AMENDED A G E N D A

LANE REGIONAL AIR PROTECTION AGENCY
MONTHLY BOARD OF DIRECTORS MEETING

THURSDAY October 8, 2026
Start Time - 12:15 P.M.
Amended October 7, 2026

Virtual Participation
Microsoft Teams
Join the meeting now
Meeting ID: 292 371 838 209 897
Passcode: KM3XR7DF

In-Person Participation
LRAPA
1010 Main Street
Springfield, Oregon 97477

[Note: Start times for agenda items are approximate]

CALL TO ORDER:

1. **Call to Order/Roll Call** (12:15 p.m.)
2. **Adjustments to Agenda** (12:15 p.m.)
3. **Public Participation (time limited to three minutes per speaker)** (12:15 p.m.)
   (Note: This is an opportunity for the public to speak on both scheduled and unscheduled items. The Board may not act at this time but, if it is deemed necessary, place such items on future agendas. Issues brought up under this agenda item are to be limited to three minutes speaking time by the person raising the issue. If additional time is necessary, the item may be placed on a future agenda.)
4. **Comments from Board Members** (12:20 p.m.)
   (Note: This is an opportunity for Board Members to speak on items from today's public comments or written comments they have received. The board may not act at this time but if it deems necessary place such items on future agendas.)
5. **Public Hearing: Proposed Amendments to LRAPA Title 43** (12:25 p.m.) *Information*
   A. Chair Keating, Travis Knudsen
   B. Public Testimony
   Item added October 7, 2026. This hearing was publicly noticed on September 4, 2026
6. **Approval of Meeting Minutes** (12:30 p.m.) *Potential Action*
   A. September 10, 2026 Meeting Minutes
   B. Board Discussion
7. **Directors Report** (12:35 p.m.) *Information*
   A. Travis Knudsen
   B. September Directors Report
   C. Board Discussion

8. **Citizens Advisory Committee** (12:40 p.m.) *Information*
   A. Kelly Wood
   B. Report on September 2026 Meeting
   C. Board Discussion

9. **Approval of Financial Report** (12:45 p.m.) *Potential Action*
   A. Betty Nielsen
   B. September 2026 Financial Report
   C. Board Discussion

10. **Approval of Local Dues for FY'28** (12:50 p.m.) *Potential Action*
   A. Betty Nielsen
   B. Staff Report
   C. Board Discussion

11. **GDF & Air Quality Rules Cleanup Rulemaking, Hearing Request** (12:55 p.m.) *Potential Action*
   A. Max Hueftle
   B. Staff Report, Presentation
   C. Board Discussion

12. **2 Cycle Equipment Emissions** (1:15 p.m.) *Information*
   A. Matt Sorensen
   B. Staff Report
   C. Board Discussion

13. **Interagency Portable Source Coordination** (1:35 p.m.) *Information*
   A. Travis Knudsen, Max Hueftle
   B. Staff Report
   C. Board Discussion

14. **Future Board Agenda Items** (1:55 p.m.) *Information*
   A. Director Keating
   B. Board Calendar
   C. Board Discussion

15. **Adjournment** (2:00 p.m.)

We endeavor to provide public accessibility to LRAPA services, programs, and activities for people with disabilities. People needing special accommodations to participate in LRAPA public hearings such as assistive listening devices or accessible formats such as large print, Braille, electronic documents, or audio tapes, should please contact the LRAPA office as soon as possible, but preferably at least 72 hours in advance. For people requiring language interpretation services, including qualified ASL interpretation, please contact the LRAPA office as soon as possible, but preferably at least 5 business days in advance so that LRAPA can provide the most comprehensive interpretation services available. Please contact the LRAPA Nondiscrimination Coordinator at accessibility@lrapa-or.gov or by calling the LRAPA office at 541-736-1056.

Nos esforzamos por proporcionar accesibilidad pública a los servicios, programas y actividades de LRAPA para personas con discapacidades. Las personas que necesiten adaptaciones especiales, como dispositivos de asistencia auditiva, formatos accesibles como letra grande, Braille, documentos electrónicos o cintas de audio, deben comunicarse con la oficina de LRAPA con al menos 72 horas de anticipación. Para las personas que requieren servicios de interpretación de idiomas,

incluyendo la interpretación calificada de ASL, comuníquese con la oficina de LRAPA al menos con 5 días laborables de anticipación para que LRAPA pueda proporcionar los servicios de interpretación que sean lo más completos disponibles. Para todas las solicitudes, envíe un correo electrónico al Coordinador de Antidiscriminatoria de LRAPA a accessibility@lrapa-or.gov o llame a la oficina de LRAPA al 541-736-1056.

BOARD OF DIRECTORS
MEETING MINUTES
OCTOBER 8, 2026
MEETING VIA TEAMS / LRAPA OFFICE, SPRINGFIELD OREGON

ATTENDANCE	
BOARD PRESENT:	**STAFF PRESENT:**
Matt Keating, Chair	Travis Knudsen, Executive Director
David Loveall, Vice-Chair	Lance Giles, Technical Services Manager
Bryan Cutchen	Max Hueftle, Operations Manager
Jared Hensley	Emma Lindemann, Board Coordinator
Michael Johnston	Jaime McEvoy, Environmental Coordinator II
Nicole Ngo	Marcia Miller, Permit Writer
Dylan Plummer	Rachelle Nicholas, Administrative Manager
Jim Settelmeyer	Betty Nielsen, Finance Manager
Alan Stout	Mandy Ramirez, Field Inspector & Compliance Officer
	Robbye Robinson, Finance Specialist
	Matt Sorensen, Public Affairs & Project Manager
	Colleen Wagstaff, Enforcement & Asbestos Manager
BOARD ABSENT/EXCUSED:	**OTHERS PRESENT:**
None.	Kelly Wood, Citizens Advisory Committee (CAC) Chair
	Joseph Blake, ATEZ Inc., Public
	Shane Heflin, ATEZ Inc., Public
	Ashli Blow, Lookout Eugene, Guest

AGENDA	ACTION
REGULAR MEETING	
1. Call to Order/Roll Call	**Chair Keating** called the regular meeting to order at 12:15 p.m. A quorum was confirmed with all Board members present.
2. Adjustments to Agenda	**Chair Keating** announced the addition of a public hearing on proposed amendments to LRAPA Title 43 -Asbestos Requirements, noticed on September 4, 2026, as Item 5 on the amended agenda. The item was for public testimony only, and the Board would take no action.

3. Public Participation	None. **Chair Keating**, without objection, held space at the end of the meeting for any late public comment, given the hybrid format.
4. Comments from Board Members	None.
5. Public Hearing: Proposed Amendments to LRAPA Title 43 A. Chair Keating, Travis Knudsen B. Public Testimony	**Chair Keating** opened the public hearing on proposed amendments to LRAPA Title 43 -Asbestos Requirements, noting the Board would take no action. **Travis Knudsen**, Executive Director, reported that LRAPA found the documents posted with the notice did not fully reflect the proposed rule, including the absence of the fee table. A corrected notice will be issued October 9, 2026, restarting the comment period that was to end October 15. A new public hearing is planned for November 12, 2026, at 12:15 p.m., with written comments accepted through November 19, 2026, at 5:00 p.m. The one comment received to date will remain part of the record. No one in the room or on Teams testified. **Chair Keating** closed the hearing at 12:20 p.m.
6. Approval of Meeting Minutes A. September 10, 2026 Meeting Minutes B. Board Discussion	**MOTION: Vice-Chair Loveall** moved, and **Director Hensley** seconded, to approve the September 10, 2026 Meeting Minutes as presented. The motion passed unanimously.
7. Directors Report A. Travis Knudsen B. September Directors Report C. Board Discussion	**Travis Knudsen**, Executive Director, presented the Director's Report. The Eugene-Springfield area had 29 Good air quality days in September and one Moderate day; Oakridge and Cottage Grove stayed Good all month. **Mr. Knudsen** noted that, although Title 47 opens the outdoor burning season October 1, LRAPA's authority covers only smoke and is secondary to the fire authority; ODF and the Lane County Fire Defense Board have fire season continuing, with a change anticipated in mid-October. **Mr. Knudsen** explained that the Title 43 asbestos requirements rulemaking is being re-noticed to correct an error in the draft originally noticed. It was noted that he and **Matt Sorensen** met with Speaker Julie Fahey, Representative Lisa Fragala, and Senator Floyd Prozanski. **Mr. Knudsen** also reported upcoming Cleaner Air Oregon work related to Hexion, a second EPA time-critical removal action at the J.H. Baxter site, the move to every-other-Friday payroll, a visual refresh of LINFO, and staff asbestos and leadership training. The FY26 audit with Pauly Rogers is underway, and the firm has flagged a concern about meeting the December 31 deadline because it is new to LRAPA's systems; he said LRAPA is not the cause of any delay. In response to **Director Cutchen, Mr. Knudsen** confirmed LRAPA would file any extension request with the state, and it was noted the state prefers requests before October 31.

8. Citizens Advisory Committee A. Kelly Wood B. Report on September 2026 Meeting C. Board Discussion	**Kelly Wood**, CAC Chair, reported on the September 29, 2026, meeting, at which **Max Hueftle**, Operations Manager, presented on gasoline dispensing facilities and the 14 proposed rule changes outlined in the LRAPA "Roadmap" summary of proposed changes, and the CAC voted to advance them to the Board. Ben Larson stepped down, leaving the agricultural seat vacant. A member of the public raised concerns about industry's inclusion on the CAC, including potential intimidation and exclusion and a perceived conflict of interest, and suggested a separate group for industry. The CAC plans to take up the topic at a future meeting. **Chair Keating** said he looked forward to a broader conversation. **Vice-Chair Loveall** stated for the record that having industry and concerned citizens together is a form of balance. **Director Hensley** noted that an industry member chaired the CAC for almost a decade with excellent results, and **Chair Keating** added that the City of Eugene also has boards with industry representatives.
9. Approval of Financial Report A. Betty Nielsen B. September 2026 Financial Report C. Board Discussion	**Betty Nielsen**, Finance Manager, presented the September 2026 Financial Report. At about 25 percent of the year, spending was about 21 percent of budget in the General Fund, 16 percent in special revenue, and 7 to 8 percent in the grant fund (about 16 percent overall). Personnel costs reflect vacation payouts for five employees, and General Fund capital outlay is nearly $77,000 of $80,000 for a vehicle and a refurbished server. **Mr. Knudsen** thanked Lance Giles, Technical Services Manager, for working through the warranty terms on the server. In response to **Director Cutchen**, Ms. Nielsen said staff have no concerns at this point about the Targeted Airshed Grant (TAG) 2 deadline and plan to request a one-year no-cost extension after the new year, as Region 10 recommended, though EPA headquarters is scrutinizing such requests more closely. **MOTION: Vice-Chair Loveall** moved, and **Director Stout** seconded, to approve the September 2026 Financial Report as presented. The motion passed unanimously.
10. Approval of Local Dues for FY'28 A. Travis Knudsen B. Staff Report C. Board Discussion	**Travis Knudsen**, Executive Director, presented the FY'28 partner dues, previewed in September. The IGA requires notice to partners by April 15, 2027, but partners prefer fall notice. Using the per-capita method reaffirmed in February 2025, a 3.0 percent Western Region CPI adjustment produces a rate of $0.5895 per person and total dues of $224,943.76, up $6,087.12 (2.8 percent). **Mr. Knudsen** emphasized that dues keep Clean Air Act and state program work under local governance rather than DEQ, and are a sizable part of the roughly $1.4 million non-federal maintenance of effort needed to keep LRAPA's noncompetitive Section 105 base grant. Board members appreciated the early notice. **Director Settelmeyer** noted the CPI-based formula suits partners like Cottage Grove with limited ability

	to raise funds. **Chair Keating** emphasized that partner dollars allow LRAPA to leverage federal funding. **MOTION: Vice-Chair Loveall** moved, and **Director Hensley** seconded, to adopt the FY'28 partner dues as presented, totaling $224,943.76, and direct the Executive Director to notify all partner jurisdictions. The motion passed unanimously.
11. GDF & Air Quality Rules Cleanup Rulemaking, Hearing Request A. Max Hueftle B. Staff Report, Presentation C. Board Discussion	**Max Hueftle**, Operations Manager, presented the 2026 Permitting Rulemaking Package and requested authorization to hold a hearing. If authorized, the hearing would be held November 12, written comments would close December 16, and staff would return for adoption in January. The 14 highlighted changes include lowering the crematory afterburner temperature to 1,600 degrees (House Bill 3729); repealing LRAPA's solid and infectious waste incinerator and PM10 contingency rules; removing excess emissions affirmative defense provisions, as DEQ has; replacing LRAPA's gasoline dispensing facility rules with DEQ's 2024 rules by reference; updating PM2.5 and sulfur dioxide standards; and permitting changes matching DEQ, including optional renewal applications for general ACDPs, a one-ton-per-year level for coffee roasters, and a new Basic ACDP category. The package also includes the ACDP annual fee increase adopted in September, along with fee class changes for gas stations, emergency generators, and fiberglass sources, a greenhouse gas reporting fee of 20 percent of the annual fee, and a 3 percent Cleaner Air Oregon activity fee increase. The full crosswalk contains 79 changes across 12 titles. **Mr. Hueftle** reported that the CAC, which reviewed the package at a special meeting on July 28 and its September 29 meeting, voted unanimously to advance it and recommended direct notice to permit holders and industry associations, which staff will provide. No Board questions were raised. **MOTION: Vice-Chair Loveall** moved, and **Director Cutchen** seconded, to authorize a public hearing on the proposed amendments in the 2026 Permitting Rulemaking Package at a regular Board meeting following public notice, targeted for November 12, 2026, and direct staff to publish public notice. The motion passed unanimously.
12. 2 Cycle Equipment Emissions A. Matt Sorensen B. Staff Report C. Board Discussion	**Matt Sorensen**, Public Affairs & Project Manager, presented an informational report, with no recommendation, responding to a community member's June request that the Board consider banning gas-powered leaf blowers. The CAC reviewed the topic in 2021 and recommended public education. **Mr. Sorensen** noted that two-stroke engines produce a significant share of non-road equipment emissions, harming operators and neighbors, but that engines under 25 horsepower are regulated federally, only California may set its own standards, and LRAPA has no small engine rules. A countywide rule would require significant legal review and be hard to enforce; cities are better positioned

