

**LRAPA roadmap of significant/substantial proposed rule changes  
for the Citizen’s Advisory Committee (CAC) and Board of Directors**

Under the “Purpose” column, the following definitions apply:

- “[**Stringency**]” – means the proposed change is required because the DEQ and/or EPA corresponding rule has been determined to be more stringent than the existing LRAPA.
- “[**Consistency**]” – means the proposed change is consistent with the corresponding DEQ rule and/or EPA regulation change.
- “[**Other**]” – means the proposed changes is different or equivalent to the corresponding DEQ rule change.

<b>Rule Item Number</b>	<b>LRAPA title/ section</b>	<b>Description</b>	<b>Significant/Substantial Proposed Rule Changes</b>	<b>Purpose</b>
<b>1.</b>	<b>12-005</b>	Definitions	Definition of “categorically insignificant activity” <ul style="list-style-type: none"> <li>• Fuel and gas burning equipment should include the aggregate of all devices for determination of emissions.</li> <li>• Emergency generators and pumps should include the aggregate of all devices for determination of the horsepower rating threshold(s).</li> <li>• Oil/water separator equipment should include the throughput for determination of emissions.</li> </ul>	Some equipment on the categorically insignificant activity list have significant emissions and some must comply with new EPA standards. [ <b>Stringency</b> ]
			Definition of “greenhouse gases” Include carbon dioxide emissions from the combustion or decomposition of biomass	EPA’s biomass deferral of CO <sub>2</sub> emissions from bioenergy and other biogenic sources ended on July 20, 2014. LRAPA’s permitting program must be as stringent as EPA’s. [ <b>Stringency</b> ]
			Definition of “federal major source” and “major source” Revise/eliminate greenhouse gas thresholds	LRAPA proposes rules to align with the Supreme Court decision not to require Prevention of Significant Deterioration or Title V permitting for greenhouse gas emissions alone. [ <b>Consistency</b> ]
<b>2.</b>	<b>29-0300</b>	Designation of Sustainment Areas	LRAPA proposes establishing two new designations for the air quality in a localized area - “ <i>Sustainment</i> ” and “ <i>Reattainment</i> ” areas.	Defining two new areas are part of the larger changes to the New Source Review pre-construction permitting program. These new areas will provide options for sources when constructing or modifying in these areas.  Oakridge qualifies to be designated as a e-reattainment area since at least three consecutive years of monitoring data show that the area that is currently designated by EPA as nonattainment is
	<b>29-0310</b>	Designation of Reattainment Areas	LRAPA proposes that the Board establish Oakridge as a reattainment area.	
	<b>29-0320</b>	Priority Sources	LRAPA proposes a section be reserved for priority sources to be specified for any sustainment area designated in the future.	

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				<p>attaining the 24-hour PM<sub>2.5</sub> ambient air quality standard. A reattainment designation for Oakridge should help reduce emissions and allow facilities to construct or modify if air quality is protected.</p> <p>LRAPA currently has no area that exceeds the ambient air quality standard for PM<sub>2.5</sub> but is not designated as a nonattainment area. A sustainment designation for any such area should help reduce emissions and allow facilities to construct or modify if air quality is protected. <b>[Consistency]</b></p>
3.	32-010	Visible Air Contaminant Limitations	<p>LRAPA is proposing lower opacity limits for non-wood-fired and wood-fired boilers that existed prior to June 1, 1970.</p> <p>LRAPA is proposing to retain its three-minute aggregation averaging time for the opacity standard. DEQ changed the averaging time of the standard from an aggregation of three minutes in any one hour to a 6-minute block average.</p>	<p>Emissions from older facilities subject to the particulate matter standards do not adequately protect air quality and can create barriers to economic development. <b>[Stringency]</b></p> <p>LRAPA inspectors prefer to retain the 3-minute aggregate basis of the standard, especially for reading opacity on batch processes.</p> <p>We also located a standard that allows for the data reduction procedures needed to verify compliance with the 3-minute aggregate basis for the standard; EPA Method 203B contains data reduction procedures to measure 3-minute aggregate periods.</p> <p>In their rulemaking, DEQ gave the following reasons for changing the time basis for the opacity standard:</p> <ul style="list-style-type: none"> <li>• <i>“An opacity standard based on a 6-minute average is no more or less stringent than a standard based on an aggregate of 3 minutes in any hour. Theoretically, either basis could be more stringent than the other, but practically, sources do not typically have intermittent puffs of smoke. If there is an upset that lasts longer than 3 minutes, it usually lasts longer than 6 minutes, as well.</i></li> <li>• <i>Other reasons for changing to a 6 minute average include:</i></li> </ul>

