

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 20

INDIRECT SOURCES

Section 20-100 Policy and Jurisdiction

The Environmental Quality Commission (Commission) has found and declared Indirect Sources to be air contamination sources as defined in ORS 468.275. The Commission has, effective December 20, 1974, authorized and conferred jurisdiction upon the Agency to perform all or any of the provisions of these Rules within its boundary, except the Commission retains jurisdiction of highway sections which cross Agency boundaries, until such authority and jurisdiction shall be withdrawn for cause by the Commission.

Section 20-110 Definitions

- (1) "Air Quality Maintenance Area (AQMA)" means any area that has been identified by the Department as having the potential for exceeding any State ambient air quality standard.
- (2) "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.
- (3) "Aircraft Operations" means any aircraft landing or takeoff.
- (4) "Airport" means any area of land or water which is used or intended for use for the landing and takeoff of aircraft, or any appurtenant areas, facilities, or rights-of-way such as terminal facilities, parking lots, roadways, and aircraft maintenance and repair facilities.
- (5) "Associated Parking" means a discrete parking facility or facilities owned, operated and/or used in conjunction with an Indirect Source.
- (6) "Average Daily Traffic" means the total traffic volume during a given time period in whole days greater than one day and less than one year divided by the number of days in that time period, commonly abbreviated as ADT.
- (7) "Commence Construction" means to begin to engage in a continuous program of on-site construction or on-site modifications, including site clearance, grading, dredging, or landfilling in preparation for the fabrication, erection, installation or modification of an indirect source. Interruptions and delays resulting from acts of God, strikes, litigation or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.
- (8) "Commission" means the Environmental Quality Commission.
- (9) "Department" means the Department of Environmental Quality.
- (10) "Director" means Director of the Regional Agency and authorized deputies or officers.

- (11) "Expressway" means a divided arterial highway for through traffic with full or partial control of access and generally with grade separations at major intersections.
- (12) "Freeway" means an Expressway as defined in Sub-section 20-110(11) with full control of access.
- (13) "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.
- (14) "Indirect Source" means a facility, building, structure, or installation, or any portion or combination thereof, which indirectly causes or may cause mobile source activity that results in emissions of an air contaminant for which there is a state standard. Such Indirect Sources shall include, but not be limited to:
- (a) Highways and roads
 - (b) Parking facilities
 - (c) Retail, commercial, and industrial facilities
 - (d) Recreation, amusement, sports, and entertainment facilities
 - (e) Airports
 - (f) Office and government buildings
 - (g) Apartment and mobile home parks
 - (h) Educational facilities
 - (i) Hospital facilities
 - (j) Religious facilities
- (15) "Indirect Source Construction Permit" means a written permit in letter form issued by the Agency, bearing the signature of the Director, which authorizes the permittee to commence construction of an indirect source under construction and operation conditions and schedules as specified in the permit.
- (16) "Indirect Source Emission Control Program (ISECP)" means a program which reduces mobile source emissions resulting from the use of the indirect source. An ISECP may include, but is not limited to:
- (a) Posting transit route and scheduling information.
 - (b) Construction and maintenance of bus shelters and turnout lanes.
 - (c) Maintaining mass transit fare reimbursement programs.
 - (d) Making a car pool matching system available to employees, shoppers, students, residents, etc.
 - (e) Reserving parking spaces for car pools.
 - (f) Making parking spaces available for park-and-ride stations.
 - (g) Minimizing vehicle running time within parking lots through the use of sound parking lot design.
 - (h) Ensuring adequate gate capacity by providing for the proper number and location of entrances and exits and optimum signalization for such.
 - (i) Limiting traffic volume so as not to exceed the carrying capacity of roadways.
 - (j) Altering the level of service at controlled intersections.

