

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 13

GENERAL DUTIES AND POWERS OF BOARD AND DIRECTOR

Section 13-005 Authority of the Agency

- (1) The Lane Regional Air Protection Agency is a regional air quality control agency established under the provisions of, and with authority and powers derived from, Oregon Revised Statutes 468A.100 et seq. Except as specifically retained by the Environmental Quality Commission, LRAPA has the exclusive duty and responsibility within its territory for air quality control.
- (2) In exercising this authority and power, LRAPA:
 - (a) May adopt rules and standards necessary to carry out its functions as authorized by law.
 - (b) May enforce its rules and standards over both incorporated and unincorporated areas within the territory of LRAPA, regardless of whether the governing body of a city within the territory of LRAPA is participating in the regional authority.
 - (c) Must enforce the rules and standards of the Environmental Quality Commission as required.
 - (d) Must establish by rule standards for the entire territory or any area of the territory which set forth the maximum amount of air contaminants permissible. The rule may differentiate between different parts of the territory, different air contaminants and different air pollution sources or classes thereof. Such standards may be changed from time to time by LRAPA following public hearings.
 - (e) May require sources to register and report type and quantities of emissions.
 - (f) Must require sources to obtain permits to discharge air contaminants, must provide for the issuance, renewal, termination and revocation of permits, and may charge reasonable fees for the administration of the permit program.
 - (g) May issue orders to require prevention or correction of air pollution or emissions of air contaminants which violate air quality standards.
 - (h) May institute actions for penalties for violation of any provisions of any rule or any order which it may issue.
 - (i) May hold public hearings, conduct investigations, subpoena witnesses to appear, administer oaths and affirmations, take depositions and receive such proof as it may deem necessary or proper, make findings of fact and determinations to

discharge its duties, powers and responsibilities to control and abate air pollution.

- (j) May institute or cause to be instituted in a court of competent jurisdiction, proceedings to compel compliance with the rules of LRAPA, the laws of the State of Oregon and the standards set forth therein.
- (k) May institute or cause to be instituted a suit for injunction to prevent any further or continued violation of the standards of these rules or an order of LRAPA, and to compel compliance, if measures to prevent or correct air pollution or emission of air contaminants are not taken in accordance with an order of LRAPA.
- (l) Must encourage voluntary cooperation by all persons controlling air pollution and must cooperate with agencies of the United States, the State of Oregon, or other persons with respect to the control of air pollution.
- (m) May conduct or cause to be conducted, studies and research with respect to air pollution sources, control, abatement or prevention.
- (n) May conduct or supervise programs of air pollution control education.
- (o) May apply to and receive funds from local, state, and federal governments and from public and private agencies.
- (p) May expend such funds and enter into agreements with the state or the federal government for the purpose of organizing and operating a regional air pollution agency.
- (q) May do any and all other acts and things not inconsistent with any provisions of these rules which it may deem necessary or proper for the effective enforcement of these rules and the applicable law.

Section 13-010 Duties and Powers of the Board of Directors

- (1) The Board of Directors of LRAPA is organized pursuant to ORS 468A.120. It must establish policies for the operation of LRAPA in a manner consistent with ORS 468A.100 and these rules. In addition, the Board of Directors must perform any other duty vested in it by law.
- (2) It is the function of the Board of Directors within its territory, to adopt rules and standards, prescribe ambient air quality standards, and air contaminant emission standards, adopt, amend, and repeal air pollution control rules, hold public hearings, enforce its rules and standards and those of the Environmental Quality Commission, institute actions for penalties for violations, institute actions or suits for injunctions in a court of competent jurisdiction, and budget, receive and expend funds.
- (3) The Board must appoint a director competent in the field of air pollution control who must enforce the provisions of these rules and all orders of LRAPA.

