

# LANE REGIONAL AIR PROTECTION AGENCY

## TITLE 29

### DESIGNATION OF AIR QUALITY AREAS

#### **Section 29-0010 Definitions**

The definitions in title 12 and this section apply to this title. If the same term is defined in this section and title 12, the definition in this section applies to this title. Definitions of boundaries in this section also apply to LRAPA Rules and Regulations.

- (1) "Eugene-Springfield UGB" means the area within the bounds beginning at the Willamette River at a point due east from the intersection of East Beacon Road and River Loop No.1; thence southerly along the Willamette River to the intersection with Belt Line Road; thence easterly along Belt Line Road approximately one-half mile to the intersection with Delta Highway; thence northwesterly and then northerly along Delta Highway and on a line north from the Delta Highway to the intersection with the McKenzie River; thence generally southerly and easterly along the McKenzie River approximately eleven miles to the intersection with Marcola Road; thence southwestwardly along Marcola Road to the intersection with 42nd Street; thence southerly along 42nd Street to the intersection with the northern branch of US Highway 126; thence easterly along US Highway 126 to the intersection with 52nd Street; thence north along 52nd Street to the intersection with High Banks Road; thence easterly along High Banks Road to the intersection with 58th Street; thence south along 58th Street to the intersection with Thurston Road; thence easterly along Thurston Road to the intersection with the western boundary of Section 36, T17S, R2W; thence south to the southwest corner of Section 36, T17S, R2W; thence west to the Springfield City Limits; thence following the Springfield City Limits southwestwardly to the intersection with the western boundary of Section 2, T18S, R2W; thence on a line southwest to the Private Logging Road approximately one-half mile away; thence southeasterly along the Private Logging Road to the intersection with Wallace Creek; thence southwestwardly along Wallace Creek to the confluence with the Middle Fork of the Willamette River; thence generally northwesterly along the Middle Fork of the Willamette River approximately seven and one-half miles to the intersection with the northern boundary of Section 11, T18S, R3W; thence west to the northwest corner of Section 10, T18S, R3W; thence south to the intersection with 30th Avenue; thence westerly along 30th Avenue to the intersection with the Eugene City Limits; thence following the Eugene City Limits first southerly then westerly then northerly and finally westerly to the intersection with the northern boundary of Section 5, T18S, R4W; thence west to the intersection with Greenhill Road; thence north along Greenhill Road to the intersection with Barger Drive; thence east along Barger Drive to the intersection with the Eugene City Limits (Ohio Street); thence following the Eugene City Limits first north then east then north then east then south then east to the intersection with Jansen Drive; thence east along Jansen Drive to the intersection with Belt Line Road; thence northeasterly along Belt Line Road to the intersection with

Highway 99; thence northwesterly along Highway 99 to the intersection with Clear Lake Road; thence west along Clear Lake Road to the intersection with the western boundary of Section 9, T17S, R4W; thence north to the intersection with Airport Road; thence east along Airport Road to the intersection with Highway 99; thence northwesterly along Highway 99 to the intersection East Enid Road; thence east along East Enid Road to the intersection with Prairie Road; thence southerly along Prairie Road to the intersection with Irvington Road; thence east along Irvington Road to the intersection with the Southern Pacific Railroad Line; thence southeasterly along the Southern Pacific Railroad Line to the intersection with Irving Road; thence east along Irving Road to the intersection with Kalmia Road; thence northerly along Kalmia Road to the intersection with Hyacinth Road; thence northerly along Hyacinth Road to the intersection with Irvington Road; thence east along Irvington Road to the intersection with Spring Creek; thence northerly along Spring Creek to the intersection with River Road; thence northerly along River Road to the intersection with East Beacon Drive; thence following East Beacon Drive first east then south then east to the intersection with River Loop No.1; thence on a line due east to the Willamette River and the point of beginning.