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				<ul style="list-style-type: none"> <li>• <i>A reference compliance method has not been developed for the 3 minute standard.</i></li> <li>• <i>EPA method 9 results are reported as 6-minute averages.</i></li> <li>• <i>The 3-minute standard adds more cost to data acquisition systems for continuous opacity monitoring systems. Many of the COMS are designed for 6-minute averages, so they have to be modified to record and report data for the 3-minute standard.</i></li> </ul> <p><i>Compliance with a 6 minute average can be determined with 24 readings (6-minute observation period); whereas, compliance with the 3-minute standard may require as many as 240 readings (60 minute observation period). In addition, it is DEQ's policy that the inspector observes the source for at least 6 minutes before making a compliance determination."</i></p> <p><b>[Other]</b></p>
4.	32-015	Particulate Emission Limitations for Sources Other Than Fuel Burning, and Refuse Burning Equipment and Fugitive Emissions	LRAPA is proposing lower grain loading limits for non-wood-fired and wood-fired boilers that existed prior to June 1, 1970.	Emissions from older facilities subject to the particulate matter standards do not adequately protect air quality and can create barriers to economic development. <b>[Stringency]</b>
5.	32-020, 32-030	Grain loading standards (for fuel burning equipment)	LRAPA is proposing lower grain loading limits for wood-fired boilers that existed prior to June 1, 1970.	See purpose for Section 32-015 in Item 4 above. <b>[Stringency]</b>

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6.	32-055	Particle Fallout Limitation	Delete the phrase “when notified by LRAPA that the deposition exists and must be controlled” that was added in 2008.	This phrase results in an unusual rule that is interpreted as follows: a source can only be in violation of this rule after LRAPA staff inform the source that the deposition exists and must be controlled. Normally, a rule itself serves as the notification that a certain activity or emission is not allowed and a second notification is not required before citing a violation. <b>[Stringency]</b>
7.	35-160	Records; Maintaining and Reporting	The proposed rule adds a requirement to existing recordkeeping rules specifying that records must be kept for at least five years.	Some permits require a two-year recordkeeping period. LRAPA will change recordkeeping requirements for all facilities to 5 years for consistency and to avoid confusion. <b>[Stringency]</b>
8.	36-001(2)(d)	Excess Emissions and Emergency Provision – Purpose and Applicability	LRAPA is proposing to limit emergency as an affirmative defense to Title V permitted sources but is including emergency as one of the criteria to consider in taking enforcement action for non-Title V facilities.	EPA has rescinded the startup, shutdown, malfunction policy element that allowed affirmative defense provisions in State Implementation Plans because of a petition filed by the Sierra Club. <b>[Stringency]</b>
9.	37-0040	Application Requirements	The proposed rules specify dates when permit applications for new and renewed permits are due.	In order to improve permit issuance timeliness, LRAPA is requiring businesses to submit renewal applications before the expiration date, giving LRAPA enough time to issue the renewal. <b>[Stringency]</b>
10.	37-8010	Table 1 Activities and Sources	<p>The proposed Table 1 specifies permitting requirements for stationary internal combustion engines, recreational vehicle manufacturing, and portable sources and separates pathological waste incinerators from crematories.</p> <p>LRAPA is specifying small-source cutoffs for two permit activities and revising an exemption including:</p> <ul style="list-style-type: none"> <li>• <i>Surface coating operations that use less than 250 gallons/year of VOC and/or HAP containing coatings;</i></li> <li>• <i>Sawmills and other wood products facilities that produce less than 5,000 board feet per maximum 8 hour finished product; and</i></li> <li>• <i>Wood preserving (including waterborne solutions with actual or projected</i></li> </ul>	<p>LRAPA has clarified some categories that require air permits and moved definitions out of the tables to the rules. <b>[Stringency]</b></p> <p>LRAPA is removing the requirement for a Basic permit for very small cabinet shops, etc. and similar small commercial wood-products operations that have minimal emissions and often have difficulty and reluctance in paying the permit fees.</p> <p>LRAPA is also removing the blanket exemption for waterborne wood preservation activities and requiring a permit for sources with actual or</p>