- (k) Obtaining a written statement of intent from the appropriate public agency(s) on the disposition of roadway improvements, modifications, and/or additional transit facilities to serve the individual source.
 - (l) Construction and maintenance of exclusive transit ways.
 - (m) Providing for the collection of air quality monitoring data at Reasonable Receptor and Exposure Sites.
 - (n) Limiting facility modifications which can take place without resubmission of a permit application.
- (17) "Mobile Source" means self-propelled vehicles, powered by internal combustion engines, including but not limited to automobiles, trucks, motorcycles, and aircraft.
 - (18) "Off-street Area or Space" means any area or space not located on a public road dedicated for public use.
 - (19) "Parking and Traffic Circulation Plan" means a plan developed by a city, county, or regional government, or regional planning agency, the implementation of which assures the attainment and maintenance of the State's ambient air quality standards.
 - (20) "Parking Facility" means any building, structure, lot or portion thereof, designed and used primarily for the temporary storage of motor vehicles in designated parking spaces.
 - (21) "Parking Space" means any off-street area of space below, above, or at ground level, open or enclosed, that is used for parking one motor vehicle at a time.
 - (22) "Person" means individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, the State and any agencies thereof, and the federal government and any agencies thereof.
 - (23) "Population" means that population estimate most recently published by the Center for Population Research and Census, Portland State University, or any other population estimate approved by the Department.
 - (24) "Regional Agency" means a regional air quality control Agency established under the provisions of ORS 468.505.
 - (25) "Regional Planning Agency" means any planning agency which has been recognized as a substate-clearinghouse for the purposes of conducting project review under the United States Office of Management and Budget Circular Number A-95, or other governmental agency having planning authority.
 - (26) "Reasonable Receptor and Exposure Sites" means locations where people might reasonably be expected to be exposed to air contaminants generated in whole or in part by the indirect source in question. Location of ambient air sampling sites and methods of sample collection shall conform to criteria on file with the Department of Environmental Quality.
 - (27) "Sensitive Area" means locations which are actual or potential air quality non-attainment areas, as determined by LRAPA.
 - (28) "Vehicle Trip" means a single movement by a motor vehicle which originates or terminates at or uses an indirect source.

Section 20-115 Indirect Sources Required to have Indirect Source Construction Permits

- (1) The owner, operator, or developer of an indirect source identified in sub-section 20-115(2) of this section shall not commence construction of such a source after December 31, 1974 without an approved Indirect Source Construction Permit issued by the Agency.
- (2) All indirect sources meeting the criteria of this subsection relative to type, location, size, and operation are required to apply for an Indirect Source Construction Permit:
 - (a) The following sources in or within five (5) miles of the municipal boundaries of the City of Eugene or City of Springfield.
 - (A) Any parking facility or other indirect source with associated parking being constructed or modified to create new or additional parking (or associated parking) capacity of 250 or more parking spaces.
 - (B) Any highway section being proposed for construction with an anticipated annual Average Daily Traffic volume of 20,000 or more motor vehicles per day within ten years after completion, or being modified so that the annual Average Daily Traffic on that highway section will be increased to 20,000 or more motor vehicles per day or will be increased by 10,000 or more motor vehicles per day within ten years after completion.
 - (b) Except as otherwise provided in this section, the following sources within Lane County:
 - (A) Any parking facility or other indirect source with associated parking being constructed or modified to create new or additional parking (or associated parking) capacity of 500 or more parking spaces.
 - (B) Any highway section being proposed for construction with an anticipated annual Average Daily Traffic volume of 20,000 or more motor vehicles per day within ten years after completion, or being modified so that the annual Average Daily Traffic on that highway section will be 20,000 or more motor vehicles per day or will be increased by 10,000 or more motor vehicles per day within ten years after completion.
 - (c) Any airport being proposed for construction with projected annual aircraft operations of 50,000 or more within ten years after completion, or being modified in any way so as to increase the projected number of annual aircraft operations by 25,000 or more within 20 years after completion.
- (3) Where an indirect source is constructed or modified in increments which individually are not subject to review under this section, and which are not part of a program of construction or modification in planned incremental phases approved by the Director, all such increments commenced after January 1, 1975 shall be added together for determining the applicability of this rule.
- (4) An Indirect Source Construction Permit may authorize more than one phase of construction, where commencement of construction or modifications of successive phases will begin over

acceptable periods of time referred to in the permit; and thereafter construction or modification of each phase may be begun without the necessity of obtaining another permit.

- (5) Persons applying for an Indirect Source Permit shall at the time of application pay the following fees:
 - (a) Filing Fee of \$100 (required of all applicants);
 - (b) Basic Application Processing Fee of \$500 (required of all applicants);
 - (c) Extended Analysis Fee of \$2,000 (required of applicants with parking facilities of 1,000 or greater spaces or for those facilities locating in "sensitive areas" which are not part of an approved parking and circulation plan).

