**Attune Foods, LLC**  
2545 Prairie Road  
Eugene, Oregon 97402

Information Relied Upon:

Application Number: 68805  
Date Received: October 14, 2022

Facility Location:

2545 Prairie Road  
Eugene, Oregon 97402

Land Use Compatibility Statement:

From: City of Eugene  
Date: March 3, 2009

Permit Number: 203141

Permit Type: Simple

Primary SIC: 2043 – Cereal Breakfast Foods

Secondary SIC: NA

Issuance Date: [Insert Upon Issuance]

Expiration Date: [Insert Upon Issuance]

\_\_\_\_\_  
Max Hueftle, Operation Manager

\_\_\_\_\_  
Effective Date

\_\_\_\_\_  
Travis Knudsen, Acting Director

\_\_\_\_\_  
Effective Date

Source(s) Permitted to Discharge Air Contaminants (LRAPA 37-8010):

<b>Title 37 Table 1 Code</b>	<b>Source Description</b>
Part B: 17	Cereal preparations and associated grain elevators 10,000 or more tons/year throughput

### **Permitted Activities**

1. Until this permit expires or is revoked, the permittee is herewith allowed to discharge air contaminants only in accordance with the permit application and the requirements, limitations, and conditions contained in this permit. This specific listing of requirements, limitations, and conditions does not relieve the permittee from complying with all other rules of Lane Regional Air Protection Agency (LRAPA). The permittee is also allowed to discharge air contaminants from the following:
  - 1.a. Any categorically insignificant activities, as defined in LRAPA title 12, at the source; and
  - 1.b. Construction or modification changes that are a Type 1 or Type 2 change under LRAPA 34-035 in accordance with LRAPA 34-010 and 34-035 through 34-038.

### **Emission Unit Description**

2. Emission units regulated by this permit are the following:

<b>Emission Unit</b>	<b>Description</b>	<b>Pollution Control Device</b>	<b>Year Installed</b>
EL-1	Extrusion Line 1	Baghouse (BH1)	2002
EL-2	Extrusion Line 2	Baghouse (BH2)	2007
GL-1	Granola Line 1	NA	1987
GL-2	Granola Line 2	NA	2007
GL-3	Granola Line 3	NA	2016
CU	Natural gas combustion units	NA	1987-2016
Aggregate Insignificant Activities:			
AIA	Five (5) Packaging Lines	NA	NA

### **Plant Site Emission Limits (PSELs)**

3. Total emissions from all sources located at the facility must not exceed the PSELs below. The PSELs apply to any 12 consecutive calendar month period. [LRAPA 42-0080(3) and OAR 340-222-0041(2)]

<b>Pollutant</b>	<b>PSEL (tons per year)</b>
PM	4.4
PM <sub>10</sub>	4.4
PM <sub>2.5</sub>	4.4
CO	17
NO <sub>x</sub>	20
VOC	39
GHG (CO <sub>2</sub> e)	24,491

- 3.a. The permittee must not exceed a production rate of 38,700 tons of cereal processed on a 12-month rolling basis. [LRAPA 42-0080(4)(d)]
- 3.b. Any changes in operation that may increase the emissions above the PSELs must be approved by LRAPA. Failure to do so may result in enforcement actions being taken by LRAPA. [LRAPA 42-0080]

**PSEL Monitoring and Compliance**

4. **By the 15<sup>th</sup> day of each month** the permittee must demonstrate compliance with the previous 12 consecutive calendar month PSELs for each regulated PSEL pollutant in accordance with the following procedures. [LRAPA 34-016(1) and LRAPA 42-0080(4)(b)]

- 4.a. The permittee must calculate the total calendar month emissions of each regulated PSEL pollutant using the following equation:

$$E_m = \left[ \sum P \cdot EF \right] / 2000 \quad \text{Equation 1}$$

Where:

- $E_m$  = The total calendar month emissions for each regulated PSEL pollutant, in tons;  
 $P$  = The monthly cereal throughput (tons) or natural gas usage (MMscf)  
 $EF$  = The emission factor for each regulated PSEL pollutant for each emission unit;  
 and  
 2000 = The number of pounds in a short ton.

- 4.b. The permittee must calculate the total previous 12 consecutive calendar month emissions for each PSEL pollutant using the following equation:

$$E_{12} = \sum_{m=1}^{12} E_{m_i} \quad \text{Equation 2}$$

Where:

- $E_{12}$  = The total consecutive 12 calendar month emissions for each PSEL pollutant, in tons;  
 $E_{m_i}$  = The emissions of each PSEL pollutant during each of the previous consecutive 12 calendar months, in tons, as calculated using Equation 1; and  
 $m$  = Each calendar month in the previous consecutive 12 calendar month period.