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			<i>emissions of greater than 1 ton/year VOC and/or HAP).</i>	projected emissions of VOC and/or HAP are greater than 1 ton/year. <b>[Other]</b>
11.	37-0820	Table 2 ACDP Fees	LRAPA is proposing a 10% increase in ACDP fees over existing fee amounts. The annual fee increase on July 1 <sup>st</sup> each year is proposed to be changed from the Consumer Price Index (CPI) to four percent (4%).	The Board’s Resources Committee recommended a 10% increase in LRAPA ACDP fees, and to increase the fees by four percent each year, The Board approved the recommendation at their October 2016 meeting. <b>[Other]</b>
12.	Title 38	New Source Review	<p>The New Source Review program consists of two distinct components, Major New Source Review (major sources) and State New Source Review (minor sources).</p> <p>LRAPA is redefining Net Air Quality Benefit for all sources in all areas.</p>	<p>The proposed rule changes were made to increase permitting flexibility, remove roadblocks and improve air quality. <b>[Consistency]</b></p> <p>LRAPA’s rules currently have two criteria for determining whether emission offsets from a new or modified facility provide a net air quality benefit that are virtually impossible to meet. <b>[Consistency]</b></p>
13.	42-0041	Source Specific Annual PSEL	The proposed rules direct facilities to title 38 for increases in PSELS greater than the significant emission rate for Major and State New Source Review.	LRAPA proposes to separate the minor New Source Review program (some of which is contained in title 42) from the major New Source Review program because of extensive changes to the New Source Review program. <b>[Consistency]</b>
14.	42-0046 42-0048 42-0051	<p>Netting Basis</p> <p>Baseline Period and Baseline Emission Rate</p> <p>Actual Emissions</p>	The proposed rules have been moved from the definitions title 12 and clarified.	LRAPA wants a cleaner set of definitions that do not contain permitting procedural requirements. <b>[Consistency]</b>
15.	42-0090	Combining and Splitting Sources and Changing Primary SIC Code	The proposed rule limits the scope of changes to a facility where the netting basis is allotted between two combining and/or splitting sources by the inclusion of a primary SIC code criteria.	LRAPA proposes to prevent unrelated facilities from combining and avoiding New Source Review by requiring that the combining sources have activities (2-digit SIC codes) in common, and that the resulting facility has the same primary 2-digit SIC as one of the facilities that are combining. <b>[Stringency]</b>
16.	48-015	Requirements for Fugitive Emissions	The proposed rule defines fugitive emissions and includes additional requirements for visible emission monitoring.	It is very difficult to read opacity from fugitive emission sources. Instead LRAPA will require

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				facilities to abate fugitive escaping from a source. [Stringency]
17.	50-005	Purpose and Scope of Ambient Air Quality Standards	LRAPA has added the requirement that the new or modified source must not cause or contribute to a new violation of an ambient air quality standard or Prevention of Significant Deterioration increment, even if the single source impact is less than the Significant Impact Level.	The D.C. Circuit Court of Appeals vacated and remanded EPA's regulations for Significant Impact Levels for PM <sub>2.5</sub> because proposed facilities in an area on the verge of violating the national ambient air quality standards or an increment could violate the national ambient air quality standards or an increment even if the resulting emission levels would fall below the Significant Impact Level. [Stringency]

Max  
7/06/17