Section 20-120 Establishment of an Approved Parking and Traffic Circulation Plan(s) by City, County, or Regional Government or Regional Planning Agency

- (1) Requirements for establishment of approved parking and traffic circulation plan(s)
 - (a) Upon determination by the Regional Agency that control of parking spaces and traffic circulation is necessary to ensure attainment and maintenance of state and national ambient air quality standards (S/NAAQS), the Regional Agency shall notify the Commission of the geographic areas determined or projected to be in non-compliance. The basis for the Agency's determination shall be the findings and conclusions of an Air Quality Maintenance (AQMA) analysis or similar air quality study. Upon submission of its findings to the Commission, the Department shall give notice to cities, counties, regional governmental units, or regional planning agencies located in geographic areas determined or projected to be in non-compliance with S/NAAQS, that a public hearing shall be held on the Agency's findings related to the need to control parking spaces and traffic circulation. After reviewing the public hearing testimony and the Agency's findings, the Commission shall determine if it is in concurrence with the Agency's findings. Upon the Commission's concurrence with the Agency findings, the Regional Agency shall so notify the city, county, regional government unit or regional planning agency of the geographic areas determined or projected to be in non-compliance. Within one-hundred twenty (120) days of receipt of such notification, the appropriate city, county, regional or other local governmental unit or planning agency shall proceed, in accordance with a specific plan and time schedule agreed to by the appropriate governmental unit or planning agency and the Agency, to develop and implement a Parking and Traffic Circulation Plan. The Parking and Traffic Circulation Plan, where required, shall be developed in coordination with the local and regional comprehensive planning process pursuant to the requirements of ORS 197.005 et. seq. The required plan shall be submitted to the Regional Agency for approval within the agreed time schedule but shall not be more than three (3) years after the appropriate city, county or regional government or regional planning agency is notified of the necessity for a Parking and Traffic Circulation Plan for an area within its jurisdiction.
 - (b) Within sixty (60) days of the notification that development and submittal of Parking and Traffic Circulation Plans are required under OAR 340-20-120(1) or this rule, each designated city, county, or regional government or regional planning agency shall notify the Regional Agency in writing of the agency or department and individual responsible for coordination and development of Parking and Traffic Circulation Plans.

- (c) Notification shall include:
 - (A) The geographic area requiring the development of Parking and Traffic Circulation Plans,
 - (B) The time period over which the Plan shall attain and maintain S/NAAQS, and
 - (C) The air contaminants for which the plan is to be developed.
- (d) The Parking and Traffic Circulation Plan shall include, but not be limited to:
 - (A) Legally identifiable plan boundaries,
 - (B) Total parking space capacity allocated to the plan area, where applicable,
 - (C) Measures as necessary to provide for the attainment and maintenance of S/NAAQS for the air contaminants for which the Parking and Traffic Circulation Plan area was identified,
 - (D) Duly enforceable rules, regulations and ordinances that implement measures that provide for attainment and maintenance of S/NAAQS for a period to be specified by the Regional Agency,
 - (E) A description of the air quality levels expected as a result of the implementation of the Parking and Traffic Circulation Plan,
 - (F) Other applicable information which would allow evaluation of the Plan such as, but not limited to, scheduling of construction, emission factors, and criteria, guidelines and zoning ordinances applicable to the Plan area,
 - (G) A description of the administrative procedures to be used in implementing each control measure included in the Parking and Traffic Circulation Plan,
 - (H) A description of the enforcement methods used to ensure compliance with measures adopted as part of the Parking and Traffic Circulation Plan,
 - (I) Identification and responsibilities of each city, county, and regional government or regional planning agency designated under OAR 340-20-120(1) of this rule to implement the Parking and Traffic Circulation Plan.
- (2) The Agency shall hold a public hearing on each Regional Parking and Traffic Circulation Plan submitted, and on each proposed revocation or substantial modification thereof, allowing at least thirty (30) days for written comment from the public and from interested agencies.
- (3) Upon approval of a submitted Regional Parking and Circulation Plan, the Plan shall be identified as the approved Regional Parking and Traffic Circulation Plan, the appropriate governmental unit or planning agency shall be notified and the plan used for the purposes and implementation of this rule.

- (4) The appropriate city, county, or regional government or regional planning agency shall annually review an approved Parking and Traffic Circulation Plan to determine if the Plan continues to be adequate for the maintenance of air quality in the Plan area and shall report its conclusions to the Agency.
- (5) The Regional Agency shall initiate a review of an approved Parking and Traffic Circulation Plan if it is determined that the Parking and Traffic Circulation Plan is not adequately maintaining the air quality in the Plan area.
- (6) A city, county or regional government or regional planning agency may submit Parking and Traffic Circulation Plan to the Department or Agency for approval without being required to do so as stated in OAR 340-20-120(1).