5. The permittee must use the following emission factors for calculating pollutant emissions, unless alternative emission factors are approved by LRAPA. The permittee may request or LRAPA may require using alternative emission factors provided they are based on actual test data or other documentation (e.g., AP-42 compilation of emission factors) that has been reviewed and approved by LRAPA. [LRAPA 34-016 and 42-0080(4)(c)]

EU ID	Emission Control Device	Pollutant	Emission Factor	Units
EL-1, EL-2, GL-1, GL-2 & GL-3	Baghouse and/or Dust Collector	PM/PM <sub>10</sub> /PM <sub>2.5</sub>	0.2	lb/ton
		VOC	2.0	lb/ton
CU	NA	PM/PM <sub>10</sub> /PM <sub>2.5</sub>	2.5	lb/MMscf
		NO <sub>x</sub>	100	lb/MMscf
		CO	84	lb/MMscf
		VOC	5.5	lb/MMscf
		GHG (CO <sub>2</sub> e)	120,143	lb/MMscf

6. The permittee must register and report in compliance with Chapter 340, Division 215 of the Oregon

Administrative Rules, if the source's direct greenhouse gas emissions meet or exceed 2,500 metric tons CO<sub>2</sub>e during the previous year. Once a source's direct greenhouse gas emissions meet or exceed 2,500 metric tons CO<sub>2</sub>e during a year, the permittee must annually register and report in each subsequent year, regardless of the amount of the source's direct GHG emissions in future years, except as provided in OAR 340-215-0032 and OAR 340-215-0034. Air contamination sources required to register and report under OAR 340-215-0030(2) must register and submit annual emissions data reports to LRAPA under OAR 340-215-0044 by the due date for the annual report for non-greenhouse gas emissions specified in Condition 16, or by March 31 of each year, whichever is later. [LRAPA 34-016, OAR 340-215-0030(2) and 340-340-215-0046(1)(a)]

### **Performance Standards and Limitations**

7. The permittee must not emit or allow to be emitted any visible emissions from all equipment, other than fugitive emissions sources, that equal or exceed an average of 20 percent opacity. Opacity must be measured as a six-minute block average using EPA Method 9. [LRAPA 32-010(2)&(3)]
8. For sources, other than fuel burning equipment, refuse burning equipment and fugitive emissions, installed, constructed or modified on or after June 1, 1970, but prior to April 16, 2015, the permittee must not cause, suffer, allow, or permit particulate matter emissions from any air contaminant source in excess of 0.14 grains per dry standard cubic foot for a source that has no representative compliance source test results. [LRAPA 32-015(2)(b)(B)]
9. For sources, other than fuel burning equipment, refuse burning equipment and fugitive emissions, installed, constructed or modified on or after April 16, 2015, the permittee must not cause, suffer, allow, or permit particulate matter emissions from any air contaminant source in excess of 0.10 grains per dry standard cubic foot. [LRAPA 32-015(2)(c)]
10. The permittee must not cause, suffer, allow or permit the emissions of particulate matter in any one (1) hour from any non-fuel burning process in excess of the amount shown in LRAPA 32-8010, for the process weight allocated to the process. [LRAPA 32-045]
11. All plant process equipment, combustion units, and control devices, including any baghouses and dust collectors, must be operated and maintained at the highest and best practicable treatment and control of air contaminant emissions so as to maintain overall air quality at the highest possible levels, and to maintain contaminant concentrations, visibility reduction, odors, soiling, and other deleterious factors at the lowest possible levels. [LRAPA 32-005(1)]

### **Monitoring Requirements**

12. The permittee must demonstrate compliance with Conditions 7 through 9 by performing a visible emissions survey of the plant. At least once each quarterly for a minimum period of 30 minutes, the permittee must visually survey the plant using EPA Method 22 for any sources of visible emissions. For the purposes of this condition, visible emissions requiring action are considered to be any visible emissions that do not result from mobile or fugitive sources and are not the result of condensed water vapor. The person conducting the EPA Method 22 does not have to be EPA Method 9 certified. However, the individual conducting the EPA Method 22 should be familiar with the procedures of EPA Method 9, including using the proper location to observe visible emissions. [LRAPA 34-016(1)]
  - 12.a. If visible emissions are observed using EPA Method 22, the permittee must take corrective action to eliminate the visible emissions within one (1) hour of finishing the visible emissions survey. After taking corrective action to eliminate the visible emissions, the permittee must conduct another visible emissions survey using EPA Method 22 within 24 hours of the previous visible emissions survey.
  - 12.b. If the visible emissions survey performed within 24 hours of the previous visible emissions

survey detects visible emissions from the same source(s), the permittee is required to either immediately perform an EPA Method 9 on the source(s) of visible emissions or immediately contact LRAPA to request an EPA Method 9 be conducted. If the results of the EPA Method 9 are in compliance with Condition 7, no further action is required beyond the recordkeeping required in Conditions 13 and 15. If the results of the EPA Method 9 are not in compliance with Condition 7, the permittee must immediately contact LRAPA. [LRAPA 34-016(1)]