- (2) "Oakridge PM<sub>2.5</sub> Maintenance Area" means the area enclosed by the following: T21S, R2E, Sect 11 (NW Corner) east to T21S, R3E, Sect 11 (NE corner), south to T21S, R3E, Sect 23(SE Corner), west to T21S, R2E, Sect 23(SW corner) correctly back to T21S, R2E, Sect 11(NW corner).
- (3) "Oakridge UGB" means the area enclosed by the following: Beginning at the northwest corner of Section 17, T21S, R3E and the city limits; thence south along the western boundary of Section 17, T21S, R3E along the city limits approximately 800 feet; thence southwesterly following the city limits approximately 750 feet; thence west along the city limits approximately 450 feet; thence northwesterly along the city limits approximately 450 feet; thence on a line south along the city limits approximately 250 feet; thence on a line east along the city limits approximately 100 feet; thence southwesterly along the city limits approximately 200 feet; thence on a line east along the city limits approximately 400 feet; thence on a line south along the city limits to the channel of the Willamette River Middle Fork; thence south-easterly up the Willamette River Middle Fork along the city limits approximately 7200 feet; thence exiting the Willamette River Middle Fork with the city limits in a northerly manner and forming a rough semicircle with a diameter of approximately one-half mile before rejoining the Willamette River Middle Fork; thence diverging from the city limits upon rejoining the Willamette River Middle Fork and moving southeasterly approximately 5600 feet up the Willamette River Middle Fork to a point on the river even with the point where Salmon Creek Road intersects with U.S. Highway 58; thence on a line east from the channel of the Willamette River Middle Fork across the intersection of Salmon Creek Road and U.S. Highway 58 to the intersection with the Southern Pacific Railroad Line; thence northerly along the Southern Pacific Railroad Line to the intersection with the northern boundary of Section 22, T21S, R3E; thence west along the northern boundary of Section 22, T21S, R3E to the intersection with Salmon Creek Road; thence on a line north to the intersection with the Southern Pacific Railroad Line; thence east along the Southern Pacific Railroad Line approximately 600 feet; thence on a line north to the intersection with High Prairie Road; thence on a line west approximately 400 feet; thence on a line north to the intersection

with the northern boundary of Section 15, T21S, R3E; thence west along the northern boundary of Section 15, T21S, R3E to the intersection with the southeastern corner of Section 9, T21S, R3E; thence north along the eastern boundary of Section 9, T21S, R3E approximately 1300 feet; thence on a line west approximately 1100 feet; thence on a line south to the intersection with West Oak Road; thence northwesterly along West Oak Road approximately 2000 feet; thence on a line south to the intersection with the northern boundary line of the city limits; thence westerly and northwesterly approximately 8000 feet along the city limits to the point of beginning.

### **Section 29-0020 Designation of Air Quality Control Regions**

Oregon's 36 counties are divided into five (5) AQCRs. The AQCR boundaries follow county lines, and there are no counties that belong to more than one AQCR. The five (5) AQCRs are as follows:

- (1) Portland Interstate AQCR, containing ten (10) counties:
  - (a) Benton County;
  - (b) Clackamas County;
  - (c) Columbia County;
  - (d) Lane County;
  - (e) Linn County;
  - (f) Marion County;
  - (g) Multnomah County;
  - (h) Polk County;
  - (i) Washington County;
  - (j) Yamhill County.
- (2) Northwest Oregon AQCR, containing three (3) counties:
  - (a) Clatsop County;
  - (b) Lincoln County;
  - (c) Tillamook County.
- (3) Southwest Oregon AQCR, containing five (5) counties:
  - (a) Coos County;

- (b) Curry County;
  - (c) Douglas County;
  - (d) Jackson County;
  - (e) Josephine County.
- (4) Central Oregon AQCR, containing eight (8) counties:
- (a) Crook County;
  - (b) Deschutes County;
  - (c) Hood River County;
  - (d) Jefferson County;
  - (e) Klamath County;
  - (f) Lake County;
  - (g) Sherman County;
  - (h) Wasco County.
- (5) Eastern Oregon AQCR, containing ten (10) counties:
- (a) Baker County;
  - (b) Gilliam County;
  - (c) Grant County;
  - (d) Harney County;
  - (e) Malheur County;
  - (f) Morrow County;
  - (g) Umatilla County;
  - (h) Union County;
  - (i) Wallowa County;
  - (j) Wheeler County.

**Section 29-0030 Designation of Nonattainment Areas**

The following areas are designated as Nonattainment Areas:

- (1) [Reserved]

#### **Section 29-0040 Designation of Maintenance Areas**

The following areas are designated as Maintenance Areas:

- (1) Carbon Monoxide Maintenance Areas:
  - (a) The Eugene-Springfield Maintenance Area for carbon monoxide is the Eugene-Springfield UGB as defined in section 29-0010.
- (2) PM<sub>10</sub> Maintenance Areas:
  - (a) The Eugene-Springfield Maintenance Area for PM<sub>10</sub> is the Eugene-Springfield UGB as defined in section 29-0010.
  - (b) The Oakridge Maintenance Area for PM<sub>10</sub> is the Oakridge UGB as defined in subsection 29-0010(3).
- (3) PM<sub>2.5</sub> Maintenance Areas:
  - (a) The Oakridge Maintenance Area for PM<sub>2.5</sub> is defined in subsection 29-0010(2).