Section 20-125 Information and Requirements Applicable to Indirect Source(s) Construction Permit Applications Where An Approved Parking and Traffic Circulation Plan is on File

(1) Application Information Requirements:

(a) Parking facilities and indirect sources other than highway sections:

- (A) A completed application form
- (B) A map showing the location of the site
- (C) A description of the proposed and prior use
- (D) A site plan showing the location and quantity of parking spaces at the indirect source and associated parking areas, points of motor vehicle ingress and egress to and from the site and associated parking
- (E) A ventilation plan for subsurface and enclosed parking
- (F) A written statement from the appropriate planning agency that the indirect source in question is consistent with an approved Parking and Traffic Circulation Plan or any adopted transportation plan for the region.
- (G) A reasonable estimate of the effect the project has on total parking approved for any specific grid area and Parking and Traffic Circulation Plan

(b) Highway section(s):

- (A) Items (A) through (C) of subsection 20-125(1)(a)
- (B) A written statement from the appropriate planning agency that the indirect source in question is consistent with an approved Parking and Circulation Traffic Plan and any adopted transportation plan for the region
- (C) A reasonable estimate of the effect the project has on total vehicle miles traveled within the Parking and Traffic Circulation Plan area.

- (2) Within fifteen (15) days after the receipt of an application for a permit or additions thereto, the Agency shall advise the owner or operator of the indirect source of any additional information required as a condition precedent to issuance of a permit. An application shall not be considered complete until the required information is received by the Agency.

Section 20-129 Information and Requirements Applicable to Indirect Source(s) Construction Permit Application Where No Approved Parking and Traffic Circulation Plan is on File

- (1) Application information requirements:

- (a) For parking facilities and other indirect sources with associated parking, other than highway sections and airports, with planned construction resulting in total parking capacity for 1000 or more vehicles, the following information shall be submitted:

(A) Items (A) through (E) of subsection 20-125(1)(a)

(B) Subsection 20-125(2) shall be applicable

(C) Measured or estimated carbon monoxide and lead concentrations at reasonable receptor and exposure sites. Measurements shall be made prior to construction and estimates shall be made for the first, fifth, and tenth years after the indirect source and associated parking are completed or fully operational. Such estimates shall be made for average and peak operating conditions.

(D) Evidence of the compatibility of the indirect source with any adopted transportation plan of the area.

(E) An estimate of the average and maximum daily vehicle trips detailed in one- and eight-hour periods, generated by the movement of mobile sources to and from the parking facility and/or associated parking facility for the following time periods:

(i) First, fifth and tenth years after completion of construction of each planned incremental phase of the indirect source and having a total parking capacity of more than 5,000 parking spaces.

(ii) First and fifth years after completion of each planned incremental phase of the indirect source having a total parking capacity of 5,000 or less parking spaces.

(F) An estimate of the gross emissions of carbon monoxide, lead, reactive hydrocarbons and oxides of nitrogen based on the analysis performed in sub-sections 20-129(1)(a)(E) and 20-129(1)(a)(G).

(G) An estimate of the Average Daily Traffic, peak hour and peak eight-hour traffic volumes for all roads, streets, and arterials within 1/4 mile of the indirect source and for all freeways and expressways within 1/2 mile of the nearest boundary of the indirect source for the time periods as stated in subsections 20-129(1)(a)(E)(i) and 20-129(1)(a)(E)(ii).

(H) An estimate of the effect of the operation of the indirect source on total vehicle miles traveled.