- 12.c. All visible emissions tests and surveys must be conducted during operating conditions that have the potential to create visible emissions. [LRAPA 34-016(1)]
13. The permittee must keep documentation of all visible emissions surveys required by Condition 12. For all corrective actions taken, the permittee must record the date, time, person or entity performing the corrective action, and the corrective actions taken, as applicable. [LRAPA 34-016(1)]
14. If requested by LRAPA, the permittee must prepare an Operation and Maintenance Plan (O&M Plan). The O&M plan must include requirements for proper operation and maintenance of any emission control devices. The permittee must submit a copy of the O&M Plan to LRAPA for review upon request. If LRAPA determines the O&M Plan is deficient, LRAPA may require the permittee to amend the plan. The O&M Plan must, at a minimum, identify the frequency of inspections and procedures for documenting each inspection. Documentation of each inspection must include the date and time of each inspection, the person or entity performing the inspection, identification of the equipment inspected, the results of each inspection, and the actions taken if repairs or maintenance are necessary. [LRAPA 32-007(1)]

### **Monitoring and Recordkeeping Requirements**

15. The permittee must monitor and maintain records for a period of at least five (5) years from the date of entry of the following information: [LRAPA 34-016(1) and LRAPA 42-0080]

Activity	Units	Minimum Recording Frequency
<b>Emission Unit Recordkeeping</b>		
Cereal Production	Tons	Monthly
Total natural gas combusted	MMscf	Monthly
PSEL pollutant emissions as calculated according to Condition 4, including the supporting process information	Tons	Monthly
<b>General Recordkeeping</b>		
Log of each nuisance complaint and the resolution	NA	Upon receipt of complaint
Visible emission survey	NA	Maintain current version on-site
Operation and Maintenance Plan (if required by LRAPA) according to Condition 14	NA	Maintain the current version on-site
Upset log of all planned and unplanned excess emissions	See Condition G15	Per occurrence

### **Reporting Requirements**

16. The facility must submit to LRAPA the following reports by no later than the dates indicated in the table below: [LRAPA 34-016(1) and 42-0080(5)]

Report	Reporting Period	Due Date
PSEL pollutant emissions as calculated according to Condition 4, including supporting calculations.	Annual	February 15
A summary of any maintenance done and each inspection of any control device at the facility.	Annual	February 15
A summary of nuisance complaints from the public and the resolution, as applicable/	Annual	February 15
The upset log information required by Condition G14, if required by Condition G14.	Annual	February 15
GHG Report, as required by Condition 6	Annual	March 31

17. Unless otherwise specified, all reports, test results, notifications, etc., required by the above terms and conditions must be reported to the following office: [LRAPA 34-016]

Lane Regional Air Protection Agency  
1010 Main Street  
Springfield, Oregon 97477  
(541) 736-1056

#### **Outdoor Burning**

18. Commercial and industrial outdoor burning is prohibited inside the Eugene and Springfield Urban Growth boundaries. Commercial and industrial outdoor burning is prohibited elsewhere, unless authorized pursuant to LRAPA 47-020. [LRAPA 47-015(4)&(5)]

#### **Fee Schedule**

19. In accordance with adopted regulations, the permittee will be invoiced for the annual permit fees on October 1<sup>st</sup>, with fees due December 1<sup>st</sup> of each year. [LRAPA 37-8020 Table 2]

BE/rr  
03/10/2023

## **GENERAL PERMIT CONDITIONS**

### General Conditions and Disclaimers

- G1. A copy of this Air Contaminant Discharge Permit (ACDP) must be available on site for inspection upon request. [LRAPA 37-0020(3)]
- G2. The permittee must allow the Director or their authorized representatives to enter, during operation hours, any property, premises, or place for the purpose of investigating either an actual or suspected air contaminant source or to ascertain compliance or noncompliance with these rules or any issued order. The Director or their authorized representatives must also have access to any pertinent records relating to such property, including but not limited to blueprints, operation and maintenance records and logs, operating rules and procedures. [ORS 468.095 and LRAPA 13-020(1)(h)]
- G3. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

### Performance Standards and Emission Limits

- G4. The permittee must not cause or permit the deposition of any particulate matter which is larger than 250 microns in size at sufficient duration and quantity, as to create an observable deposition upon the real property of another person. [LRAPA 32-055]
- G5. The permittee must not discharge from any source whatsoever such quantities of air contamination which cause injury or damage to any persons, the public, business or property. Such determination to be made by LRAPA. [LRAPA 32-090(1)]
- G6. The permittee must not cause or permit emission of water vapor if the water vapor causes or tends to cause detriment to the health, safety or welfare of any person or causes, or tends to cause damage to property or business. [LRAPA 32-090(2)]
- G7. The permittee must not willfully cause or permit the installation or use of any device or use of any means which, without resulting in a reduction in the total amount of air contaminants emitted, conceals emissions of air contaminants which would otherwise violate LRAPA rules. [LRAPA 32-050(1)]
- G8. The permittee must not cause or permit the installation or use of any device or use of any means designed to mask the emissions of an air contaminant which causes or tends to cause detriment to health, safety or welfare of any person. [LRAPA 32-050(2)]
- G9. The permittee must not allow any materials to be handled, transported, or stored; or a building, its appurtenances or road(s) to be used, constructed, altered, repaired, or demolished; or any equipment to be operated, without taking reasonable precautions to prevent particulate matter from being airborne. [LRAPA 48-015(1)]
- G10. The permittee may not cause or allow air contaminants from any source subject to regulation by LRAPA to cause a nuisance. [LRAPA 49-010(1)]
- G11. To demonstrate compliance with Conditions G4 through G10, the permittee must provide LRAPA with written notification within five (5) days of all complaints received by the permittee during the operation of the facility and maintain a log of each complaint received by the permittee during the operation of the facility. Documentation must include date of contact, time of observed complaint