	to act through code. Portland is phasing out two-cycle equipment, and staff recommend continued public education. **Chair Keating** asked about enforcement of fire-season restrictions; **Mr. Sorensen** said ODF and local fire authorities enforce them and LRAPA has no formal role. **Director Ngo** noted fact sheet statistics may need refreshing. Directors agreed education is welcome and a LRAPA rule may be premature, that cities should lead by example, and that battery recycling and fire risks deserve attention. **Director Cutchen** left the meeting at the conclusion of this item.
13. Interagency Portable Source Coordination A. Travis Knudsen, Max Hueftle B. Staff Report C. Board Discussion	**Travis Knudsen**, Executive Director, presented an informational report responding to **Director Cutchen**'s question about the dual DEQ and LRAPA permit requirement for portable sources such as rock crushers and air curtain incinerators. From 2008 to 2024, one permit could cover both agencies, but differences between the rule sets made it unworkable; DEQ removed the provision in 2023 and LRAPA followed in 2024. LRAPA permits are legal documents the agency needs in order to enforce in Lane County. LRAPA permits 23 portable sources (about 8 percent of its permits), with fees of about $61,700 per year, and at least half also hold DEQ permits. **Director Stout** asked whether DEQ would split fees, citing operators near the Linn County line. **Mr. Knudsen** said DEQ is unlikely to, but LRAPA could explore administrative discounts for sources holding a DEQ permit. **Mr. Hueftle** said sources had not expressed frustration about dual permits; air curtain incinerator permittees had raised the cost of the permit itself.
14. Future Board Agenda Items A. Director Keating B. Board Calendar C. Board Discussion	**Chair Keating** encouraged directors to email agenda item requests to him, **Vice-Chair Loveall**, or **Mr. Knudsen**, and requested more media engagement and sharing of earned media with the Board. **Mr. Knudsen** highlighted the October 7 newsletter story on 9wood, a permitted source whose new dust control system turns sawdust into briquettes instead of landfill waste, and agreed to forward it to the Board. **Chair Keating** also asked staff to explore holding a 2027 Board meeting in the field, such as in Oakridge or Cottage Grove; **Mr. Knudsen** noted that public meetings law requires public access and a virtual option at any site.
15. Adjournment	**Chair Keating** adjourned the meeting at 1:22 p.m.

(Minutes recorded by Emma Lindemann)

LRAPA BOARD OF DIRECTORS AGENDA ITEM SUMMARY

LRAPA
Lane Regional Air Protection Agency

Director's Report for September 2026

Meeting Date: October 8, 2026
Department: Director's Office
lrapa-or.gov

Agenda Item No. 6
Staff Contact: Travis Knudsen
541-736-1056 ext. 217

I. EXECUTIVE HIGHLIGHTS

Key accomplishments, challenges, and priorities from the past month.

EXECUTIVE SUMMARY

September brought the smoke season to a quiet close. Eugene-Springfield recorded 29 Good days and one Moderate day, peaking at an AQI of 51 on September 20. Oakridge and Cottage Grove stayed in the Good range all month. LRAPA issued no advisories. The outdoor burning prohibition holds until fire season ends, expected in mid-October, and the home wood heating season reopened October 1. Outdoor burning complaints have reached 288 for the year, already more than four of the last five full years.

The Board's September 10 vote set the course for ACDP fees through the rest of the decade. The Board voted unanimously to raise ACDP base fees 15 percent in each of FY28, FY29, and FY30. Starting in FY31, an annual escalator tied to the Employment Cost Index and capped at 5 percent replaces the fixed 4 percent. Staff have written the decision into the 2026 Permitting Rulemaking Package.

LRAPA has re-noticed the proposed Title 43 Asbestos Requirements. Internal review found language that was missing intended clarity and the fee table from the September notice. Re-noticing the full package gives the public one complete version to review. The public hearing is scheduled for the November 12 Board meeting, and written comments are due November 19 at 5:00 p.m.

LRAPA met with House Speaker Julie Fahey, Representative Lisa Fragala, and Senator Floyd Prozanski to build relationships and talk through air quality and asbestos issues in their districts. More than 600 people stopped by the LRAPA booth at the Springfield Block Party. Staff prepared with the Oregon Health Authority for the upcoming Hexion Cleaner Air Oregon community session, tracked EPA's expanded soil removal at J.H. Baxter, and followed ODF's Smoke Management rules update. LRAPA has issued three Title V permits and 25 ACDPs year to date, and enforcement detail is in Attachment No. 3.

Inside the agency, bi-weekly payroll is complete, and staff now submit timesheets after the work is done. LINFO received a visual refresh. Staff earned asbestos building inspector certification, and began a leadership series with Cascade Health. Spending is below target in every fund. The FY26 audit is underway, though the new firm has flagged risk to the December 31 deadline.

This month the Board is asked to adopt FY28 partner dues at $0.5895 per person, a 3.0 percent CPI adjustment, and to authorize a November 12 public hearing on the 2026 Permitting Rulemaking Package, which contains the ACDP fee changes. Staff will also brief the Board on emissions from gas-powered lawn and garden equipment and on why portable sources need both a DEQ and an LRAPA permit.

II. PROTECTING PUBLIC HEALTH & SERVING OUR COMMUNITY

Aligns with Customer/Stakeholder Perspective of the Balanced Scorecard framework and LRAPA's current goals 1, 2, and 5 which focus on public health protection, community engagement, and stakeholder relationships.

II.A. Air Quality Status & Trends for September 2026

*These metrics support **Goal 1 (Public Health Protection and Air Quality Education)** and **Goal 4 (Regional Air Monitoring and Analysis)**, tracking our performance against targets for "Good" and "Moderate" AQI days, data completeness, and timely reporting).*

September

Site	Date	Max AQI	Pollutant
Eug/Spfld	20-Sep-26	51	PM
Oak	21-Sep-26	31	PM
CottGrv	9-Sep-26	44	O3

AQI	Eug/Spfld	Oak	CottGrv	AQI Range	PM2.5 Range, ug/m3	Ozone Range, ppb
Good	29	30	30	0-50	0-9	0-54
Moderate	1	0	0	51-100	9.1-35.4	55-70
USG	0	0	0	101-150	35.5-55.4	71-85
Unhealthy	0	0	0	151-200	55.5-125.4	86-105
Very Unhealthy	0	0	0	201-300	125.5-225.4	106-200
Hazardous	0	0	0	301+	225.5+	201+

II.B. Community Response & Complaint Resolution

*This section supports **Goal 1 (Public Health Protection and Air Quality Education)** metrics for complaint response to demonstrates our commitment to addressing community concerns promptly and effectively.*

**Note: unique complainants in the (#). Complaints with more than one source type are counted once, under the most specific type.*

Category	Type	Count
Smoke Complaints: 19	Outdoor Burning (15)	15
	Home Wood Heating (2)	2
	Recreational Fire (1)	1
	Ecological Burn	0
	Wildfire (1)	1
Industry: 2	International Paper Company Springfield Mill (1)	1
	Knife River Corporation - NW (Portable Jaw Crusher) (1)	1
Asbestos: 6	Asbestos (6)	6
Notable: 9	Unknown	0
	Fugitive Dust	0
	Other (8)	8
	Out of Jurisdiction (1)	1
	TOTAL COMPLAINTS	**36**

Complaints by Year, 2021 to 2026 (YTD through September 30)

Category	2021	2022	2023	2024	2025	2026 YTD
Asbestos	9	22	10	12	21	20
Agricultural Activity	7	2	3	3	22	2
Ecological Burn	0	0	0	0	2	2
Fugitive Dust	26	12	7	8	17	12
Home Wood Heating	57	67	52	39	70	22
Industry	336	198	97	75	108	45
Miscellaneous	31	80	62	91	95	30
Outdoor Burning	243	292	254	253	266	288
Slash Burning	10	6	12	9	3	1
Wildfire	0	0	0	0	0	3
Unknown	71	45	65	79	136	32
Total:	**790**	**724**	**562**	**569**	**740**	**457**

II.C. Smoke Management & Wildfire Resilience

*This section aligns with **Goal 2 (Enhanced Wildfire Smoke Preparedness)**, tracking our smoke monitoring, advisory issuance, and coordination with state agencies, as well as smoke management activities for outdoor burning and home wood heating.*

Outdoor Burning, 2026-2027 Season

LRAPA regulates outdoor burning in Lane County to protect air quality and public health. Under Title 47, LRAPA has authority to regulate open burning practices, including determining when burns can occur. LRAPA aims to allow burning whenever possible while preventing air quality deterioration. Outdoor burning is only curtailed when monitoring or forecasts show potential for unhealthy air quality impacts.

Periods of Curtailment

Start	End	Areas	Curtailment	Reason
June 1, 2026	Oct. 2026	All Lane County	Full Prohibition	By Rule, Title 47-015(2)

Home Wood Heating, 2026-2027 Season

LRAPA regulates home wood heating under Title 16 to reduce PM2.5 emissions during periods of poor air quality. An advisory system (Yellow/Red Days) indicates when curtailment is needed. Yellow Day advisory request voluntary curtailment of wood burning except for those who depend on it as their primary heat source. Red Day advisories prohibit visible smoke from chimneys, with exemptions for economic hardship. Like outdoor burning, LRAPA only issues wood burning curtailment when air quality monitoring or forecasts indicate potential health impacts.

Periods of Curtailment

Areas	Yellow Days	Red Days
Eugene/Springfield	0	0
Oakridge	0	0

The home wood heating season concluded in March and is closed for the summer. It will reopen October 1.

Outdoor Burning Letter Permits, 2025-2026 Season

LRAPA has authority to issue outdoor burning letter permits under Title 47. These permits allow specified burning that would otherwise be prohibited. This program also supports ecological benefits of prescribed fire while protecting public health through strict oversight and timing. LRAPA coordinates closely with land managers to ensure burns are conducted with minimal air quality impacts.

Permit No.	Issue Date	Permittee	Location	Material	Volume
20B25-06-01	June 30, 2025	Rivers to Ridges Partnership	85 units in Lane County	Ecological Burning	1456 acres
20B25-11-01	November 17, 2025	Casey Jones	82578 Sprague Ln	Land-clearing	50 cubic yards
20B25-11-02	November 17, 2025	U.S. Fish & Wildlife	Hwy 36 & Alvadore Road	Ecological Burning	28 cubic yards
20B25-12-01	December 2, 2025	Scott Gielish	32960 Dillard Rd	Land-clearing	60 cubic yards
20B25-12-02	December 2, 2025	Scott Gielish	T18S R3W sec. 33 Next door to 32960 Dillard Rd	Forest type debris	500 cubic yards
20B25-12-03	January 5, 2026	Willamalane Park & Rec District	205 Dorris Street, Springfield	Land-clearing	30 cubic yards
20B25-12-04	January 5, 2026	Port of Siuslaw	Map & Taxlot # 18-11-19-00-0011-00 (Rose Hill Rd), Florence	Land-clearing & demolition debris	69 cubic yards
20B26-01-02	January 26, 2026	Robbie Garcia	85393 Glenada Road	Land-clearing	60 cubic yards
20B26-03-01	March 24, 2026	Friends of Buford Park & Mt. Pisgah	Howard Buford Rec area - North Bottomlands, Meadowlark East	Forest slash debris	49 cubic yards
20B26-04-01	April 16, 2026	Chip Linn	82554 Siltcoos Station Road, Florence	Land-clearing debris	100 cubic yards
20B26-04-02	April 16, 2026	Clarence Dishner	T17S R12W Sec 25 TL 2604 on Ben Bunch Road, Florence	Land-clearing debris	70 cubic yards
20B26-04-03	April 27, 2026	Emerald Coalition	18707 Pataha Rd., Walton	Dimensional wood for a ceremonial burn	7 cubic yards
20B26-05-01	May 13, 2026	Nick Hong	80418 McKenzie Hwy, Springfield	Land clearing debris	26 cubic yards
20B26-05-02	May 19, 2026	Pete Carpani	Aspen Ridge Road, Veneta - Map and Tax Lot # 17-06-36-34-800	Forest slash/land clearing debris	10 cubic yards
20B26-06-01	June 30, 2026	Rivers to Ridges Partnership	Various locations in Lane County	Ecological Burning	1400 acres

Wildfire Smoke Intrusions & Air Quality Advisories

LRAPA participates in Oregon's Wildfire Response Protocol for Severe Smoke Episodes, a coordinated system that connects federal, state, and local agencies during significant smoke events. LRAPA's role includes issuing local air quality advisories, coordinating public health messaging, and representing Lane County's interests in state-level response planning.