- (I) An estimate of the additional residential, commercial, and industrial developments which may occur concurrent with, or as the result of the construction, and use of the indirect source. This shall also include an air quality impact assessment of such development.
 - (J) Estimates of the effect of the operation and use of the indirect source on traffic patterns, volumes, and flow in, on or within 1/4 mile of the indirect source.
 - (K) A description of the availability and type of mass transit presently serving or projected to serve the proposed indirect source. This description shall only include mass transit operating within 1/4 mile of the boundary of the indirect source.
 - (L) A description of the indirect source emission control program if such program is necessary in order to be in compliance with the requirements of subsections 20-130(5)(a),(b), and (c).
- (b) For parking facilities and other indirect source with associated parking, other than highway sections and airports, with planned construction or parking capacity for 250 to 1000 vehicles, the following information shall be submitted:
- (A) Items (A) through (E) of subsection 20-125(1)(a) and items (E) and (K) of subsection 20-129(1)(a). The Agency will request Item (L) of subsection 20-129(1)(a) where it is necessary in order to be in compliance with the requirements of subsections 20-130(5)(a), (b), and (c).
 - (B) Subsection 20-125(1) and (2) shall be applicable. Such additional information may include such items as (C), (D), (F), (G), and (I) of subsection 20-129(1)(a).
 - (C) For airports, the following information shall be submitted:
 - (i) Items (A) through (E) of subsection 20-125(1)(a).
 - (ii) Subsection 20-125(2) shall be applicable.
 - (iii) A map showing the topography of the area surrounding and including the site.
 - (iv) Evidence of the compatibility of the airport with any adopted transportation plan for the area.
 - (v) An estimate of the effect of the operation of the airport on total vehicle miles traveled.
 - (vi) Estimates of the effect of the operation and use of the airport on traffic patterns, volumes, and flow in, on, or within 1/4 mile of the airport.
 - (vii) An estimate of the average and maximum number of aircraft operations per day by type of aircraft in the first, fifth, and tenth years after completion of the airport.
 - (viii) Expected passenger loadings in the first, fifth, and tenth years after completion.
 - (ix) Measured or estimated carbon monoxide and lead concentrations at reasonable receptor and exposure sites. Measurements shall be made for the first, fifth, and tenth years after the airport and associated parking are completed or fully operational. Such estimates shall be made for average and peak operating conditions.
 - (x) Alternative designs of the airport, i.e., size, location, parking capacity, etc., which would minimize the adverse environmental impact of the airport.

- (xi) An estimate of the additional residential, commercial and industrial development which may occur within three (3) miles of the boundary of the new or modified airport as the result of the construction and use of the airport.
 - (xii) An estimate of the area-wide air quality impact analysis for carbon monoxide, photochemical oxidants, nitrogen oxides, and lead particulate. This analysis would be based on the emissions projected to be emitted from mobile and stationary sources within the airport and from mobile and stationary source growth within three (3) miles of the boundary of the airport. Projections should be made for the first, fifth, and tenth years after completion.
 - (xiii) A description of the availability and type of mass transit presently serving or projected to serve the proposed airport. This description shall only include mass transit operating within 1/4 mile of the boundary of the airport.
- (D) For highway section, the following information shall be submitted:
- (i) Items (A) through (C) of subsection 20-125(1)(a).
 - (ii) Subsection 20-125(2) shall be applicable.
 - (iii) A map showing the topography of the highway section and points of ingress and egress.
 - (iv) The existing average and maximum daily traffic on the highway section proposed to be modified.
 - (v) An estimate of the maximum traffic levels for one- and eight-hour periods in the year in which the maximum air quality impact is projected and the first and last years the highway section is projected not to be in compliance with the requirements of subsections 20-130(5)(a), (b), and (c).
 - (vi) An estimate of vehicle speeds for average and maximum traffic volumes for the year in which the maximum air quality impact is projected and the first and last years the highway section is projected not to be in compliance with the requirements of subsection 20-130(5)(a), (b), and (c).
 - (vii) A description of the general features of the highway section and associated right-of-way.
 - (viii) An analysis of the impact of the highway section on the development of mass transit and other modes of transportation such as bicycling.
 - (ix) Alternative designs of the highway section, i.e. size, location, etc., which would minimize adverse environmental effects of the highway section.
 - (x) The compatibility of the highway section with an adopted comprehensive transportation plan for the area.
 - (xi) An estimate of the additional residential, commercial, and industrial development which may occur as the result of the construction and use of the highway section, including an air quality assessment of such development.
 - (xii) Estimates of the effect of the operation and use of the indirect source on major shifts in traffic patterns, volumes, and flow in, on or within 1/4 mile of the highway section.
 - (xiii) An analysis of the area-wide air quality impact for carbon monoxide, photochemical oxidants, nitrogen oxides, and lead particulates for the year in which maximum air quality impact is projected and the first and last years the highway section is projected not to be in compliance with the requirements of subsections 20-130(5)(a), (b), and (c). This analysis

would be based on the change in total vehicle miles traveled in the area selected for analysis.