condition, description of complaint condition, location of complainant, status of plant operation during the observed period, and time of response to complainant. The permittee must immediately (within one (1) hour during normal business hours) investigate the condition following the receipt of the complaint and the permittee must provide a response to the complainant within 24 hours, if possible, but no later than five (5) business days. [LRAPA 34-016(1)]

Excess Emissions: General Policy

- G12. Emissions of air contaminants in excess of applicable standards or permit conditions are unauthorized and are subject to enforcement action. section 36-001 through 36-030 apply to any permittee operating a source which emits air contaminants in excess of any applicable air quality rule or permit condition, including but not limited to excess emissions resulting from the breakdown of air pollution control devices or operating equipment, process upset, startup, shutdown, or scheduled maintenance. Sources that do not emit air contaminants in excess of any applicable rule or permit condition are not subject to the recordkeeping and reporting requirements in title 36. Emissions in excess of applicable standards are not excess emissions if the standard is in an NSPS or NESHAP and the NSPS or NESHAP exempts startups, shutdowns and malfunctions as defined in the applicable NSPS or NESHAP. [LRAPA 36-001(1)]

Excess Emissions: Notification and Record-keeping

- G13. This condition applies to all excess emissions not addressed in sections 36-010 and 36-015. [LRAPA 36-020(1)]
- a. The permittee, of a small source, as defined by subsection 36-005(2), need not immediately notify LRAPA of excess emissions events unless otherwise required by permit condition, written notice by LRAPA, or if the excess emission is of a nature that could endanger public health. [LRAPA 36-020(1)(b)]
  - b. Notification must be made to the LRAPA office. The current LRAPA telephone number during regular business hours (8 a.m. - 5 p.m., M-F) is (541) 736-1056. During nonbusiness hours, weekends, or holidays, the permittee must immediately notify LRAPA by calling the LRAPA Upset/Complaint Line. The current number is (541) 726-1930.
  - c. Follow-up reporting, if required by LRAPA, must contain all information required by Condition G16.
- G14. At each annual reporting period specified in this permit, or sooner if required by LRAPA, the permittee must submit a copy of the excess emission log entries for the reporting period, as required by Condition G16. [LRAPA 36-025(4)(a)]
- G15. Any excess emissions which could endanger public health or safety must immediately be reported to the Oregon Emergency Response System (OERS) at 1-800-452-0311.
- G16. The permittee must keep an excess emissions log of all planned and unplanned excess emissions. The excess emissions log must include the following: [LRAPA 36-025(3) and 36-025(1)]
- a. The date and time of the beginning of the excess emission event and the duration or best estimate of the time until return to normal operation;
  - b. The date and time the permittee notified LRAPA of the event;
  - c. The equipment involved;

- d. Whether the event occurred during startup, shutdown, maintenance, or as a result of a breakdown, malfunction, or emergency;
- e. Steps taken to mitigate emissions and corrective actions taken;
- f. The magnitude and duration of each occurrence of excess emissions during the course of an event and the increase over normal rates or concentrations as determined by continuous monitoring or a best estimate, supported by operating data and calculations;
- g. The final resolution of the cause of the excess emissions; and
- h. Where applicable, evidence supporting any claim that emissions in excess of technology-based limits were due to an emergency pursuant to section 36-040.

Excess emissions logs must be kept by the permittee for five (5) calendar years. [LRAPA 36-025(3)]