Air Quality Advisories Issued

Start Date	End Date	Areas Affected	Primary Pollutant
08-4-2026	08-6-2026	Lane County	PM2.5/Wildfire

Oregon Wildfire Response Protocol for Severe Smoke Episodes Meetings

Date	Topic	Advisory Issued
05-07-2026	Prep for Wildfire Coordination Calls	n/a
07-16-2026	Statewide Wildfire Smoke & Ozone Call	No
07-17-2026	Statewide Wildfire Smoke & Ozone Call	No
07-20-2026	Statewide Wildfire Smoke Call	No
07-22-2026	Statewide Wildfire Smoke Call	No
07-24-2026	Statewide Wildfire Smoke Call	No
07-27-2026	Statewide Wildfire Smoke Call	No
07-29-2026	Statewide Wildfire Smoke Call	No
07-31-2026	Statewide Wildfire Smoke Call	No
08-04-2026	Statewide Wildfire Smoke Call	Yes
08-06-2026	Statewide Wildfire Smoke Call	No
08-07-2026	Statewide Wildfire Smoke Call	No
08-10-2026	Statewide Wildfire Smoke Call	No
08-12-2026	Statewide Wildfire Smoke Call	No
08-14-2026	Statewide Wildfire Smoke Call	No
08-17-2026	Statewide Wildfire Smoke Call	No
08-19-2026	Statewide Wildfire Smoke Call	No
08-21-2026	Statewide Wildfire Smoke Call	No
08-24-2026	Statewide Wildfire Smoke Call	No
08-26-2026	Statewide Wildfire Smoke Call	No
08-28-2026	Statewide Wildfire Smoke Call	No
08-31-2026	Statewide Wildfire Smoke Call	No
09-02-2026	Statewide Wildfire Smoke Call	No
09-04-2026	Statewide Wildfire Smoke Call	No

II.D. Community Outreach, Education, & Building Partnerships

*This section supports **Goal 5 (Partnerships and Interagency Coordination)** metrics for partner engagement and stakeholder communication, strengthening relationships with stakeholders and enhancing public understanding of air quality issues.*

Media Log

Date	*Media*	*Reporter*	*Topic*
1-5-2026	Register Guard	Alan Torres	Amazon purchases $2M lot for e-commerce **LINK**
1-6-2026	Lookout	Michael Zhang	Deed shows land owned by Amazon **LINK**
1-7-2026	DJC Oregon	Alan Torres	Amazon purchases $2M lot **LINK**
1-9-2026	KEZI	News Staff	Air stagnation & Yellow HWH **LINK**
1-9-2026	KLCC	News Staff	Air stagnation & Yellow HWH **LINK**
1-13-2026	Prism News	Elena Rodriguez	Air stagnation & Yellow HWH **LINK**
1-16-2026	Register Guard	Alan Torres	Freezing Temps and AQ **LINK**
2-4-2026	Lookout	Ashli Blow	Tear-gas effects on Air Quality **LINK**

Media Log

Date	Media	Reporter	Topic
2-20-2026	Register Guard	Alan Torres	Eugene weighs 2 versions of industrial health standards LINK
3-19-2026	KEZI	News Staff	Mohawk Valley Fire Chief Urges Good Outdoor Burn Practices LINK
3-20-2026	Daily Dispatch	News Staff	Mohawk Valley Fire Chief Urges Good Outdoor Burn Practices LINK
4-22-2026	Lookout Eug-Spring	Ashli Blow	J.H. Baxter's pollution lingers near thousands in Bethel LINK
4-22-2026	Lookout Eug-Spring	Ashli Blow	Eugene-Springfield ranks No. 2 for worst air in U.S., lung association says LINK
4-22-2026	KEZI	Tayten Torgrimson	Eugene-Springfield area ranks among worst U.S. cities for air pollution LINK
4-23-2026	KMTR	Tiffany Lewis	Air agency cites wildfire smoke as key factor in Lung Association F grade LINK
4-23-2026	KVAL	Tiffany Lewis	Air agency cites wildfire smoke as key factor in Lung Association F grade LINK
4-28-2026	KLCC	Brian Bull	Air Quality for Eug. Spring. Listed among worst in US LINK
5-29-2026	KEZI	News Staff	Burn ban starts May 31 in Lane County LINK
5-29-2026	KMTR	News Staff	Burn ban starts May 31 in Lane County LINK
5-29-2026	KLCC	News Staff	Burn ban starts May 31 in Lane County LINK
5-29-2026	KVAL	News Staff	Burn ban starts May 31 in Lane County LINK
6-1-2026	KVAL	News Staff	LRAPA urges prep for wildfire smoke LINK
6-1-2026	KEZI	News Staff	Wildfire Smoke prep week LINK
6-4-2026	KLCC	News Staff	Wildfire Smoke prep week LINK
6-17-2026	KVAL	News Staff	Air Quality Impacted by Wildfire Smoke LINK
6-17-2026	KMTR	News Staff	Air Quality Impacted by Wildfire Smoke LINK
7-6-26	Register Guard	Hannarose McGuinness	American Lung Association Report Breakdown LINK
7-14-26	KLCC	Michael Dunne	American Lung Assoc. Report Breakdown LINK
7-15-26	KMTR	Avery Elowitt	Wildfire smoke readiness LINK
7-15-26	KATU	Avery Elowitt	Wildfire Smoke Readiness LINK
7-15-26	KVAL	Avery Elowitt	Wildfire Smoke Readiness LINK
7-21-26	Lookout Eug-Spring	Ashli Blow	Air quality nears unhealthy range LINK
8-3-26	Lookout Eug-Spring	Ashli Blow	Weyerhaeuser Title V Permit Renewal / Cleaner Air Oregon questions and follow-up before publication.
8-3-26	Register Guard	Alan Torres	Weyerhaeuser Title V Permit #208256 inquiry regarding permit impacts, emissions, and public comments. Wildfire smoke intrusions.
8-3-26	KEZI	News Staff	Smoke and heat arrive in Lane County this week LINK
8-3-26	KVAL	News Staff	Wildfire Smoke Impacts Lane County AQ LINK
8-3-26	KLCC	Rachael McDonald	Smoke expected to creep into eastern Lane County LINK
8-4-26	Lookout Eug-Spring	Ashli Blow	Weyerhaeuser air permit renewal LINK
8-4-26	KEZI	Eli Kuhn	Lane County air advisory clouds World Athletics U20 Championships LINK
8-4-26	KLCC	KLCC Staff	Most of OR under AQ advisory LINK
8-4-26	KVAL	News Staff	AQ advisory for Lane County due to Wildfire LINK

Media Log

Date	Media	Reporter	Topic
8-5-26	Lookout Eug-Spring	Ashli Blow	Wildfire Smoke Traps 'unhealthy' air in region **LINK**
8-5-26	Lookout Eug-Spring	Owen Murray	World Athletics U20 Championships monitor wildfire smoke **LINK**
8-5-26	Register Guard	Alan Torres	Eug-Spring has 4th worst AQ in Oregon **LINK**
8-5-26	Coast Radio	George Henry	Poor Air Quality **LINK**
8-5-26	Register Guard	Chris Hansen	Poor AQ, notable performances at World U20 **LINK**
8-6-26	KEZI	News Staff	Worst smoke since '20 in Lane County finally easing **LINK**
8-6-26	KLCC	KLCC Staff	Relief from smoky air coming to valley **LINK**
8-6-26	KXCR 90.7 FM	Larry Bloomfield	Interview request regarding Lane County wildfire smoke and air quality impacts. Responded with offers for interview, no response.
8-6-26	Register Guard	Alan Torres	Another day of poor AQI prompts cancellations **LINK**
8-7-26	KEZI	News Staff	Smoke and heat linger Fri. **LINK**
8-24-26	Lookout Eug-Spring	Leo Brown	Light smoke in valley 8/24 **LINK**
8-25-26	Register Guard	Bayla Orton	Light smoke intrusion 8/24. **LINK**
8-31-26	KMTR	News Staff	Wildfire smoke pushes into Valley **LINK**
8-31-26	Register Guard	Alan Torres	Wildfire smoke pushes into Valley **LINK**
8-31-26	KVAL	News Staff	Wildfire smoke pushes into valley **LINK**
8-31-26	Lookout Eug-Spring	Leo Brown	Mt. Hood Fire brings smoke **LINK**
9-1-26	Lookout Eug-Spring	Ashli Blow	What is in wildfire smoke? **LINK**
9-11-26	Lookout Eug-Spring	Ashli Blow	LRAPA raises ACDP fees **LINK**
9-11-26	KEZI	News Staff	New asbestos rules up for comment **LINK**
9-12-26	Lookout Eug-Spring	Ashli Blow	Field Burning Smoke drifts into valley **LINK**
9-14-26	Cottage Grove Sentinel	News Staff	New asbestos rules up for comment **LINK**
9-16-26	Register Guard	Haleigh Kochanski	LC uses ecological fire at Mt. Pisgah **LINK**
9-17-26	KLCC	Karen Richards	New asbestos rules up for comment **LINK**
9-17-26	Lookout Eug-Spring	Ashli Blow	Baxter is Superfund, What does it mean **LINK**
9-21-26	KLCC	Karen Richards	LRAPA increases ACDP fees **LINK**
9-29-26	KVAL	News Staff	Fire Season Continues **LINK**
9-29-26	KEZI	News Staff	County burn ban to mid-Oct **LINK**
9-29-26	Cottage Grove Sentinel	News Staff	Fire Season Continues **LINK**
9-29-26	KMTR	News Staff	Backyard Burning Still Prohibited **LINK**

Oregon Dept. of Forestry Smoke Management Rules Advisory Committee (RAC) (Sept. 9th, Online)
Matt Sorensen, Public Affairs Manager, attended the rule development meeting of the Oregon Department of Forestry's Smoke Management Rules Advisory Committee, led by Levi Hopkins (ODF). The RAC is reviewing and updating Oregon's Smoke Management rules, with meetings expected to continue into late fall. LRAPA is monitoring this process closely, as ODF's smoke management rules directly intersect with LRAPA's own prescribed burning permit authority and regional air quality coordination.

Meetings with Regional Legislators (September 11th, 14th, 21st, In-person & Online)
Travis Knudsen, Executive Director, and Matt Sorensen, Public Affairs Manager, met with regional legislators to build relationships, educate them about LRAPA, and discuss air quality or asbestos-related issues affecting their districts. Held a virtual meeting with House Speaker Julie Fahey (House District 14), virtual meeting with Rep. Lisa Fragala (House District 8), and an in-person meeting with Sen. Floyd Prozanski (Senate District 4).



Springfield Block Party (Sept. 12th, Downtown Springfield)
Matt Sorensen, Morgan Kelley (Field Inspector & Compliance Officer), and Travis Knudsen represented LRAPA at one of the largest, and free, community events in the region, staffing the booth from 3 to 10 p.m. Well over 14,000 community members attended the event, many braving sudden bursts of rain to take part. Well over 600 visitors stopped by the LRAPA booth, where staff shared air quality resources, demonstrated AQI apps, added emails to the LRAPA email list, and asbestos education in addition to a basic overview of LRAPA's role as the local air quality and asbestos regulatory agency. The booth was located at Main Street and 4th, across from Plank Town and had strong visibility in the center of the event and gave away hundreds of pieces of LRAPA branded candy.

J.H. Baxter Cross Agency Tech & Comms Team Meeting (Sept. 17th, Online)
Matt Sorensen, Public Affairs Manager, attended this quarterly meeting focused on the remediation activity being led by the EPA and in coordination with Oregon DEQ at the J.H. Baxter site. The group discussed the recent additional funding for more Time Critical Removal Actions which will allow the EPA to remove up to 15 ft of targeted soil found to be contaminated with creosote and other chemicals.

Meeting with Oregon Health Authority to prep for Hexion CAO (Sept. 23rd, Online)
Ashley Dearden, Permit Writer, Max Hueftle, and Matt Sorensen from LRAPA were joined by David Farrer from OHA to review the information in Hexion's CAO risk assessment and to prepare information that will be shared at an upcoming community engagement session required to be held based on Hexion's CAO risk action level.

Jerry's Fire Safety Saturday (Oct. 3rd, Jerry's Springfield)
Matt Sorensen hosted LRAPA's booth at the Springfield Jerry's Fire Safety event along with 20 other community agencies and engaged hundreds of community members and children while sharing information on how wildfires affect air quality, AQI resources, and offering tips to protect themselves during wildfire season. Additional information on asbestos and how to safely test for and remove it was also shared.

III. MAINTAINING REGULATORY EXCELLENCE

Aligns with Internal Process Perspective of the Balanced Scorecard framework and LRAPA's current goals 3 and 4—ensuring compliance with air quality standards through effective monitoring, permitting, and enforcement.

III.A. Stationary Source Permitting Progress & Efficiency

*This section supports **Goal 3 (Regulatory Compliance, Permitting, and Industrial Emissions Management)** metrics for permit issuance timeliness, permit backlog rate, and area NAAQS compliance.*

Permitted Sources

- Currently 15 sources hold a Title V operating permit in Lane County.
- Currently approximately 275 sources hold an ACDP.

Permits in Queue			
Category of Permit Activity	**Title V**	**ACDP**	**Total In Queue**
New	-	5	5
Renewals	5	3	8
Modifications	1	2	3
Constructions	1	-	1
Terminated Permits	-	-	-

Stationary Sources Permits Issued, *Year-to-Date*

- Title V Operating Permits: 3
- Air Contaminant Discharge Permits: 25

Permits on public notice from September 1 to September 30, 2026		
Source Number and Name	**Reason for Public Notice**	**Type of Permit**
208256 Weyerhaeuser NR Company – Eugene EWP	Renewal	Title V Operating Permit renewal on public notice July 30, 2026 through September 3, 2026
200059 A&K Development Co/Pacific Metal Fab, LLC	Initial permit	New Simple ACDP proposed for a source already operating, including CAO risk limitations, on public notice August 28, 2026 through October 1, 2026
AQGP-023 and others, Gasoline Dispensing Facility (GDF) General ACDP Renewal	Renewal and modification	General ACDP renewal and modification for 111 GDFs based on DEQ's division 244 rules adopted and effective March 25, 2024 and implemented by reference in Lane County, on public notice September 14, 2026 through October 14, 2026.

Permit Backlog as of October 1, 2026			
Permit Type	**Permits by Type**	**Permits Extended Administratively**	**Percentage of Total (%)**
Title V	15	1	7%
Standard	24	0	0%
Simple	25	1	4%
Total	**64**	2	**3%**

III.B. Asbestos Program Oversight

*This section supports **Goal 3 (Regulatory Compliance, Permitting, and Industrial Emissions Management)** initiatives related to operating the asbestos program, including inspections and rule updates. LRAPA protects public health from asbestos*

hazards through effective oversight and education.