- (xiv) The total air quality impact (carbon monoxide and lead) of maximum and average traffic volumes. This analysis would be based on the estimates of an appropriate diffusion model at reasonable receptor and exposure sites. Measurements shall be made prior to construction and estimates shall be made for the year in which maximum air quality impact is projected and the first and last years the highway section is projected not be in compliance with the requirements of subsections 20-130(5)(a), (b), and (c).
- (xv) Where applicable and requested by the Agency, an Agency-approved surveillance plan for motor vehicle related air contaminants.

Section 20-130 Issuance or Denial of Indirect Source Construction Permits

- (1) Issuance of an indirect source construction permit shall not relieve the permittee from compliance with other applicable provisions of the Clean Air Act Implementation Plan for Oregon or the other rules of this Agency.
- (2) Within twenty (20) days after receipt of a complete permit application, the Agency shall:
 - (a) Issue twenty (20) day notice and notify appropriate newspapers and any interested person(s) who has requested to receive such notices in each region in which the proposed indirect source is to be constructed of the opportunity for written public comment on the information submitted by the applicant, the Agency's evaluation of the proposed project, the Agency's proposed construction permit where applicable.
 - (b) Make publicly available in at least one location in each region in which the proposed indirect source would be constructed, the information submitted by the applicant, the Agency's evaluation of the proposed project, the Agency's proposed decision, and the Agency's proposed construction permit where applicable.
- (3) Within sixty (60) days of the receipt of a complete permit application, the Agency shall act to either disapprove a permit application or approve it with possible conditions.
- (4) Conditions of an Indirect Source Construction Permit may include, but are not limited to:
 - (a) Posting transit route and scheduling information.
 - (b) Construction and maintenance of bus shelters and turn-out lanes.
 - (c) Maintaining mass transit fare reimbursement programs.
 - (d) Making a car pool matching system available to employees, shoppers, students, residents, etc.
 - (e) Reserving parking spaces for car pools.
 - (f) Making parking spaces for car pools.
 - (g) Minimizing vehicle running time within parking lots through the use of sound parking lot design.

- (h) Ensuring adequate gate capacity by providing for the proper number and location of entrances and exits and optimum signalization for such.
 - (i) Altering the level of service at controlled intersections.
 - (j) Limiting traffic volume so as not to exceed the carrying capacity of roadways.
 - (k) Obtaining a written statement of intent from the appropriate public agency(s) on the disposition of roadway improvements, modifications and/or additional transit facilities to serve the individual source.
 - (l) Construction and maintenance of exclusive transit ways.
 - (m) Providing for the collection of air quality monitoring data at reasonable receptor and exposure sites.
 - (n) Limiting facility modifications which can take place without resubmission of a permit application.
 - (o) Completion and submission of a Notice of Completion form prior to operation of the facility.
 - (p) An Indirect Source Emission Control Program where it is necessary in order to be in compliance with the requirements of subsections 20-130(5)(a), (b), and (c).
- (5) An Indirect Source Construction Permit may be withheld if:
- (a) The indirect source will cause a violation of the Clean Air Act Implementation Plan for Oregon.
 - (b) The indirect source will delay the attainment of or cause a violation of any state or regional ambient air quality standard.
 - (c) The indirect source causes any other indirect source or system of indirect sources to violate any state or regional ambient air quality standard.
 - (d) The applicable requirements for an Indirect Source Construction Permit application are not met.
- (6) Any owner or operator of an indirect source operating without a permit required by this rule, or operating in violation of any of the conditions of an issued permit shall be subject to civil penalties and/or injunctions.
- (7) If the Agency shall deny, revoke, or modify an Indirect Source Construction permit, it shall issue an order setting forth its reasons in essential detail.

- (8) A denial or revocation of an Indirect Source Permit may be appealed as a contested case pursuant to Title 14 of these rules. A permit holder may request a hearing on a proposed modification pursuant to Section 14.120.
- (9) An Indirect Source Construction Permit shall be applied for at least ninety (90) days in advance of the anticipated start of construction.

Section 20-135 Permit Duration

- (1) An Indirect Source Construction Permit issued by the Agency shall remain in effect until modified or revoked by the Agency.
- (2) The Agency may remove the permit of any indirect source operating in violation of the construction, modification, or operation conditions set forth in its permit.
- (3) An approved permit may be conditioned to expire if construction or modification is not commenced within eighteen (18) months after receipt of the approved permit. In the case of a permit covering construction or modification in planned incremental phases, the permit may be conditioned to expire if any phase of construction or modification is not commenced within eighteen (18) months of the time period(s) stated in the initial permit. The Director may extend such time period upon a satisfactory showing by the permittee that an extension is justified.