#### **Section 29-0050 Designation of Prevention of Significant Deterioration Areas**

- (1) All of the following areas which were in existence on August 7, 1977, and for which the 1990 Clean Air Act Amendments clarified, will be Class I Areas and may not be redesignated:
  - (a) Mt. Hood Wilderness, as established by Public Law 88-577;
  - (b) Eagle Cap Wilderness, as established by Public Law 88-577;
  - (c) Hells Canyon Wilderness, as established by Public Law 94-199;
  - (d) Mt. Jefferson Wilderness, as established by Public Law 90-548;
  - (e) Mt. Washington Wilderness, as established by Public Law 88-577;
  - (f) Three Sisters Wilderness, as established by Public Law 88-577;
  - (g) Strawberry Mountain Wilderness, as established by Public Law 88-577;
  - (h) Diamond Peak Wilderness, as established by Public Law 88-577;
  - (i) Crater Lake National Park, as established by Public Law 32-202;

- (j) Kalmiopsis Wilderness, as established by Public Law 88-577;
  - (k) Mountain Lakes Wilderness, as established by Public Law 88-577;
  - (l) Gearhart Mountain Wilderness, as established by Public Law 88-577.
- (2) All other areas, in Oregon are initially designated Class II, but may be redesignated as provided in section 29-0060.
  - (3) The following areas may be redesignated only as Class I or II:
    - (a) An area which as of August 7, 1977, exceeded 10,000 acres in size and was a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore; and
    - (b) A national park or national wilderness area established after August 7, 1977, which exceeds 10,000 acres in size.
  - (4) The extent of the areas referred to in subsections (1) and (3) will conform to any changes in the boundaries of such areas which occurred between August 7, 1977, and April 15, 2015.

**Section 29-0060 Redesignation of Prevention of Significant Deterioration Areas**

- (1) (a) All areas in Oregon, except as otherwise provided under section 29-0050, are designated Class II as of December 5, 1974;
- (b) Redesignation, except as otherwise precluded by section 29-0050, may be proposed by LRAPA, as provided below, subject to approval by the EPA Administrator as a revision to the SIP.
- (2) LRAPA may submit to the EPA Administrator a proposal to redesignate areas of the state Class I or II provided that:
  - (a) At least one public hearing has been held in accordance with procedures established in the SIP;
  - (b) Other states, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation were notified at least 30 days prior to the public hearing;
  - (c) A discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic, social and energy effects of the proposed redesignation, was prepared and made available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contained appropriate notification of the availability of such discussion;

(d) Prior to the issuance of notice respecting the redesignation of an area that includes any federal lands, LRAPA has provided written notice to the appropriate Federal Land Manager and afforded adequate opportunity, not in excess of 60 days to confer with LRAPA respecting the redesignation and to submit written comments and recommendations. In redesignating any area with respect to which any Federal Land Manager had submitted written comments and recommendations, LRAPA must have published a list of any inconsistency between such redesignation and such comments and recommendations together with the reasons for making such redesignation against the recommendation of the Federal Land Manager; and

(e) LRAPA has proposed the redesignation after consultation with the elected leadership of local general purpose governments in the area covered by the proposed redesignation.

(3) Any area other than an area to which section 29-0050 refers may be redesignated as Class III if:

(a) The redesignation would meet the requirements of subsection (2);

(b) The redesignation, except any established by an Indian Governing Body, has been specifically approved by the Governor, after consultation with the appropriate committees of the legislature, if it is in session, or with the leadership of the legislature, if it is not in session, unless state law provides that the redesignation must be specifically approved by state legislation, and if general purpose units of local government representing a majority of the residents of the area to be redesignated enact legislation or pass resolutions concurring in the redesignation;

(c) The redesignation would not cause, or contribute to, a concentration of any regulated pollutant which would exceed any maximum allowable increase permitted under the classification of any other area or any ambient air quality standard; and

(d) Any permit application for any major stationary source or major modification, subject to review under subsection (1), which could receive a permit under this section only if the area in question were redesignated as Class III, and any material submitted as part of that application, were available insofar as was practicable for public inspection prior to any public hearing on redesignation of the area as Class III.