LRAPA administers the asbestos program in Lane County under title 43. This program regulates the handling, removal, and disposal of asbestos-containing materials to prevent public exposure to this hazardous substance. LRAPA reviews asbestos survey reports, processes abatement notifications, conducts inspections, and enforces compliance with asbestos regulations to protect workers and the public.

Asbestos Notices
September 1, 2026 to September 30, 2026

Year-to-Date ↓

Year	2020	2021	2022	2023	2024	2025	2026
Total Asbestos Abatement Notices	439	408	465	466	436	431	313

III.C. Enforcement

*This section supports **Goal 3** (**Regulatory Compliance, Permitting, and Industrial Emissions Management**) metrics for enforcement action resolution and evaluations completed. The enforcement program ensures that regulations are followed, and violations are addressed.*

LRAPA's compliance program ensures that air quality regulations are followed by stationary sources, asbestos contractors, and the general public. This section provides an overview of enforcement actions taken during the reporting period, including notices of non-compliance, civil penalties, and case resolutions.

Enforcement
Sept 1, 2026 to Sept 30, 2026

Category of Violation	New	Follow-Up Action	Pending	Closed	Total
Asbestos	1	-	2	-	**3**
Industrial	1	1	1	2	**5**
Outdoor Burning	-	-	5	-	**5**
Fugitive Dust	-	-	-	-	**-**
Home Wood Heating	-	-	-	-	**-**
Totals	**2**	**1**	**8**	**2**	**13**

Attachment No. 3: September 2026, Enforcement Actions Detail Report.

	2020	2021	2022	2023	2024	2025	2026
Notices of Non-compliance and Warnings	15	21	24	19	7	18	32
Notices of Violation with Civil Penalties	26	17	24	15	5	12	9

IV. STRENGTHENING ORGANIZATIONAL CAPACITY

Aligns with Learning & Growth Perspective of the Balanced Scorecard framework and LRAPA's current goal 6—developing staff capabilities and improving operational systems.

IV.A. Staff Development & Agency Growth

*This section supports **Goal 6 (Organizational Excellence and Operational Efficiency)** metrics focused on staff retention, professional development, and employee satisfaction, essential for achieving operational excellence.*

LRAPA maintains a skilled workforce to carry out our mission of protecting air quality in Lane County. This section provides an overview of our current staffing levels, vacancies, and professional development activities. Our commitment to staff development ensures we have the expertise needed to address complex air quality challenges effectively.

Department	FTE	Vacancies
Administration	5.0	0.0
Operations	10.0	2.0
Finance	2.0	0.0
Technical services	2.0	0.0
Total	**19.0**	**2.0**
Agency at 89% of staffing capacity		

LRAPA currently maintains 19.0 FTE across four departments. We presently have 17.0 FTE filled, representing 89% of our authorized staffing capacity.

Two positions continue to be held vacant as a cautious approach to maintain financial flexibility while ensuring LRAPA can continue delivering essential air quality protection services to Lane County.

LRAPA remains committed to thoughtful workforce planning and staff development strategies that balance operational needs with fiscal responsibility during this period of budget uncertainty.

Staff Professional Development, *Year-to-Date*

Training	Participation	Completion Date	Provider
Introduction to Continuous Monitoring Systems	3	January	Air Knowledge
Observing Source Tests	1	January	Air Knowledge
Regulation of Hazardous Air Pollutants (HAPs) from Stationary Sources	3	January	Air Knowledge
Compliance Assurance Monitoring	4	February	WESTAR
Aggregate, Asphalt, & Concrete Batching Plants	2	February	WESTAR
Function of Common Air Pollution Control Devices	1	February	WESTAR
Wage & Service Record Submission	1	February	PERS
What's New in ASAP	1	February	US Department of Treasury
CIS Annual Conference	1	February	CIS
Effective Permit Writing	2	March	WESTAR
Particulate Matter Control Devices	5	March	WESTAR
Unused Sick Leave Reporting	1	March	PERS
CPR/AED/First Aid	8	April	
Air Toxics & Regulating Hazardous Air	2	April	WESTAR
NOx Control & Regulation	2	April	WESTAR

Staff Professional Development, *Year-to-Date*

Training	Participation	Completion Date	Provider
Northwest Communicators Conference: The High Ground-Reaching the Summit of PR Leadership	1	April	PRSA Oregon
Cascade Health Leadership Development Series	2	May (completed)	Cascade Health
Payroll – Overtime Categorization in Caselle	1	May	Caselle
Finance – Connect Online Accounts Payable	1	May	Caselle
Get Started with Revver AI + Caselle Invoice Processing	1	May	Caselle
Transitioning from Your 3rd Party Payment Provider	1	May	Caselle
Landfill Gas Control Facilities	1	May	Air Knowledge
Stationary Gas Turbines	1	May	WESTAR
Industrial Boilers	2	May	WESTAR
Fugitive Volatile Organic Compounds	3	May	WESTAR
Payroll Refresher – Pay Codes	1	June	Caselle
Sources & Control of Volatile Organic Air Pollutants	2	June	WESTAR
ASAP.gov: How to Make Payment Requests	1	June	EPA
Advanced Inspector Training	1	June	WESTAR
Theory & Application of Air Pollution Control Devices	2	July	Air Knowledge
2026 Regional, State, and Local Dispersion Modelers' Workshop	1	July	EPA
Fabric Filters	2	July	WESTAR
Asbestos	2	July	WESTAR
How Local Governments Can Reduce Cyber Risk Without Increasing IT Headcount	1	July	Caselle
PERS Reporting for a Local Government	3	July	PERS
Payroll Refresher: Employee Profiles	1	July	Caselle
A/R Advanced Routines	1	July	Caselle
Picking Up the Slack and Filling Gaps: How Caselle back-office services help local governments	1	July	Caselle
Simplify Billing with Caselle Accounts Receivable	1	July	Caselle
Fugitive Dust	1	August	Air Knowledge
Cascade Health Leadership Development	2	September	Cascade Health
Asbestos Abatement Training & Certification	1	September	Asbestos Training Project, Workplace Resources, Inc.
Oregon State Board of Examiners for Engineers and Land Surveyors Annual Symposium (OSBEELS)	1	September	OSBEELS
Connect Excel Directly to Your Finance	1	September	Caselle
Introducing TASC: FSA Administration for the Upcoming Year	3	September	CIS
Payroll: Payroll Checklist	1	September	Caselle
2027 Open Enrollment: Learn About Your FSA with TASC	3	September	CIS/TASC
Employer Service Center (ESC) PERS	1	September	PERS

Staff Professional Development, *Year-to-Date*

Training	Participation	Completion Date	Provider
EPA Region 10 Grants Training	3	September	EPA

Asbestos Abatement Training & Certification (September 23rd-September 25th, in person)
Staff completed this three-day EPA-accredited building inspector certification course. The training covered the identification, inspection, sampling, and assessment of asbestos-containing materials in buildings, which is required for individuals conducting asbestos surveys prior to renovation or demolition activities. The course addressed health effects of asbestos exposure, building systems and components, applicable regulations including EPA and AHERA requirements, inspection procedures, sampling and analysis protocols, and documentation and reporting requirements. The training includes hands-on instruction and field applications. This certification enables staff to conduct required asbestos inspections and surveys for renovation and demolition projects, supporting LRAPA's ability to assess asbestos compliance and address air quality issues related to asbestos disturbance.

Cascade Health Leadership Development Series-Fall 2026 (September 22nd-November 3, 2026, in-person)
Staff enrolled in the seven-session Cascade Health Leadership Development Series designed for supervisors and managers. The series covers essential leadership competencies including leading with emotional intelligence, recognizing and addressing stress and burnout in the workplace, adapting leadership style to different situations and team needs, navigating conflict constructively, coaching and providing corrective feedback, building belonging and inclusion in diverse workgroups, and managing organizational change and transitions. Through interactive sessions and practical frameworks, participants develop skills to build trust, engagement, and accountability while supporting employee growth and team performance. This professional development strengthens LRAPA's management capacity and supports effective employee relations and organizational effectiveness.

Oregon State Board of Examiners for Engineers and Land Surveyors (OSBEELS) Annual Symposium (September 17th-18th, virtual)
Staff attended the OSBEELS Annual Symposium, a two-day virtual professional development event for engineers and land surveyors. The symposium featured sessions covering current practices, regulatory updates, and professional issues relevant to engineering and land surveying disciplines. Participants earned professional development hours (PDHs) based on attendance at multiple sessions throughout the event. This training supports LRAPA's engagement with the engineering and surveying community and keeps staff informed of current professional standards and practices affecting air quality permitting and compliance activities.

Connect Excel Directly to Your Finance (September 2nd, virtual)
Staff attended this Caselle webinar on integrating Excel with Caselle financial modules. The training covered how to directly connect Excel spreadsheets to Caselle data, creating real-time links that improve reporting efficiency and reduce manual data entry. This training enables Finance staff to leverage Excel functionality alongside Caselle systems for enhanced financial analysis and reporting.

Introducing TASC: FSA Administration for the Upcoming Year (September 3rd, virtual)
Staff attended this CIS training providing an overview of TASC's Flexible Spending Account (FSA) administration platform and features for the upcoming benefit plan year. The training covered FSA plan setup, employee enrollment procedures, claims processing, compliance requirements, and reporting functions. This training ensures LRAPA staff are prepared to administer FSA benefits effectively for the upcoming year.

Payroll: Payroll Checklist (September 16, virtual)
Staff completed this Caselle webinar on payroll processing procedures and best practices. The training covered the comprehensive payroll checklist used to ensure accurate and timely payroll processing, including verification

steps, compliance checks, and documentation requirements. This training strengthens Finance staff's ability to execute error-free payroll processing and maintain payroll compliance.

2027 Open Enrollment: Learn About Your FSA Benefits with TASC (September 16th, virtual)
Staff attended this CIS webinar providing employee education on Flexible Spending Account (FSA) benefits for the 2027 open enrollment period. The training covered FSA eligibility, contribution limits, eligible expense categories, claims procedures, and best practices for maximizing FSA benefits. This training supports LRAPA's open enrollment communication efforts and helps employees understand FSA options available to them.

Employer Service Center (ESC)-PERS Important Reminders (September 23, virtual)
Staff attended this Oregon PERS webinar addressing critical employer reporting requirements and reminders for PERS administrators. The training covered key compliance obligations, reporting deadlines, system updates, common errors and how to correct them, and resources available through the PERS Employer Service Center. This training ensures LRAPA staff remain current on PERS compliance responsibilities and can effectively manage employer reporting obligations.

EPA Region 10 Grants Training (September 29th, virtual)
Staff attended this EPA Region 10 training on grant administration, compliance, and best practices for agencies managing federal grants. The training covered grant requirements, fiscal management, reporting obligations, allowable expenses, audit requirements, and available grant opportunities. This training strengthens LRAPA's capacity to effectively manage federal grant funding and ensure compliance with federal grant requirements.

IV.B. Operational Improvements & Innovation

*This section supports **Goal 6** (**Organizational Excellence and Operational Efficiency)** metrics for technology adoption and systems modernization, enhancing our efficiency and effectiveness in serving Lane County.*

LRAPA is working to improve our systems and processes to enhance efficiency and effectiveness. These improvements support our ability to fulfill our mission and provide better service to the public. Current initiatives focus on technology upgrades, document management, and standardized procedures.

Current activities underway:

LINFO Database Upgrade
Lance Giles, Technical Services Manager, gave LINFO's user interface a visual refresh. Color and information cards now group related data so staff can see it, digest it, and act on it faster. Lance continues to improve LINFO in small, achievable steps with the help of AI-assisted development, and staff keep documenting bugs and interface requests to guide the next round of work.

Payroll Conversion to Bi-Weekly
LRAPA has completed the move from semi-monthly to bi-weekly payroll. The larger change is in how staff record their time. Timesheets are now submitted after the work is done, at the close of each pay period. Under the old schedule, staff had to estimate hours they had not yet worked. Reporting actual time gives finance cleaner data to reconcile for the audit and supports accurate charging of staff time across funds and federal grants. It also gives employees records they can check against their own pay and leave tracking. Over time, that consistency builds trust in the agency's finance and administrative systems.

Shared Email Routing Review
LRAPA completed an inventory of LRAPA's 53 email distribution and Microsoft 365 groups. Staff are now deciding which groups to keep, merge, or retire, and establishing who answers each shared inbox, who covers when that person is out, and who stays informed. The goal is clear ownership of the information that reaches the agency through its shared addresses.

V. ENSURING FISCAL RESPONSIBILITY

Aligns with Financial Stewardship Perspective of goal 7—managing financial resources effectively and transparently.

V.A. Budget Performance & Stability

*This section supports **Goal 7 (Financial Sustainability and Transparency)** metrics for budget variance and maintaining adequate reserves (4 months of operating budget), ensuring LRAPA can fulfill its mission consistently.*

A financial report under Agenda item number 8 supports this information. Percentages below follow the financial update convention, which measures actuals against the year-to-date budget target rather than the full annual budget.

FY27 to Date, as of September 30, 2026

The summary below reflects the September report. Three months into the fiscal year, the year-to-date budget target is 25% of the annual budget.

FY27 Line Items to Note: The following line items are above 91% of the year-to-date budget target.

- **General Fund** Personnel Services line item is at 92% the year-to-date target, because of paying out five eligible employees 40 hours of their vacation banks through September. Capital Outlay is at 384.72% of our target amount of 25% year-to-date target because of the purchase of a new truck ($45,796) and server ($31,148). This is a timing item against an $80,000 annual capital budget, of which $76,944 has been spent.
- **Special Revenue Fund (Title V)**, nothing to report.
- **Grant Fund** Personnel Services line item is at 157% the year-to-date target, because of paying out five eligible employees 40 hours of their vacation banks through September.

Federal EPA revenue and most State DEQ revenue have not yet been received, which is normal timing at this point in the year.

FY27 Summary of Expenditures: As of September 30, 2026, spending is below the year-to-date budget target in each of the LRAPA funds.