Excess Emissions: Scheduled Maintenance

- G17. If the permittee anticipates that scheduled maintenance of air contaminant sources or air pollution control devices may result in excess emissions, the permittee must obtain prior LRAPA authorization of procedures that will be used to minimize excess emissions. Application for approval of procedures associated with the scheduled maintenance must be submitted and received by LRAPA in writing at least seventy-two (72) hours prior to the event. The application must include the following: [LRAPA 36-015(1)]
- a. The reasons explaining the need for maintenance, including but not limited to: why the maintenance activity is necessary; why it would be impractical to shut down the source operation during the maintenance activity; if applicable, why air pollution control devices must be by-passed or operated at reduced efficiency during the maintenance activity; and why the excess emissions could not be avoided through better scheduling for maintenance or through better operation and maintenance practices;
  - b. Identification of the specific production or emission control device or system to be maintained;
  - c. Identification of the nature of the air contaminants likely to be emitted during the maintenance period, and the estimated amount and duration of the excess emissions, including measures such as the use of overtime labor and contract services and equipment that will be taken to minimize the length of the maintenance period; and
  - d. Identification of specific procedures to be followed which will minimize excess emissions at all times during the scheduled maintenance.
- G18. LRAPA will approve the procedures if it determines that they are consistent with good pollution control practices, will minimize emissions during such period to the extent practicable, and that no adverse health impact on the public will occur. The permittee must record all excess emissions in the excess emissions log as required in Condition G16. Approval of the procedures in Condition G17 does not shield the permittee from an enforcement action, but LRAPA will consider whether the procedures were followed in determining whether an enforcement action is appropriate. [LRAPA 36-015(2)]
- G19. No scheduled maintenance associated with the approved procedures in Condition G18 that is likely to result in excess emissions may occur during any period in which an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency has been declared, or during an announced yellow or red woodstove advisory period, in areas determined by LRAPA as PM<sub>2.5</sub> or PM<sub>10</sub> nonattainment

areas. [LRAPA 36-015(6)]

- G20. In cases where LRAPA has not received notification of scheduled maintenance that is likely to cause excess emissions within the required 72 hours prior to the event according to Condition G17, or where such approval has not been waived pursuant to subsection 36-015(3), the permittee must immediately notify LRAPA by telephone of the situation, and must be subject to the requirements of Conditions G14 and G16. [LRAPA 36-015(7)]

#### Air Pollution Emergencies

- G21. The permittee must, upon declaration of an air pollution alert, air pollution warning, or air pollution emergency, take all emission reduction measures specified in Tables I, II, and III of title 51. Permittees responsible for a source of air contamination within a Priority I AQCR must, upon declaration of an episode condition affecting the locality of the air contamination source, take all appropriate actions specified in the applicable table and must take all appropriate actions specified in an LRAPA-approved preplanned abatement strategy for such condition which has been submitted and is on file with LRAPA. [LRAPA 51-015]

#### Notification of Construction/Modification

- G22. The permittee must notify LRAPA in writing using an LRAPA "Notice of Intent to Construct" form, or other permit application forms and obtain approval in accordance with section 34-010 and 34-035 through 34-038 before: [LRAPA 34-010]
- a. Constructing, installing or establishing a new stationary source that will cause an increase in regulated pollutant emissions;
  - b. Making any physical change or change in the operation of an existing stationary source that will cause an increase, on an hourly basis at full production, in any regulated pollutant emissions; or
  - c. Constructing or modifying any pollution control equipment.

#### Notification of Name Change

- G23. The permittee must notify LRAPA in writing, using an LRAPA Application for Administrative Amendment to ACDP form, within 60 days after legal change of the registered name of the company with the Corporation Division of the State of Oregon. [LRAPA 37-0030(4)]

Applicable administrative fees may be required for the name change application.

#### Permit Renewal

- G24. Application for renewal of this permit must be submitted not less than 120 days prior to the permit expiration date for Simple ACDPs, and 180 days prior to the permit expiration date for Standard ACDPs. [LRAPA 37-0040(2)(b)]
- G25. 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: [LRAPA 37-0082(1)(a)]
- a. A timely and complete application for renewal or reassignment has been submitted; or

- b. Another type of permit, ACDP or Title V, has been applied for or issued authorizing the operation of the source.
- G26. For a source operating under an ACDP or LRAPA Title V Operating 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 in accordance with the procedures used to establish the requirement initially. [LRAPA 37-0082(1)(c)]
- G27. Any person 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. [LRAPA 37-0040(4)]

#### Termination Conditions

- G28. This permit terminates upon: [LRAPA 37-0082(2)]
- a. Issuance of a renewal, reassigned ACDP or a new ACDP for the same activity or operation;
  - b. Written request by the permittee to LRAPA requesting termination. If LRAPA determines that a permit is no longer needed, LRAPA will confirm termination in writing to the permittee;
  - c. Failure to submit a timely and complete application for permit renewal or reassignment as required in section 37-0040. Termination is effective on the permit expiration date; or
  - d. Failure to pay annual fees within 90 days of the invoice due date as issued by LRAPA, unless prior arrangements for a payment plan have been approved in writing by LRAPA.
- G29. 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. LRAPA will provide notice of the intent to revoke the permit to the permittee under title 31. The notice will include the reasons why the permit will be revoked, and include an opportunity for the permittee to request a contested case hearing prior to the revocation. A written request for hearing must be received by LRAPA within 60 days from service of the notice on the permittee, and must state the grounds of the request. The hearing will be conducted as a contested case hearing under ORS 183.413 through 183.470 and title 14. The permit will continue in effect until the 60th day after service of the notice on the permittee, if the permittee does not timely request a hearing, or until a final order is issued if the permittee timely requests a hearing. [LRAPA 37-0082(5)(a)]
- G30. Reinstatement of Terminated Permit [37-0082(4)]
- a. A permit subject to termination under Condition G28.c. may only be reinstated if, not later than 30 days after the permit expiration date, the permittee submits a complete renewal application and pays a late application fee equivalent to the initial new permitting application fee that would apply if the source was a new source, in which case the existing, expired permit will be reinstated effective as of the permit expiration date and will remain in effect until final action has been taken on the renewal application to issue or deny a permit;
  - b. A permit terminated under Condition G28.d. may only be reinstated if, not later than 90 days after termination, the permittee pays all unpaid annual fees and applicable late fees in which case the existing permit will be reinstated effective on the date of termination; or
  - c. A terminated permit may only be reinstated as provided in Conditions G30.a. and G30.b. If