(4) Lands within the exterior boundaries of Indian Reservations may be redesignated only by the appropriate Indian Governing Body.

(5) The EPA Administrator may disapprove, within 90 days of submission, a proposed redesignation of any area only if the EPA Administrator finds, after notice and opportunity for public hearing, that such redesignation does not meet the procedural requirements of this paragraph or is inconsistent with section 29-0050. If any such disapproval occurs, the classification of the area must be that which was in effect prior to the redesignation which was disapproved.

(6) If the EPA Administrator disapproves any proposed redesignation, LRAPA, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the EPA Administrator.

### **Section 29-0070 Special Control Areas**

The following areas are designated as Special Control Areas:

- (1) Lane County;
- (2) Within incorporated cities having a population of 4,000 or more, and within three (3) miles of the corporate limits of any such city.

### **Section 29-0080 Motor Vehicle Inspection Boundary Designations**

In addition to the area specified in ORS 815.300, pursuant to ORS 468A.390, the following geographical areas are designated as areas within which motor vehicles are subject to the requirement under ORS 815.300 to have a Certificate of Compliance issued pursuant to ORS 468A.380 to be registered or have the registration of the vehicle renewed.

- (1) There are currently no geographic areas in Lane County subject to motor vehicle inspection programs.

### **Section 29-0090 Oxygenated Gasoline Control Areas**

There currently are no oxygenated gasoline control areas in Lane County.

## **Designation of Areas**

### **Section 29-0300 Designation of Sustainment Areas**

- (1) The Board may designate sustainment areas provided that LRAPA submits a request for designation that includes the following information:
  - (a) Monitoring data showing that an area is exceeding or has the potential to exceed an ambient air quality standard;
  - (b) A description of the affected area based on the monitoring data;
  - (c) A discussion and identification of the priority sources contributing to the exceedance or potential exceedance of the ambient air quality standard; and
  - (d) A discussion of the reasons for the proposed designation.
- (2) Designation of sustainment areas:
  - (a) Reserved



- (b) Reserved
- (3) An area designated as a sustainment area under subsection (2) will automatically be reclassified immediately upon the EPA officially designating the area as a nonattainment area.
- (4) The Board may rescind the designation based on a request by LRAPA. LRAPA will consider the following information for rescinding the designation:
  - (a) Whether at least three (3) consecutive years of monitoring data shows the area is meeting the ambient air quality standard; and
  - (b) A request by a local government.

### **Section 29-0310 Designation of Reattainment Areas**

- (1) The Board may designate reattainment areas provided that LRAPA submits a request for designation that includes the following information:
  - (a) At least three (3) consecutive years of monitoring data showing that an area that is currently designated by EPA as nonattainment is attaining an ambient air quality standard; and
  - (b) A discussion of the reasons for the proposed designation.
- (2) Designation of reattainment areas:
  - (a) The Oakridge PM<sub>2.5</sub> Maintenance area as defined in subsection 29-0010(2) is designated as a reattainment area for PM<sub>2.5</sub>.
  - (b) Reserved.
- (3) An area designated as a reattainment area under subsection (2) will automatically be reclassified immediately upon:
  - (a) The Board designating the area as a maintenance area and EPA officially designating the area as an attainment area; or
  - (b) The Board rescinding the designation based on a request by LRAPA. LRAPA will consider the following information for rescinding the designation:
    - (A) Monitoring data that shows the area is not meeting the ambient air quality standard; and
    - (B) A request by a local government.

### **Section 29-0320 Priority Sources**

For the purposes of title 38, priority sources are identified as follows:

- (1) In the Oakridge reattainment area, uncertified residential wood fuel-fired devices. The offset values for replacement of uncertified residential wood fuel-fired devices are specified in OAR 340-240-0560.
- (2) In any other area, LRAPA may identify priority sources during a specific permit action based on the sources addressed in the emission reduction strategies that were included in the attainment or maintenance plans for the area. The offset value for priority sources identified under this section must be determined by LRAPA. The offset values for replacement of uncertified residential wood fuel-fired devices in rules LRAPA develops for areas with unique air quality needs may only be used if LRAPA determines that the values reasonably apply to the geographical area in question.