- **General Fund** Total Actual Expenditures as a % of the year-to-date budget target: **83.16%**
- **Special Revenue Fund** Total Actual Expenditures as a % of the year-to-date budget target: **65.28%**
- **Grant Fund** Total Actual Expenditures as a % of the year-to-date budget target: **30.74%**
- **All Funds Consolidated** Total Actual Expenditures as a % of the year-to-date budget target: **64.60%**

Grant Fund Details

- **Targeted Airshed Grant TAG 2.0** (January 2022 – August 2027), as of September 30, 2026
  - Total grant amount: $2,739,425
  - Spent to date: $953,607
  - Remaining grant balance: $1,785,818
  - Awaiting federal reimbursement: $143,150
  - Percentage of grant awaiting reimbursement: 5.23%

EPA reimbursement draws are scheduled.

V.B. Financial Transparency & Reporting

*This section supports **Goal 7 (Financial Sustainability and Transparency)** metrics for financial reports provided to the Board (target: monthly) and timely audit completion (target: before December 31). Transparency in financial matters builds trust with our stakeholders and ensures accountability.*

	Status	Completion Date
Budget FY27	Adopted	May 2026
Interim Audit FY26	Complete	July 2026
Audit FY26 (Current Year)	Underway	December 31, 2026
Budget FY28	To be drafted	March 2027

Auditor Update

The FY26 audit with Pauly Rogers is underway. Staff delivered the trial balance on the auditors' deadline, and work since then has focused on refining finance data as the firm prepares its first audit of LRAPA. That work has included beginning balance testing on the FY2025 balances, an accounts payable reconciliation by fund, bank reconciliation support, and a capital assets review. Because this is a first-year engagement, the firm has expressed some uncertainty about meeting the State of Oregon's December 31 filing deadline. Staff are working to keep that date in reach and will report any change in the timeline to the Board as soon as we know it.

VI. LRAPA STRATEGIC GOALS REFERENCE SHEET

These ongoing and sustained goals are designed to ensure comprehensive performance management across four key perspectives. This reference sheet provides an overview of each strategic goal and its associated performance metrics.

MISSION: To protect public health, quality of life and the environment as a leader and advocate for the continuous improvement of air quality in Lane County.

VISION: Community partners working together to ensure clean air for everyone.

GOAL 1: Public Health Protection and Air Quality Education

Protect public health through air quality initiatives and foster community engagement via educational programs, prompt response to public concerns, and efforts to ensure equitable protection from air pollution for all communities.

Lag Indicators	Lead Indicators
- % of days in "Good" or "Moderate" AQI categories by monitoring location (target: 95% annually) - Number of days with PM2.5 or PM10 exceeding NAAQS 24-hour standards (target: 0) - % of complaints responded to (target: 95%)	- Number of educational events/programs conducted quarterly (target: 2 per quarter) - Number of wood heating advisories issued (target: prior to 150 AQI in metro) - Email listserv growth (target: >3% increase annually)

GOAL 2: Enhanced Wildfire Smoke Preparedness

Address the increasing threat of wildfire smoke intrusions to public health in Lane County through public education, collaboration with local jurisdictions, and enhanced monitoring and communication during wildfire events. In addition to seeking funding avenues which directly support this new and growing smoke management service need.

Lag Indicators	Lead Indicators
- Response time to publish smoke advisories during events (target: before 1pm on days needed)	- Maintain LRAPA supported commercial air sensors in Lane County (target: approximately 75) - State smoke advisory engagement (target: 100% participation)

GOAL 3: Regulatory Compliance, Permitting, and Industrial Emissions Management

Ensure compliance with National Ambient Air Quality Standards (NAAQS) and other health-based benchmarks, manage air quality permits for regulated sources, and implement best practices in emissions control, balancing economic development with environmental protection through rigorous permitting processes.

Lag Indicators	Lead Indicators
- % of area in compliance with NAAQS standards (target: 100%) - % of permits issued within target timeframes (target: 90%) - Permit backlog rate (target: <20%)	- Number of annual Full Compliance Evaluations completed vs. EPA committed (target: 100%) - % of enforcement actions resolved within 6 months (target: 80%)

GOAL 4: Regional Air Monitoring and Analysis

Collect, analyze, and report comprehensive air quality data across Lane County to inform policy decisions, alert the public, and track long-term air quality trends.

Lag Indicators	Lead Indicators
- % data completeness for monitoring network (target: >95%) - Timeliness of data reporting to the public and EPA (target: 100% on schedule)	- % of monitors calibrated on schedule (target: 100%) - % uptime for real-time data systems (target: 98%) - Number of monitoring site quality assurance audits completed vs. EPA committed (target: 100%)

GOAL 5: Partnerships and Interagency Coordination

Build and maintain strong relationships with various stakeholders, including industry, local jurisdictions, and community groups, to foster collaboration, improve communication, and ensure that LRAPA's work is responsive to community needs and concerns.

Lag Indicators	Lead Indicators
- Number of industry outreach initiatives completed annually (target: 1 per year) - Number of community outreach initiatives completed annually (target: 1 per year) - Number of partner outreach engagements completed annually (target: 5 per year)	- Diversity of inter-agency meetings attended (target: prioritize local, then state, then federal engagements) - Number of monitoring site quality assurance audits completed vs. EPA committed (target: 100%) - Communication frequency with key stakeholders (target: Quarterly communication) - Number of council presentations delivered (target: 1 per jurisdiction annually)

GOAL 6: Organizational Excellence and Operational Efficiency

Strengthen LRAPA's internal systems, workflows, and operational capacity through technology integration, process improvement, and staff development to enhance organizational effectiveness and service delivery.

Lag Indicators	Lead Indicators
- Employee satisfaction/engagement scores (target: 85% satisfaction) - Staff retention rate (target: >85% annually) - % completion of internal systems modernization (target: 100% of planned upgrades, e.g. LINFO)	- Number of staff professional development training completed (Target: 2 per staff per year) - Number of staff utilizing advancing technologies in workflows (target: > 50%)

GOAL 7: Financial Sustainability and Transparency

Ensure LRAPA's long-term financial stability and improve fiscal transparency through diversified funding sources, robust financial management practices, and clear communication of financial decisions to stakeholders.

Lag Indicators	Lead Indicators
- Reserve fund supporting annual operating budget (target: 4 months) - Budget variance (target: within 10% of planned)	- Number of financial reports provided to Board & public (target: monthly to Board) - Audit completed before state deadline (target: Dec. 31)

CAC Meeting Highlights – September 29, 2026

Summary of items discussed at the Citizens Advisory Committee meeting held September 29, 2026,. The full minutes will be provided once the CAC approves them at its next meeting.

Items Discussed

Topic	Summary
Public participation	A member of the public suggested the CAC consider separating industry and community seats on the CAC. The Chair welcomed further input and encouraged applications for open seats.
CAC membership	Ben Larson (agriculture) is stepping down; members were asked to refer candidates for the vacancy.
Approved ACDP fee changes	Staff reviewed the Board-approved ACDP fee changes and answered questions raised at the July meeting on the proposed rule package.
GDF and Air Quality Rules Cleanup Package	The Committee voted unanimously to recommend advancing the package, as amended.
Roundtable	Chris Cline from ODF shared updates on Lane County drought conditions and the need to remain in fire season till closer to October 15 which delays outdoor burn season opening.
Upcoming CAC topics	The Committee supported a future presentation on drone methane detection at Short Mountain Landfill.

Recommendation to the Board

By unanimous voice vote, the CAC recommends that the Gasoline Dispensing Facility and Air Quality Rules Cleanup Package, as amended, advance to the Board for review and a hearing request.

LRAPA
Lane Regional Air Protection Agency

Prepared on 9/2/2026

Financial Update FY 2026-27 as of September 30, 2026

General Fund	FY 25-26 YTD Actuals September 2025	FY 26-27 YTD Actuals September 2026	FY 26-27 Adopted Budget	FY 26-27 Annual Budget Variance	*FY 26-27 % of year elapsed (target %)*	FY 26-27 YTD Budget Variance	*Foot-notes*
Revenues							
Beginning Fund Balance	2,658,056	2,015,126	2,127,543	(112,417)			
Federal Revenues (EPA)	-	-	720,000	(720,000)			
State Revenues (DEQ)	2,825	65,879	347,514	(281,636)			
Local Dues	211,807	218,856	218,857	(1)			
Permit Fees	383,452	371,494	1,479,500	(1,108,006)			
Other Revenues (Interest & Misc.)	28,465	33,755	125,000	(91,245)			
Transfers from Title V & Grant Fund	-	-	184,220	(184,220)			
Total Revenue Received	**3,284,606**	**2,705,110**	**5,202,633**	**(2,497,524)**			
Expenditures							
Personnel Services	485,313	496,582	2,156,142	**23.03%**	*25.00%*	**92.12%**	*1*
Materials & Services	127,855	124,744	1,072,700	**11.63%**	*25.00%*	**46.52%**	
Capital Outlay	11,829	76,944	80,000	**96.18%**	*25.00%*	**384.72%**	
Contingency	-	-	50,000	**0.00%**	*25.00%*	**0.00%**	
Total Expenditures	**624,998**	**698,271**	**3,358,842**	**20.79%**	*25.00%*	**83.16%**	
General Fund Net	**2,659,608**	**2,006,839**	**1,843,792**				
Special Revenue (Title V)							
Revenues							
Beginning Fund Balance	367,437	652,019	608,122	43,897			
Permit Fees - Title V	860,111	871,281	868,000	3,280			
Miscellaneous Revenue	-	-	-	-			
Total Revenue Received	**1,227,548**	**1,523,300**	**1,476,122**	**47,180**			
Expenditures							
Personnel Services	111,193	128,356	649,176	**19.77%**	*25.00%*	**79.09%**	*2*
Materials & Services	592	-	375	**0.00%**	*25.00%*	**0.00%**	
Capital Outlay	-	-	-	**0.00%**	*25.00%*	**0.00%**	
Transfers to Gen Fund	-	-	7,000	**0.00%**	*25.00%*	**0.00%**	
Contingency	-	-	130,000	**0.00%**	*25.00%*	**0.00%**	
Total Expenditures	**111,785**	**128,356**	**786,551**	**16.32%**	*25.00%*	**65.28%**	
Special Revenue Net	**1,115,763**	**1,394,944**	**689,570**				
Grant Fund							
Revenues							
Beginning Fund Balance	(5,976)	-	-	-			
EPA TAG 1&2, and EJG2G	10,882	-	1,862,643	(1,862,643)			
Miscellaneous Revenue	-	-	-	-			
Total Revenue Received	**4,906**	**-**	**1,862,643**	**(1,862,643)**			
Expenditures							
Personnel Services - All Grants	21,742	23,184	58,969	**39.32%**	*25.00%*	**157.26%**	*3*
Materials & Services - All Grants	268,394	119,966	1,749,454	**6.86%**	*25.00%*	**27.43%**	
Capital Outlay - All Grants	-	-	-	**0.00%**	*25.00%*		
Transfers to Gen Fund - All Grants	-	-	54,220	**0.00%**	*25.00%*	**0.00%**	
Contingency - All Grants	-	-	-	**0.00%**	*25.00%*	**0.00%**	
Total Expenditures	**290,136**	**143,150**	**1,862,643**	**7.69%**	*25.00%*	**30.74%**	
Grant Fund Net	**(285,229)**	**(143,150)**	**-**				
Grand Total - ALL FUNDS Consolidated	**1,026,919**	**969,777**	**6,008,036**	**16.14%**	*25.00%*	**64.6%**	
ALL FUNDS Net	**3,490,142**	**3,258,633**	**2,533,362**				

*Footnotes: * % Spent is YTD Actuals divided by YTD FY Budget.: Red: above 91% / Yellow: 81%-90% / Green: up to 80%*

1. The General Fund Personnel Services line item is at 92.12% and Capital Outlay is at 384.72% of our targeted amount of 25.00% for September.

2. The Special Revenue (Title V) Fund Personnel Services line item is at 79.09% of our targeted amount of 25.00% for September.

3. The Grant Fund Personnel Services line item is at 157.26% of our targeted amount of 25.00% for September.

LANE REGIONAL AIR PROTECTION AGENCY MEMORANDUM

To: Chair Matt Keating and LRAPA Board Members

From: Travis Knudsen, Executive Director, and Betty Nielsen, Finance Manager

Date: October 8, 2026

Subject: Approval of Local Dues for FY'28

STAFF REPORT

ISSUE STATEMENT

The Board is asked to adopt the FY'28 Partner Dues. Adoption in October gives partner jurisdictions early notice for budget planning and meets the Intergovernmental Agreement (IGA) requirement to notify partners by April 15, 2027.

BACKGROUND INFORMATION

Since 1968, the Cities of Cottage Grove, Eugene, Oakridge, and Springfield and Lane County have funded LRAPA under the IGA. In February 2025, the Board adopted a per-capita method that adjusts the cost per person each year by the 12-month change in the West Region Consumer Price Index (CPI) for July.[1] The Board applied this method in October 2025, adopting FY'27 Partner Dues of $218,856.63. At the September 10, 2026 meeting, staff previewed the FY'28 calculation, and the Board raised no substantive questions.

FY'28 PARTNER DUES CALCULATION

The calculation applies the July 2026 West Region CPI change of 3.0 percent[2] to the FY'27 adopted rate of $0.5723 per person, for an FY'28 rate of $0.5895. Population figures are the U.S. Census Bureau Vintage 2025 estimates as of July 1, 2025.[3]

Partner	2025 Population	FY'28 Partner Dues	Change from FY'27
City of Eugene	178,618	$105,295.31	+$2,970.75
City of Springfield	61,431	$36,213.57	+$1,197.29
City of Cottage Grove	10,851	$6,396.66	+$278.45
City of Oakridge	3,127	$1,843.37	+$35.95
Lane County (unincorporated and non-partner cities)	127,557	$75,194.85	+$1,604.68
Total	**381,584**	**$224,943.76**	**+$6,087.12 (2.8%)**

A note on the September preview. Each year's rate builds on the prior year's exact rate. The FY'27 rate the Board adopted was $0.5723 per person, shown rounded to $0.57 in last year's staff reports. The September preview applied the 3.0 percent CPI to the rounded $0.57. This report applies it to the exact $0.5723, which adds $915.80 to the FY'28 total.