Section 13-020 Duties and Function of the Director

- (1) The Director is responsible for the general administration of LRAPA under the direction of the Board of Directors. The Director:
 - (a) May employ persons, including specialists and consultants, and purchase materials and supplies necessary to carry out the purposes of LRAPA as authorized by the Board of Directors.
 - (b) Must recommend to the Board of Directors the adoption of such rules, policies, and procedures as necessary to comply with the applicable federal and state laws, and to administer these rules.
 - (c) Must seek compliance with the air quality standards of these rules by cooperation and conciliation among all the parties concerned. If compliance is not obtained through such means, the director may issue orders or institute enforcement proceedings to compel compliance with the provisions of these rules and any applicable law.
 - (d) May make findings of fact and determinations as to non-compliance with the rules for issuance informally to a party in violation.
 - (e) May issue a Notice of Violation to the person responsible for an emission of contaminants into the air in violation of these rules.
 - (f) May impose civil penalties according to the provisions of ORS 468.140, the rules of the Environmental Quality Commission, and these rules.
 - (g) Must institute or cause to be instituted in the name of LRAPA after approval of the Board a suit for injunction to prevent any further or continued violation of the rule or order.
 - (h) May 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.
 - (i) May adopt administrative rules to manage LRAPA.
 - (j) Must undertake a community education program to provide the citizens of the territory of LRAPA with better understanding of the nature of air pollution and its control.
 - (k) Must submit an annual report of activities undertaken by LRAPA.
 - (l) Must issue permits, and register sources of air contaminants.
 - (m) Must prepare an annual budget for submission to the Budget Committee and Board, and submit required reports to the Environmental Quality Commission and

U. S. Environmental Protection Agency.

- (n) Must perform such other acts required by the Board.

Section 13-025 Conflict of Interest

The LRAPA Board of Directors and Director must comply with section 128(a) of the federal Clean Air Act as amended in 1977, which pertains to majority makeup of the Board and disclosures of potential conflict of interest. Section 128 is made a part of these regulations by reference.

Section 13-030 Advisory Committee

- (1) An advisory committee must be appointed by the Board annually in February, to advise LRAPA in matters pertaining to its air pollution control program and particularly as to methods and procedures for the protection of public health and welfare and of property from the adverse effects of air pollution, and on matters relative to legislation.
- (2) The advisory committee must consist of at least seven (7) but no more than fifteen members appointed for a term of three (3) years with at least one representative from each of the following groups from within the territory of LRAPA:
 - (a) Public Health Agencies
 - (b) Agriculture
 - (c) Industry
 - (d) Community Planning
 - (e) Fire Suppression Agencies
 - (f) General Public
- (3) The terms of office for the members of the advisory committee must be staggered to avoid the possibility of having a committee comprised solely of new members at any given time.
 - (a) The Board of Directors must establish the original schedule of staggered terms in February of 1984 by appointing approximately one-third of the committee members to one-year terms, one-third to two-year terms, and one-third to three-year terms.
 - (b) Terms of service will be three (3) years thereafter. Any subsequent appointments or re-appointments will have three-year terms.
 - (c) Appointments to fill mid-term vacancies must be for the unexpired portion of the term.

- (4) The advisory committee must select a chairman and vice-chairman and such other officers as it considers necessary and will meet as frequently as it, the Board, or the Director considers necessary. Members will serve without compensation.

Section 13-035 Public Records and Confidential Information

- (1) LRAPA must permit the public to inspect and copy any emission data reported by source owners or operators or otherwise obtained by LRAPA except for data which the Board has determined to be "confidential information," as provided in subsection 13-035(2).
- (2) When any records or other information furnished to or obtained by LRAPA is related to processes or production unique to the owner or operator, or are likely to affect adversely the competitive position of such owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production submits satisfactory proof in writing, such records or information must be only for the confidential use of LRAPA. Nothing contained in these regulations will prohibit LRAPA from using such records or information as deemed necessary by LRAPA, in its sole discretion, in the enforcement of provisions of these regulations or the laws of the State of Oregon against such owner or operator. Nothing in this section will be construed to make confidential any information as to the composition or amount of air contaminant emissions from any source or sources.
- (3) LRAPA may charge a reasonable fee for inspection and copying of the records.