neither Condition G30.a. and G30.b. apply, the former permittee of a terminated permit who wishes to obtain an ACDP must submit a complete application for a new permit, including paying applicable new source permit application fees and any unpaid annual fees and late fees that were due under the terminated permit. Until LRAPA issues or reassigns a new permit, the source may not operate.

- G31. 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 under title 31. The notification will set forth the specific reasons for the revocation or refusal to renew and will provide an opportunity for the permittee to request a contested case hearing for review of the revocation or refusal to renew. A permittee's written request for hearing must be received by LRAPA within 90 days of service of the notice on the permittee and must state the grounds for the request. The hearing will be conducted as a contested case hearing under ORS 183.413 through 183.470 and title 14. The revocation or refusal to renew becomes final without further action by LRAPA if a request for a hearing is not received within 90 days. If a request for a hearing is timely received, the revocation or refusal to renew will remain in place until issuance of a final order. [LRAPA 37-0082(5)(b)]
- G32. Any hearing requested must be conducted pursuant to the rules of LRAPA. [LRAPA title 14]

#### Approval to Construct

- G33. The permittee of a source that receives approval to construct or modify must commence construction within 18 months of approval, or other date approved in writing by LRAPA.

Construction or modification approval terminates and is invalid for the following reasons:

- A. Construction or modification is not commenced within 18 months after LRAPA issues such approval, by an alternative deadline established by LRAPA under this section, or by the deadline approved by LRAPA in an extension under paragraph G33.b.;
  - B. Construction or modification is discontinued for a period of 18 months or more; or
  - C. Construction or modification is not completed within 18 months of the anticipated date of construction completion included in the application.
- b. The permittee may submit a request to extend the construction or modification commencement deadline by submitting a written, detailed explanation of why the source could not commence construction or modification within the initial 18-month period. LRAPA may grant, for good cause, one 18-month construction or modification approval extension.

#### Asbestos

- G34. The permittee must comply with the asbestos abatement requirements in title 43 for all activities involving asbestos-containing materials, including, but not limited to, demolition, renovation, repair, construction, and maintenance. [LRAPA title 43]

#### Sampling, Testing and Measurement General Requirements

- G35. Testing must be conducted in accordance with the DEQ's Source Sampling Manual, the DEQ's Continuous Monitoring Manual, or an applicable EPA Reference Method unless LRAPA (if allowed under applicable federal requirements): [LRAPA 35-0120(3)]

- a. Specifies or approves minor changes in methodology in specific cases;
  - b. Approves the use of an equivalent or alternative method as defined in title 12;
  - c. Waives the testing requirement because the permittee has satisfied LRAPA that the affected facility is in compliance with applicable requirements; or
  - d. Approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors.
- G36. LRAPA must be notified of all source sampling projects that are required by LRAPA, including federal requirements that have been delegated to LRAPA by the Environmental Protection Agency (EPA). Unless specified by rule or by permit condition, LRAPA must receive notification at least 30 days in advance of the source test date. Notification may be submitted electronically or by hardcopy, and be accompanied by a source test plan. In addition, LRAPA must be notified of all source sampling projects that are not required by LRAPA if test results are relied upon in permitting a source, used as evidence in an enforcement case, or used to demonstrate compliance with non-delegated federal requirements. [Source Sampling Manual, Vol. 1, November 2018, Section 2.2]
- G37. A source test plan must be approved by LRAPA in advance of all source sampling projects that are required by LRAPA, including federal requirements delegated to LRAPA by EPA. If not otherwise specified by rule or permit condition, LRAPA must be provided at least 30 days to review and approve source test plans. The source test plan will be reviewed by LRAPA [Source Sampling Manual, Vol. 1, November 2018, Section 2.3]
- G38. For demonstrating compliance with an emission standard, the stack test must successfully demonstrate that a facility is capable of complying with the applicable standard under all normal operating conditions. Therefore, a permittee should conduct the source test while operating under typical worst-case conditions that generate the highest emissions. During the compliance demonstration, new or modified equipment should operate at levels that equal or exceed ninety-percent (90%) of the design capacity. For existing equipment, emission units should operate at levels that equal or exceed ninety-percent (90%) of normal maximum operating rates. Furthermore, the process material(s) and fuel(s) that generate the highest emissions for the pollutant(s) being tested should be used during the testing. Operating requirements for performance tests are often specified by state or federal rule, or by permit condition. [Source Sampling Manual, Vol. 1, November 2018, Section 2.9]