WHAT PARTNER DUES SUPPORT

The Clean Air Act and Oregon law require air permitting, compliance, monitoring, and complaint response in Lane County. Those programs would exist with or without LRAPA. Partner dues keep that work in local hands, under a Board appointed by the partners. Dues are also the core of LRAPA's

Maintenance of Effort, the local funding required to receive the Clean Air Act Section 105 base grant. This noncompetitive EPA grant provides about $300,000 a year to LRAPA's General Fund.[4]

Partner dues at a glance

Measure	Amount
FY'28 partner dues, all partners	$224,944
Cost per Lane County resident	About 59 cents per year
Share of LRAPA's FY'27 budgeted revenue	About 4 percent
EPA Section 105 base grant, which depends on LRAPA maintaining its local funding	About $300,000 per year, more than total partner dues

Local decisions. LRAPA's Board is appointed by the partner councils and commission. Rules, fees, and priorities for Lane County are set in Lane County, with public input through the Citizens Advisory Committee and direct public comment at every Board meeting.

Service to business. About 300 Lane County businesses and facilities hold LRAPA air permits, served by permit writers and inspectors based in Springfield. LRAPA's permit fees for comparable permits are lower than DEQ's, which rose 20 percent in June 2026.[5] A permit backlog in the single digits to low teens supports timely decisions for employers building or expanding.

Service to the community. LRAPA responds to 550 to 800 air quality complaints each year, operates air monitoring stations across the county, and issues local smoke forecasts and advisories during wildfire and wood heating seasons, including guidance shared with Lane County Public Health for child care providers.

STAFF RECOMMENDATION

Staff recommends the Board adopt the FY'28 Partner Dues as calculated and direct staff to formally notify all partner jurisdictions and coordinate payment scheduling consistent with the IGA.

MOTION OPTIONS

1. I move to adopt the FY'28 Partner Dues as presented, totaling $224,943.76, and direct the Executive Director to notify all partner jurisdictions.
2. I move to defer action on the FY'28 Partner Dues to the November 2026 Board meeting.

REFERENCES

1. Lane Regional Air Protection Agency. (2025, February 13). *Staff report: Partner dues* [Board adoption of per-capita methodology]. LRAPA Board of Directors.
2. U.S. Bureau of Labor Statistics. (2026, August). *Consumer Price Index, Western region summary, July 2026*. https://www.bls.gov/regions/west/cpi-summary/2026/consumerpriceindex_summary_western_202607.pdf
3. U.S. Census Bureau. (2026, May). *City and town population totals: 2020-2025 (Vintage 2025)*. https://www.census.gov/data/tables/time-series/demo/popest/2020s-total-cities-and-towns.html
4. Lane Regional Air Protection Agency. (2026). *FY 2026-27 proposed annual budget, revised V2*. LRAPA Budget Committee.
5. Oregon Department of Environmental Quality. (2026). *Air contaminant discharge permit fees 2026: Adopted rules*. https://www.oregon.gov/deq/rulemaking/adopted/Pages/acdpfees2026.aspx

LANE REGIONAL AIR PROTECTION AGENCY MEMORANDUM

To: Chair Matt Keating and LRAPA Board Members

From: Max Hueftle, Operations Manager; Travis Knudsen, Executive Director

Date: October 8, 2026

Subject: GDF & Air Quality Rules Cleanup Rulemaking; Request for Public Hearing Authorization

STAFF REPORT

ISSUE STATEMENT

The Board is asked to authorize a public hearing on proposed amendments to multiple LRAPA rule titles, known as the 2026 Permitting Rulemaking Package. Staff is targeting the November 12, 2026 Board meeting for the hearing. The package updates LRAPA's rules for consistency with DEQ and federal standards, replaces LRAPA's gasoline dispensing facility (GDF) rules with DEQ's current rules, cleans up outdated provisions, and incorporates the Air Contaminant Discharge Permit (ACDP) fee structure the Board directed on September 10, 2026.

BACKGROUND INFORMATION

Board action history. Staff introduced the rule titles in this package at the July 10, 2025 Board meeting. On September 11, 2025, the Board approved initiating a rulemaking to update permitting requirements, federal standards, and fees. The Board discussed ACDP fees at its July 9, 2026 meeting and, on September 10, 2026, unanimously directed staff to include the following fee structure in this package. ACDP base fees increase 15 percent in each of FY'28, FY'29, and FY'30. Beginning in FY'31, the fixed 4 percent annual escalator is replaced by the Employment Cost Index, capped at 5 percent.

Drivers. Three factors bring this package forward.

Driver	Description
State stringency	LRAPA rules must be at least as stringent as the corresponding DEQ rules. DEQ has updated several rules, including its 2024 enhanced vapor recovery rules for GDFs, since LRAPA's last update.
Federal alignment	EPA has revised the annual PM2.5 and sulfur dioxide ambient standards and rescinded the excess emissions affirmative defense. LRAPA's PM2.5 infrastructure State Implementation Plan (SIP) submittal is due by February 7, 2027.
LRAPA cleanup	Outdated provisions, such as the PM10 contingency measures for an area now in attainment, and fee structures that no longer reflect program costs.

SUMMARY OF PROPOSED CHANGES

The package contains 14 proposed changes across Titles 12, 30, 31, 32, 33, 34, 36, 37, 39, 44, 46, and 50. The crosswalk (Attachment D) details each change. Highlights include the following.

Title	Key proposed changes
Title 30 Incinerators	Repeal LRAPA's solid and infectious waste incinerator rules and adopt DEQ's by reference. Lower the required afterburner temperature from 1,800°F to 1,600°F for crematory incinerators, consistent with recent state legislation.
Title 36 Excess Emissions	Remove remaining affirmative defense provisions, consistent with EPA's 2023 rescission and DEQ's 2025 Federal Standards rulemaking.

Title	Key proposed changes
Title 37 ACDPs	ACDP base fee increases of 15 percent in FY'28, FY'29, and FY'30, then an Employment Cost Index escalator capped at 5 percent. GDFs move from Fee Class Five to Fee Class Four, consistent with DEQ. Passive-consent renewal for general permit holders, such as the 111 GDFs. Lower fee class for fiberglass and reinforced plastics general permit. Greenhouse gas reporting fee set at 20 percent of the annual fee, consistent with DEQ. New Basic ACDP category and a one ton per year threshold for coffee roasters, both mirroring DEQ.
Title 39 PM10 Contingency	Repeal outdated contingency measures. The area is in attainment, and DEQ repealed its corresponding rules in 2022.
Title 44 Hazardous Air Pollutants	Replace LRAPA's GDF rules with DEQ's 2024 enhanced vapor recovery rules by reference.
Title 50 Ambient Standards	Update the annual PM2.5 and sulfur dioxide standards to match EPA's revised standards.
Titles 12, 31, 32, 33, 34, 46	Cleanup and clarification, updated federal standards, and a Title 31 provision on applicant responses to public comment, consistent with DEQ.

CAC ENGAGEMENT

Max Hueftle, Operations Manager, presented the package to the Citizens Advisory Committee (CAC) at a special extended meeting on July 28, 2026, using a crosswalk that organized each change by whether it responds to a stringency requirement, a consistency update with DEQ, or another reason. Members asked detailed questions about the proposed ACDP fee increase and asked that affected permit holders and industry associations be notified directly when the rules go out for comment. At its September 29, 2026 meeting, the CAC recommended that the Board authorize a public hearing on the package.

GOING FORWARD

Anticipated schedule if the Board authorizes today. Dates after authorization are targets and may shift with Oregon Secretary of State publication timing.

- Following authorization. Notice of Proposed Rulemaking filed with the Oregon Secretary of State. Legislator notification under ORS 183.335(15).
- Upon Oregon Bulletin publication. Public comment period opens. Staff notify permit holders, including all GDFs, and industry associations directly, along with newspaper, GovDelivery, and NotifyMe notices.
- November 12, 2026 (target). Public hearing at the Board meeting.
- January 14, 2027 (target). Board adoption, subject to comment volume.
- 2027. Environmental Quality Commission approval and DEQ submittal to EPA as a SIP revision.

KEY CONSIDERATIONS

- **Need for the rule.** Maintains stringency with DEQ, aligns LRAPA with current federal standards, and meets the PM2.5 infrastructure SIP deadline.
- **Fiscal impact.** Affects ACDP holders, including GDFs, through the ACDP base fee increases and fee class changes. The Notice of Proposed Rulemaking (Attachment A) documents fiscal and economic impacts. LRAPA's ACDP fees remain below DEQ's comparable fees after the proposed increases.
- **Land use.** The amendments are not land use decisions under ORS 197.
- **Regulatory authority.** ORS 183, ORS 468, and ORS 468A.
- **SIP approval.** The package revises the SIP, adoption requires EQC approval and EPA review.

STAFF RECOMMENDATION

Staff recommends that the Board authorize a public hearing on the proposed amendments in the 2026 Permitting Rulemaking Package at a regular Board meeting following public notice, targeted for November 12, 2026.

MOTION OPTIONS

1. Authorize a public hearing on the proposed amendments in the 2026 Permitting Rulemaking Package at a regular Board meeting following public notice, targeted for November 12, 2026, and direct staff to publish public notice in accordance with LRAPA's standard notice procedures.
2. Direct staff to make additional changes to the proposed amendments before returning to the Board for hearing authorization.
3. Decline to authorize a public hearing at this time.

ATTACHMENTS

- Attachment A. Draft Notice of Proposed Rulemaking
- Attachment B. Proposed rule revisions (redline version)
- Attachment C. Crosswalk of proposed revisions

LANE REGIONAL AIR PROTECTION AGENCY
MEMORANDUM

To: Chair Matt Keating and LRAPA Board Members

From: Matt Sorensen, Public Affairs & Project Manager

Date: October 8, 2026

Subject: Two-Cycle Equipment Emissions

STAFF REPORT

ISSUE STATEMENT

At the June 11, 2026 meeting, a community member asked the Board to consider a ban on gas-powered leaf blowers. Chair Keating requested that the topic return for Board discussion. This report summarizes current information on emissions from small gas engines, who regulates them, and the options available at each level of government.

BACKGROUND INFORMATION

The Board discussed gas-powered lawn and garden equipment in 2021 and referred the topic to the Citizens Advisory Committee (CAC). The CAC studied emissions, cost, battery life, and equipment performance through May 2022. Its work produced the *Alternatives to Gas Powered Tools* fact sheet, which compares gas, battery, corded, and human-powered options.[1]

CURRENT INFORMATION

Emissions

Two-stroke engines power most handheld leaf blowers, trimmers, and chainsaws. They burn a mix of gasoline and oil, and part of that fuel leaves the engine unburned. A national analysis estimated that gas lawn and garden equipment produced between 24 and 45 percent of emissions from all gasoline-powered nonroad equipment, depending on the pollutant. Leaf blowers, trimmers, and mowers alone accounted for about 43 percent of the volatile organic compounds and about half of the fine particulate in that category, with two-stroke engines producing most of the fine particulate. Operators and people nearby receive the highest exposure.[2]

Federal rules have steadily reduced these emissions. EPA set the first national emission limits for small engines beginning with 1997 models, known as Phase 1. Phase 2 tightened those limits for handheld equipment, phasing in from 2002 to 2007, and cut hydrocarbon and nitrogen oxide emissions from new engines by an additional 70 percent.[3] New equipment sold today is cleaner than older equipment still in use.

Who regulates small off-road equipment

Small off-road equipment is gas engines of 25 horsepower or less. They are found in lawn mowers, leaf blowers, trimmers, chainsaws, generators, and pressure washers. ATVs and other recreational vehicles fall under separate rules.[4] EPA sets emission standards for new small engines nationally, and manufacturers meet them at the factory. California is the only state permitted to set its own standards, and federal law prevents other states, including Oregon, from adopting California's version.[5] Cities can regulate how and when equipment is used. LRAPA's rules do not address small engines.

Regulatory Approaches in 2026

Jurisdiction	Approach	Status
California (state)	Requires most new small off-road engines sold in the state to be zero-emission, beginning with 2024 models. Works at the point of sale, through manufacturers.	In effect. EPA approved the standards in January 2025.[6] Resolutions to overturn that approval are pending in Congress.[5,7]
Portland (city)	Restricts use of gas handheld and backpack leaf blowers. Property owners are responsible. Chainsaws and other equipment are not covered.	Gas blowers allowed only October through December in 2026 and 2027. Year-round restriction and penalties begin in 2028.[8]
Eugene (city)	A city committee backed a phased use restriction modeled on Portland's.	City staff prepared a policy options memo for the Mayor and City Council.[9]
Bay Area Air District (regional)	Voucher pilot for commercial landscapers who replace gas equipment with battery-electric models, limited to four communities.	Launched November 2025.[10]

Battery equipment takes up more retail shelf space each year. For many rural and professional users, battery run time and power still fall short for heavy work such as felling, bucking firewood, clearing large properties, and handling fall leaf loads.

GOING FORWARD

For those seeking to reduce emissions or noise from gas-powered equipment, each level of government offers different tools.

Level	Available tools	Considerations
Federal and state	Emission standards for new equipment, sales requirements, rebate programs	Applies consistently across a whole market, so buyers cannot sidestep it by purchasing elsewhere. Oregon cannot adopt California's standards. Changes require congressional or legislative action.
Countywide (LRAPA)	New LRAPA rules restricting equipment use	LRAPA's rules do not address small off-road equipment, and its authority to adopt such rules would require legal review. Rulemaking involves advisory committee review, public notice, and a hearing, and typically takes a year or more. Enforcement would fall to LRAPA's two field inspectors, whose workload is already fully committed. One rule would apply to urban and rural areas alike.
City	Use restrictions in city code, noise ordinances, seasonal limits, exemptions	Can be tailored to local seasons, hours, and exemptions. Enforced through existing city code enforcement and complaint systems. Portland offers a working model, and Eugene has examined options.

Much of the community concern about leaf blowers involves noise and neighborhood livability alongside emissions. Needs also vary across the county, and many rural residents, landowners, and small operators rely on high-output equipment for work that battery tools do not yet handle well. Incentive programs like the Bay Area's depend on dedicated funding that LRAPA does not have today.

LRAPA can continue to support public awareness. Staff could refresh the CAC's fact sheet with current data for seasonal outreach and serve as a technical resource on emissions for local governments.

STAFF RECOMMENDATION

This is an informational item, and no formal motion is required. Staff welcomes Board discussion.

REFERENCES

1. Lane Regional Air Protection Agency Citizens Advisory Committee. (2022). *Alternatives to gas powered tools* [Fact sheet]. Lane Regional Air Protection Agency.
2. Banks, J. L., & McConnell, R. (2015). *National emissions from lawn and garden equipment* [Paper presentation]. International Emission Inventory Conference, U.S. Environmental Protection Agency. https://www.epa.gov/sites/default/files/2015-09/documents/banks.pdf
3. U.S. Environmental Protection Agency. (2000). *Final Phase 2 standards for small spark-ignition handheld engines* (EPA420-F-00-007). Office of Transportation and Air Quality.
4. California Air Resources Board. (n.d.). *Small off-road engines (SORE)*. Retrieved September 25, 2026, from https://ww2.arb.ca.gov/our-work/programs/small-off-road-engines-sore
5. Holland & Knight. (2026, June). *EPA sends 4 more California vehicle emission waivers to Congress for potential nullification*. https://www.hklaw.com/en/insights/publications/2026/06/epa-sends-4-more-california-vehicle-emission-waivers-to-congress
6. U.S. Environmental Protection Agency. (2025, January 6). California state nonroad engine pollution control standards; Small off-road engines regulations; Notice of decision. *Federal Register*. https://www.federalregister.gov/documents/2025/01/06/2024-31123
7. S.J. Res. 205, 119th Cong. (2026). https://www.congress.gov/bill/119th-congress/senate-joint-resolution/205
8. City of Portland Bureau of Planning and Sustainability. (2026, February 4). *Portland's gas leaf blower policy: What you need to know*. https://www.portland.gov/bps/climate-action/leaf-blowers/news/2026/2/4/portlands-gas-leaf-blower-policy-what-you-need-know
9. City of Eugene. (n.d.). *Policy options for gas-powered leaf blowers* [Memorandum to Mayor, City Council, and City Manager]. https://www.eugene-or.gov/Archive.aspx?ADID=7030
10. Bay Area Air District. (2025, November 18). *Air District launches commercial electric lawn and garden equipment exchange* [Press release]. https://www.baaqmd.gov/en/news-and-events/page-resources/2025-news/111825-lawn-and-garden

Alternatives to Gas Powered Tools

LRAPA
Lane Regional Air Protection Agency

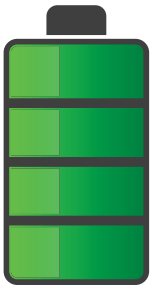
A 2015 EPA study* found that gasoline-powered lawn and garden equipment is responsible for emitting 43% of Volatile Organic Compounds (VOCs) and 50% of Particulate Matter (PM) pollution for all nonroad gasoline emissions.

National 2011 estimated emissions from gas powered yard tools

- 461,800 tons of Volatile Organic Compounds
- 68,500 tons of Nitrogen Oxide
- 20,382,400 tons of Carbon Dioxide
- 20,700 tons of Fine Particulate Matter

Minimize air pollution by considering...

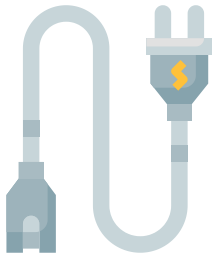
Battery Powered



Battery powered yard tools are a great alternative to gas powered tools and are ideal for basic yardwork. They are quieter, have zero emissions, and are generally lighter. Because they lack mechanical parts like spark plugs, fuel lines, or air filters they require less maintenance or repair. However, the lithium-ion batteries can raise the upfront cost of battery powered yard tools.

Corded Powered

Corded powered yard tools are another alternative to gas powered tools. They have the same benefits as battery powered tools but can operate for longer periods than their battery powered counterparts. Corded powered lawn tools also have low operating costs, and are often more affordable to purchase than gas powered tools.



Human Powered



Human powered yard tools like booms, rakes, and clippers are the most environmentally friendly approach to care for your yard. They create no emissions, do not have any operating costs, require little to no maintenance, are noise free, and are a great form of exercise.

** Banks, Jamie L., PhD, MS, and Robert McConnell. "National Emissions from Lawn and Garden Equipment." Environmental Protection Agency, 16 Apr. 2015. Click here for weblink*

LANE REGIONAL AIR PROTECTION AGENCY MEMORANDUM

To: Chair Matt Keating and LRAPA Board Members

From: Travis Knudsen, Executive Director, and Max Hueftle, Operations Manager

Date: October 8, 2026

Subject: Interagency Portable Source Coordination

STAFF REPORT

ISSUE STATEMENT

Board members have asked why portable equipment that already holds a permit from the Oregon Department of Environmental Quality (DEQ) also needs an LRAPA permit to operate in Lane County. This report explains the basis for the requirement and the size of LRAPA's portable source permitting program.

BACKGROUND INFORMATION

Portable sources are equipment capable of moving between job sites, such as rock crushers, asphalt plants, concrete batch plants, and air curtain incinerators. From 2008 to 2024, LRAPA and DEQ rules allowed one permit for a portable source if it included both agencies' requirements. That permit came from the agency where the company's corporate office was located, so Lane County-based operators held LRAPA permits.

In practice, the single-permit provision was difficult to carry out. Each permit had to contain both agencies' requirements, so any difference between the two rule sets left it unusable. When DEQ changed its visible emissions (opacity) standard in 2015 and LRAPA's did not change until later, the provision stopped working, and by 2019 LRAPA was requiring its own coverage for portable sources. DEQ removed the provision from its rules in 2023, and LRAPA followed in 2024 to keep the two rule sets aligned.

WHY TWO PERMITS

Under current rules, a DEQ permit covers operation anywhere in Oregon except Lane County, and an LRAPA permit covers Lane County.[1] Three things drive this.

	DEQ permit	LRAPA permit
Where it applies	All of Oregon except Lane County	Lane County
Rules	Oregon Administrative Rules, Chapter 340	LRAPA Titles, including Title 37
Inspections and enforcement	DEQ	LRAPA
Fees paid to	DEQ	LRAPA

Jurisdiction. LRAPA holds delegated authority for air permitting in Lane County. Stationary and portable sources are subject to LRAPA's applicable rules. When equipment crosses the county line, it moves into a different permitting jurisdiction.

Enforceability. LRAPA's inspection and enforcement tools apply to LRAPA rules and LRAPA-issued permits.[2] A DEQ permit gives LRAPA no conditions it can enforce. A DEQ permit also does not

authorize operation in Lane County.

Local requirements. LRAPA and DEQ rules are closely aligned today, and each agency adopts and amends its rules separately. The LRAPA permit carries the requirements that apply in Lane County, including notice to LRAPA before the equipment moves to a new site, so staff know where it is operating.

SCOPE AND COST

LRAPA currently permits 23 portable sources, about 8 percent of the roughly 300 sources LRAPA permits. Most are rock crushers on General Air Contaminant Discharge Permits (ACDPs), which cover common source types that don't need an individual permit to protect air quality.

LRAPA portable sources and annual fees (Title 37 Table 2 as of July 1, 2026)

Source type	Count	LRAPA permit	Annual fee per source	Estimated annual total
Rock crushers	17	General ACDP, Fee Class Two	$2,948	$50,116
Asphalt plant	1	General ACDP, Fee Class Three	$4,258	$4,258
Ready-mix concrete	2	General ACDP, Fee Class One	$1,637	$3,274
Ready-mix concrete (small)	1	Basic ACDP	$820	$820
Air curtain incinerators	2	General ACDP, Fee Class One	$1,637	$3,274
Total	**23**			**About $61,700**

Staff estimates that at least half of LRAPA's portable sources also hold DEQ permits for work elsewhere in the state, which puts the LRAPA fees paid by dual-permitted sources at roughly $31,000 per year or less. A new portable source also pays a one-time $2,178 assignment fee.[3] For example, a source assigned to a Fee Class One General ACDP pays up to about $3,815 to LRAPA in its first year and $1,637 in each year after. Also, the annual fees in the first year are pro-rated based on the date the application is received.

These fees fund the work of permitting and overseeing equipment that operates in Lane County. So far in 2026, staff have completed four (4) new portable source assignments. That work includes the following.

- Reviewing applications and confirming equipment and eligibility for the General ACDP
- Issuing the permit assignment and setting the source up for billing and site tracking
- Tracking site notices and annual production reports while equipment operates in Lane County
- Inspections, complaint response, and compliance assistance at active sites
- Coordinating with DEQ when equipment moves between Lane County and the rest of the state

STAFF RECOMMENDATION

This is an informational item, and no formal motion is required. Staff welcomes Board discussion.

REFERENCES

1. LRAPA Title 37, Section 37-0020(3)(b) (amended April 11, 2024); OAR 340-216-0020(3)(b) (effective March 1, 2023).
2. LRAPA Title 15, Enforcement Procedure and Civil Penalties.
3. LRAPA Title 37, Section 37-0060(3)(b) and Section 37-8020 Table 2 (amended July 1, 2026).

LANE REGIONAL AIR PROTECTION AGENCY

FUTURE BOARD AGENDA ITEMS

2026

January
- ~~Preview upcoming appointments on board and committees.~~
- ~~City of Eugene Public Health Standards Code Amendments~~
- ~~Director's Contract Approval~~

February
- ~~Oakridge Air Update~~
- ~~FY'25 Audit Report & Presentation~~
- ~~Appoint new Budget Committee members, and appoint Budget Officer~~

March
- ~~Potential Supplemental Budget~~
- ~~Budget Committee Meeting for FY'26-27~~
- ~~Elect the Board Chair and Vice-Chair~~

April
- ~~Budget Committee Meeting for FY'26-27~~
- ~~Budget Approval~~
- ~~Legislative Short Session Review~~
- ~~Auditor Engagement Update~~
- ~~Special Revenue Fund Name Change~~

May
- ~~Public Hearing of FY'26-27 Approved Budget, Board Adoption~~
- ~~Caselle Update on Resolution #26-01~~
- ~~Air Toxics & Cleaner Air Oregon Presentation~~

June
- ~~Rivers 2 Ridges Rx Burning Presentation~~
- ~~General Fund Revenue Strategy Discussion~~
- ~~Executive Session, Personnel & Staffing~~

July
- ~~Asbestos Rules, Hearing Request~~
- ~~General Fund Revenue Strategy & ACDP Annual Fee Options~~

August
- ~~No Meeting~~

September
- ~~ACDP Program Costs and Fee Structure~~
- ~~Review Local Partner Dues Calculation for FY'27-28~~
- ~~Annual Review of Board Designated LGIP Account~~
- ~~Data Center Development and Air Quality in Lane County~~
- ~~Exec. Director Performance Evaluation Process & HR Support~~

October
- Approve Local Dues Calculation for FY'27-28
- GDF & Clean-Up Rulemaking, Hearing Request
- 2-Cycle Equipment Emissions
- Interagency Portable Source Coordination

November
- Executive Session, Director Evaluation
- GDF & Clean-Up Rulemaking, Public Hearing
- Asbestos Rulemaking, Public Hearing
- Artificial Intelligence at LRAPA

December
- No Meeting

2027

January
- Preview upcoming appointments on board and committees.
- GDF & Clean-Up Rulemaking, Board Adoption
- Asbestos Rulemaking, Board Adoption
- Oakridge Air update

February
- Appoint new Budget Committee members, and appoint Budget Officer
- Elect the Board Chair and Vice-Chair

March
- Potential Supplemental Budget
- Budget Committee Meeting for FY'27-28

April
- Budget Committee Meeting for FY'27-28; Approve Budget
- Executive Director's Performance Evaluation Process

May
- Public Hearing of FY'27-28 Approved Budget, Board Adoption
- Oakridge Air Update

June
- Outdoor Burning Season Review

July
- Rulemaking Review
- Review PERS UAL Liability & Investment Strategy

August
- No Meeting

September
- Review Legislative Long Session
- Review Local Partner Dues Calculation for FY'28-29
- Annual Review of Board Designated LGIP Account
- Annual Fee and Program Cost Update