#### Reference Test Methods

- G39. Unless otherwise indicated elsewhere in this permit, whenever emission testing is required, the permittee must use the source sampling methods listed in Appendix B or Appendix C of DEQ's Source Sampling Manual. [Source Sampling Manual, Vol. 1, November 2018]

[Revised 3/19/24]

**ATTACHMENT A: Air Pollution Emergencies**

**Table I**

**AIR POLLUTION EPISODE: *ALERT CONDITION***

**EMISSION REDUCTION PLAN**

**Part A: Pollution Episode Conditions for Carbon Monoxide or Ozone**

For ***Alert Conditions*** due to excessive levels of carbon monoxide or ozone, persons operating motor vehicles shall be requested to voluntarily curtail or eliminate all unnecessary operations within the designated ***Alert Area***, and public transportation systems shall be requested to provide additional services in accordance with a preplanned strategy.

**Part B: Pollution Episode Conditions for Particulate Matter**

For ***Alert Conditions*** resulting from excessive levels of particulate matter, the following measures shall be taken in the designated area:

1. There shall be no open burning by any person of any material.
2. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 p.m.
1. 3. Persons responsible for the operation of any source of air contaminants listed below shall take all required actions for the ***Alert Level***, in accordance with the preplanned strategy:

Source of Contamination	Control Actions — <b><i>Alert Level</i></b>
A. Coal, oil, or wood-fired facilities.	<ol style="list-style-type: none"><li>1) Utilization of electric generating fuels having low ash and sulfur content.</li><li>2) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.</li><li>3) Diverting electric power generation to facilities outside of <b><i>Alert Area</i></b>.</li></ol>
B. Coal, oil, or wood-fired process steam generating facilities.	<ol style="list-style-type: none"><li>1) Utilization of fuel having low ash and sulfur content.</li><li>2) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.</li></ol>

Source of Contamination	Control Actions — <b><i>Alert Level</i></b>
	3) Substantial reduction of steam load demands consistent with continuing plant operations.
C. Manufacturing industries of the following classifications:  - Primary Metals Industries - Petroleum Refining - Chemical Industries - Mineral Processing Indus. - Grain Industries - Paper and Allied Products - Wood Processing Industry	1) Reduction of air contaminants from manufacturing operations by curtailing postponing, or deferring production and all operations.  2) Reduction by deferring trade waste disposal operations which emit solid particle gas vapors or malodorous substance.  3) Reduction of heat load demands for processing.  4) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

**Table II**

**AIR POLLUTION EPISODE: *WARNING CONDITIONS***

**EMISSION REDUCTION PLAN**

**Part A: Pollution Episode Conditions for Carbon Monoxide or Ozone**

For ***Warning Conditions***, resulting from excessive levels of carbon monoxide or ozone, the following measures shall be taken:

1. Operation of motor vehicles carrying fewer than three (3) persons shall be prohibited within designated areas during specified hours. Exceptions from this provision are:
  - A. Public transportation and emergency vehicles
  - B. Commercial vehicles
  - C. Through traffic remaining on Interstate or primary highways.
2. At the discretion of the Agency, operations of all private vehicles within designated areas or entry of vehicles into designated areas may be prohibited for specified periods of time.
3. Public transportation operators shall, in accordance with a pre-planned strategy, provide the maximum possible additional service to minimize the public's inconvenience as a result of No. 1 or No. 2. above.
4. For ozone episodes the following additional measures shall be taken:
  - A. No bulk transfer of gasoline without vapor recovery from 2:00 a.m. to 2:00 p.m.
  - B. No service station pumping of gasoline from 2:00 a.m. to 2:00 p.m.

- C. No operation of paper coating plants from 2:00 a.m. to 2:00 p.m.
  - D. No architectural painting or auto finishing;
  - E. No venting of dry-cleaning solvents from 2:00 a.m. to 2:00 p.m. (except perchloroethylene).
5. Where appropriate for carbon monoxide episodes during the heating season, and where legal authority exists, governmental agencies shall prohibit all use of wood stoves and fireplaces for domestic space heating, except where such devices provide the sole source of heat.

Part B: Pollution Episode Conditions for Particulate Matter

For **Warning Conditions** resulting from excessive levels of particulate matter, the following measures shall be taken:

1. There shall be no open burning by any person of any material.
2. The use of incinerators for the disposal of solid or liquid wastes shall be prohibited.
3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 p.m.
4. Where legal authority exists, governmental agencies shall prohibit all use of wood stoves and fireplaces for domestic space heating, except where such devices provide the sole source of heat.
5. Persons responsible for the operation of any source of air contaminants listed below shall take all required actions for the **Warning Level**, in accordance with a preplanned strategy:

Source of Contamination	Control Actions — <b>Warning Level</b>
A. Coal, oil, or wood-fired electric power generating facilities.	<ol style="list-style-type: none"> <li>1) Maximum utilization of fuels having lowest ash and sulfur content.</li> <li>2) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.</li> <li>3) Diverting electric power generation to facilities outside of <b>Warning Area</b>.</li> <li>4) Prepare to use a plan of action if an <b>Emergency Condition</b> develops.</li> <li>5) Cease operation of facilities not related to safety or protection of equipment or delivery of priority power.</li> </ol>
B. Coal, oil, or wood-fired process steam generating facilities.	<ol style="list-style-type: none"> <li>1) Maximum utilization of fuels having the lowest ash and sulfur content.</li> <li>2) Utilization of mid-day (12: 00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.</li> </ol>

Source of Contamination	Control Actions — <b>Warning Level</b>
	3) Prepare to use a plan of action if an <b>Emergency Condition</b> develops. 4) Cease operation of facilities not related to safety or protection of equipment or delivery of priority power.
C. Manufacturing industries which require considerable lead time for shut-down including the following classifications: - Petroleum Refining - Chemical Industries - Primary Metals Industries - Glass Industries - Paper and Allied Products	1) Reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardships by postponing production and allied operations. 2) Reduction by deferring trade waste disposal operations which emit solid particles, gases, vapors or malodorous substances. 3) Maximum reduction of heat load demands for processing. 4) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence of boiler lancing or soot blowing.
D. Manufacturing industries which require relatively short time for shut-down.	1) Elimination of air contaminants from manufacturing operations by ceasing, allied operations to the extent possible without causing injury to persons or damage to equipment. 2) Elimination of air contaminants from trade waste disposal processes which emit solid particles, gases, vapors, or malodorous substances. 3) Reduction of heat load demands for processing. 4) Utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

**Table III**

AIR POLLUTION EPISODE: **EMERGENCY CONDITIONS**

EMISSION REDUCTION PLAN

1. There shall be no open burning by any person of any material.

2. The use of incinerators for the disposal of solid or liquid wastes shall be prohibited.
3. All places of employment, commerce, trade, public gatherings, government, industry, business, or manufacture shall immediately cease operation, except the following:
  - A. Police, fire, medical and other emergency services;
  - B. Utility and communication services;
  - C. Governmental functions necessary for civil control and safety;
  - D. Operations necessary to prevent injury to persons or serious damage to equipment or property;
  - E. Food stores, drug stores and operations necessary for their supply;
  - F. Operations necessary for evacuation of persons leaving the area;
  - G. Operations conducted in accordance with an approved preplanned emission reduction plan on file with the Agency.
4. All commercial and manufacturing establishments not included in these rules shall institute such actions as will result in maximum reduction of air contaminants from their operations which emit air contaminants, to the extent possible without causing injury or damage to equipment.
5. The use of motor vehicles is prohibited except for the exempted functions in 3, above.
6. Airports shall be closed to all except emergency air traffic.
7. Where legal authority exists, governmental agencies shall prohibit all use of wood stoves and fireplaces.
8. Any person responsible for the operation of a source of atmospheric contamination listed below shall take all required control actions for this ***Emergency Level***.

Source of Contamination	Control Actions — <b><i>Emergency Level</i></b>
A. Coal, oil, or wood-fired electric power generating facilities.	1) Maximum utilization of fuels having lowest ash and sulfur content.
	2) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.
	3) Diverting electric power generation to facilities outside of Emergency area.
	4) Cease operation of facilities not related to safety or protection of equipment or delivery of priority power.

Source of Contamination	Control Actions — <b><i>Emergency Level</i></b>
<p>B. Coal, oil, or wood-fired steam generating facilities.</p>	<ol style="list-style-type: none"> <li>1) Reducing heat and steam process demands to absolute necessities consistent with preventing equipment damage.</li> <li>2) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.</li> <li>3) Taking the action called for in the emergency plan.</li> <li>4) Cease operation of facilities not related to safety or protection of equipment or delivery of priority power.</li> </ol>
<p>C. Manufacturing industries of the following classifications:</p> <ul style="list-style-type: none"> <li>- Primary Metals Industry</li> <li>- Petroleum Refining Operations</li> <li>- Chemical Industries</li> <li>- Mineral Processing Industries</li> <li>- Paper and Allied Products</li> <li>- Grain Industry</li> <li>- Wood Processing Industry</li> </ul>	<ol style="list-style-type: none"> <li>1) The elimination of air of contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.</li> <li>2) Elimination of air contaminants from trade waste disposal processes which emit solid particles, gases, vapors, or malodorous substances.</li> <li>3) Maximum reduction of heat load demands for processing.</li> <li>4) Utilization of mid-day (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.</li> </ol>