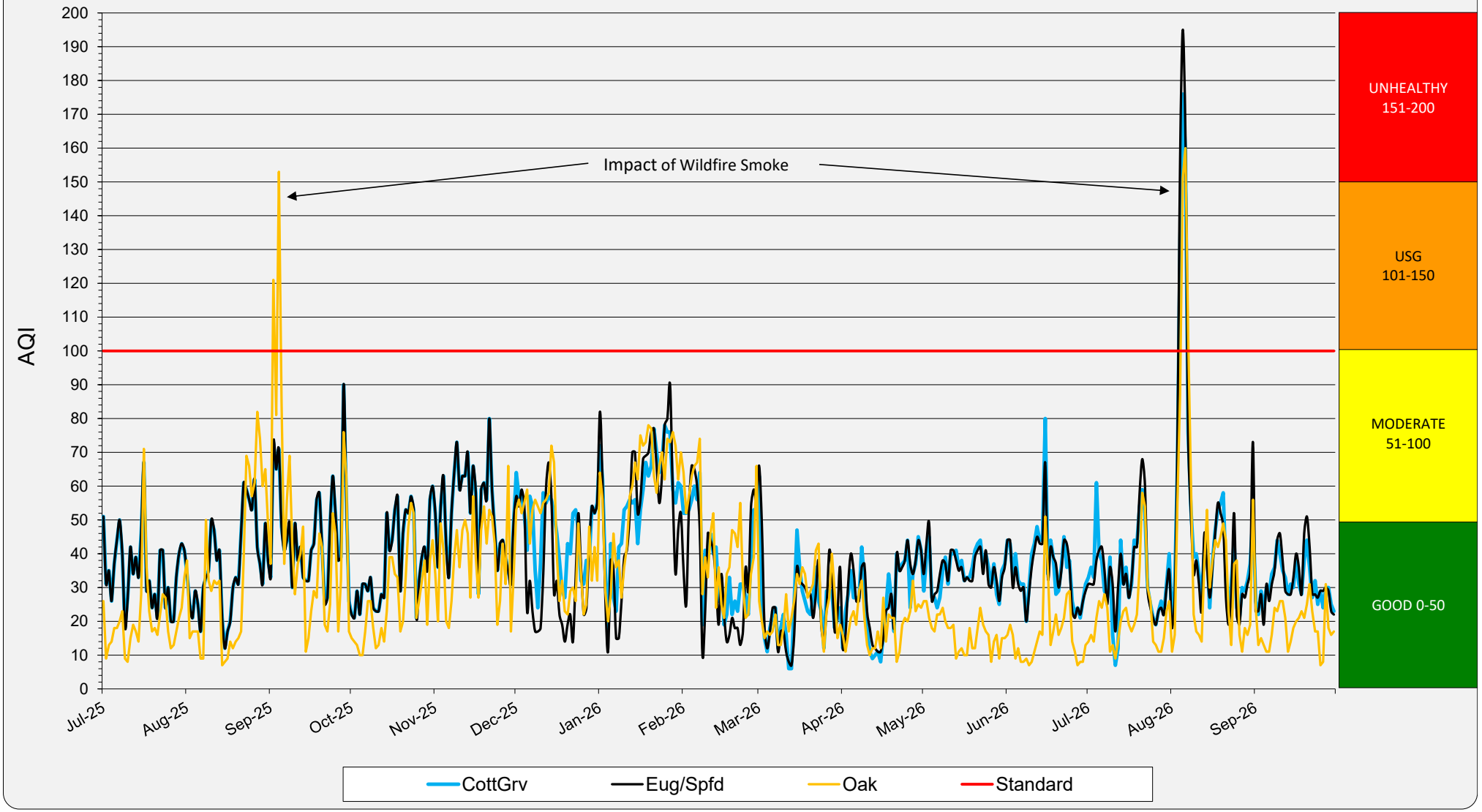
October
- Approve Local Dues Calculation for FY'27-28

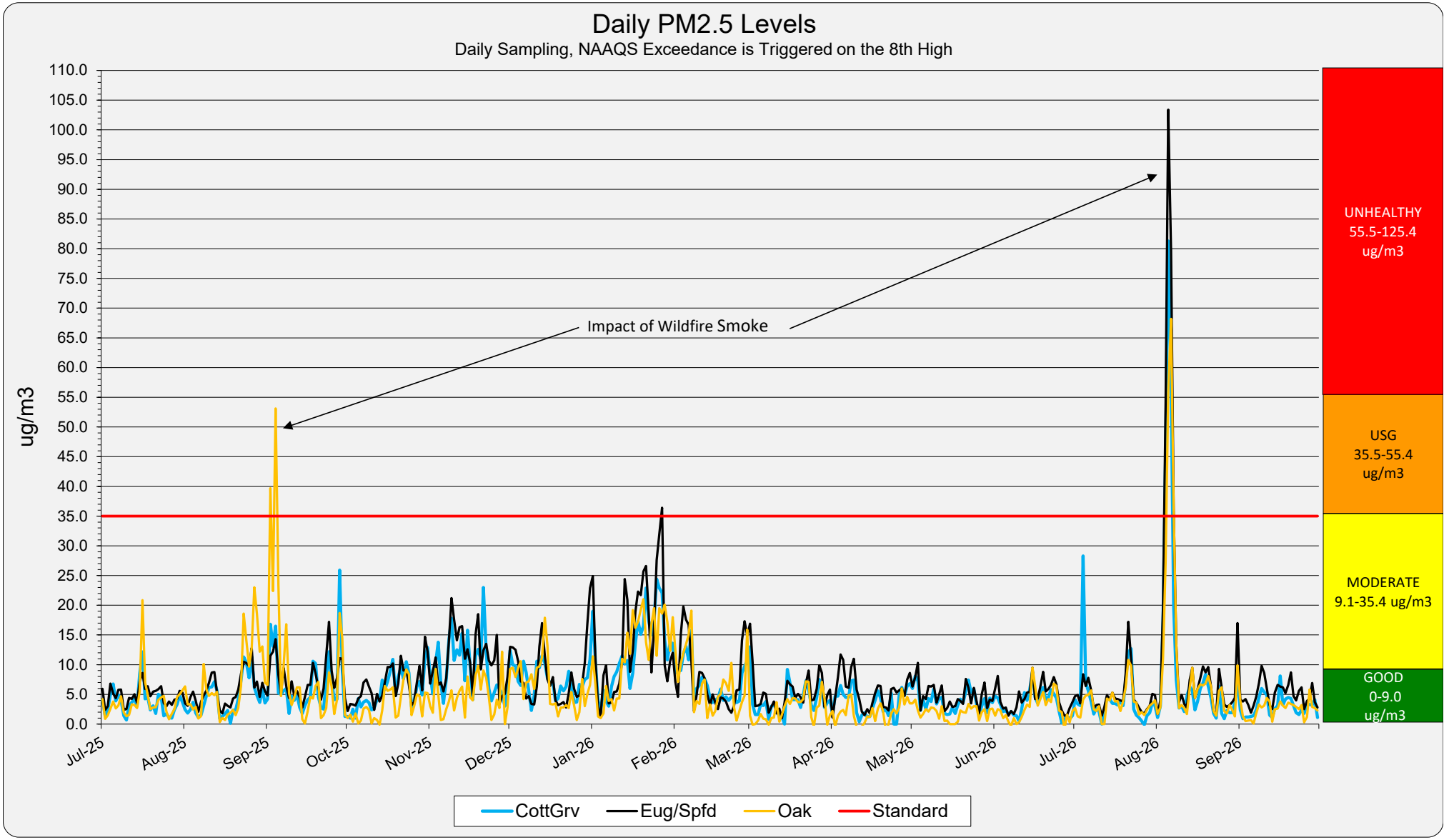
November
- Executive Session, Director Evaluation

December
- No Meeting

Daily Air Quailty Index (AQI) Chart

This 15-month chart demonstrates the seasonality of the pollutants.




Daily PM2.5 Levels
Daily Sampling, NAAQS Exceedance is Triggered on the 8th High
ug/m3
110.0
105.0
100.0
95.0
90.0
85.0
80.0
75.0
70.0
65.0
60.0
55.0
50.0
45.0
40.0
35.0
30.0
25.0
20.0
15.0
10.0
5.0
0.0
Impact of Wildfire Smoke
UNHEALTHY
55.5-125.4
ug/m3
USG
35.5-55.4
ug/m3
MODERATE
9.1-35.4 ug/m3
GOOD
0-9.0
ug/m3
Jul-25
Aug-25
Sep-25
Oct-25
Nov-25
Dec-25
Jan-26
Feb-26
Mar-26
Apr-26
May-26
Jun-26
Jul-26
Aug-26
Sep-26
CottGrv
Eug/Spfd
Oak
Standard

NEW/OPEN ENFORCEMENT ACTIONS DETAIL REPORT
09/01/2026 – 09/30/2026
Report of open actions initiated since last report

NEW (Enforcement actions issued in the current reporting period):

1. INTERNATIONAL PAPER (SPRINGFIELD)

   A. Violation: International Paper Company - Springfield Mill reported four (4) occurrences of excess emissions that were due to malfunctions affecting Lime kiln No. 2, Lime kiln No. 3, and EU-455. Two of these occurrences, on 8/21/2025 and 5/26/2026, occurred while the kilns were operating and are violations of LRAPA issued Permit #208850, Condition 107. The other two occurrences, both on 2/18/2026, occurred while the Kilns were not operating and are not violations of Condition 107, since the limit applies Only while the kilns are operating.

   B. Initial Action Taken: NON #3969 issued 09/17/2026

   C. Subsequent Action: No further action.

   D. Resolution: CASE CLOSED 09/23/2026

   E. Source Type: TITLE V

   F. Initiated By: INSPECTION AND REPORTING

2. BELFOR ENVIRONMENTAL (EUGENE)

   A. Violation: Failure to submit asbestos notification fees in the amount of $135 for a project located at a Eugene Residence. The fee is now over 60 days late and in violation of LRAPA's Rules and Regulations, Title 43, Section 43-015-10.

   B. Initial Action Taken: NON #3984 issued 09/02/2026

   C. Subsequent Action: 09/02/2026 submitted fees in the amount of $135.

   D. Resolution: CASE CLOSED on 09/02/2026

   E. Source Type: ASBESTOS

   F. Initiated By: INSPECTION

PENDING (Enforcement actions issued prior to 09/01/2026 with <u>subsequent</u> action in the current reporting period):

1. SWANSON GROUP MFG. LLC (SPRINGFIELD)

   A. Violation: Exceeded permitted visible emission (opacity) limits from the wood-fired boilers (EU-1) in violation of Title V Operating Permit #207510, Condition 20. Six (6) excess emission events occurred in reporting year 2024 and two (2) in reporting year

2025. All events except the event on 1/11/2024 were reported in the semi-annual reports for those periods.

B. Initial Action Taken: NON #3960 issued 06/30/2026

C. Subsequent Action: NCP #2026-3960 ($22,200) issued 06/30/2026. Respondent requested a penalty reduction with a compliance schedule on 07/17/2026. SFO #26-3960 was fully executed 09/22/2026. The penalty is settled at $0 in exchange for a covered hog fuel storage structure, to be completed by 03/31/2027, and installation of a Continuous Opacity Monitoring System (COMS) within 12 months of the renewed Title V permit. Progress reports are due every 60 days. If Respondent misses either requirement, the full $22,200 becomes due and stipulated penalties of $1,800 per week apply.

D. Resolution: PENDING (SFO compliance schedule)

E. Source Type: TITLE V

F. Initiated By: INSPECTION AND REPORTING

PENDING (Enforcement actions issued prior to 09/01/2026 with <u>no reporting</u> action in the current reporting period):

1. RADIUS RECYCLING (EUGENE)

A. Violation: Outdoor burning where prohibited and outdoor burning of prohibited materials.

B. Initial Action Taken: NON #3951 issued 1/14/2026

C. Subsequent Action: NCP #2025-3951 ($26,435) issued 06/30/2026; request for reduction received and is under review.

D. Resolution: PENDING

E. Source Type: OUTDOOR BURNING

F. Initiated By: COMPLAINT

2. DUST 2 DIAMONDS, LLC (SPRINGFIELD)

A. Violation: Performed an asbestos abatement project without possessing a license to perform asbestos abatement; openly accumulated friable asbestos-containing materials.

B. Initial Action Taken: NON #3908 issued 9/6/2024

C. Subsequent Action: NCP #2024-3908 ($8,400) issued 9/6/2024; request for reduction approved and reduced to $4,800 with a payment plan of $100; is current with payments 09/01/2026.

D. Resolution: PENDING

E. Source Type: ASBESTOS

F. Initiated By: INSPECTION

3. JANICE CASTLE & JEFFREY HEITZMAN (EUGENE)

A. Violation: Outdoor burning of prohibited materials (plywood and treated lumber wrapped in metal fasteners)

B. Initial Action Taken: NON #3963 issued 06/23/2026

C. Subsequent Action: NCP #2026-3963 ($8,088) issued 06/23/2026; no response, a default order and judgment (DOJ) in process 08/01/2026.

D. Resolution: PENDING

E. Source Type: OUTDOOR BURNING

F. Initiated By: COMPLAINT

4. ALPINE ABATEMENT ASSOC., INC. (EUGENE)

A. Violation: During an asbestos abatement inspection, LRAPA observed the following violations of LRAPA Title 43 - Asbestos Requirements of interim storage location for waste was left unsecured and labeled; negative pressure enclosures did not have viewing windows installed to allow for observation of the abatement area; did not maintain a proper NPE during the project. Containment was cut open during abatement to install a viewing window.

B. Initial Action Taken: NON #3965 issued 06/23/2026

C. Subsequent Action: NCP #2026-3965 ($19,200) issued 06/23/2026; request for reduction received and is under review 07/15/2026.

D. Resolution: PENDING

E. Source Type: ASBESTOS

F. Initiated By: INSPECTION

5. EDWARD LITTEN (NOTI)

A. Violation: Outdoor burning of prohibited materials, burned at night outside of allowed outdoor burning times as set by LRAPA outdoor burning advisory, and burned construction and demolition debris without an Outdoor burning Letter issued permit.

B. Initial Action Taken: NON #3967 issued 06/23/2026

C. Subsequent Action: NCP #2026-3967 ($3,850) issued 06/23/2026; no response, a default order and judgment (DOJ) in process 08/01/2026.

D. Resolution: PENDING

E. Source Type: OUTDOOR BURNING

F. Initiated By: COMPLAINT

6. JEFFREY HEITZMAN & JANICE CASTLE (EUGENE)

A. Violation: Outdoor burning of prohibited materials including construction/ demolition debris.

B. Initial Action Taken: NON #3948 issued 1/15/2026

C. Subsequent Action: NCP #2025-3948 ($3,388) issued 1/15/2026; no response, a default order and judgment (DOJ) in process.

D. Resolution: PENDING

E. Source Type: OUTDOOR BURNING

F. Initiated By: COMPLAINT

7. REMEDIOS ROMERO (COTTAGE GROVE)

A. Violation: Respondent conducted the burning of prohibited materials, including painted wood, metal, tin cans, plastic bags, food waste, plastics fiberglass roofing and general household garbage in a burn barrel.

B. Initial Action Taken: NON #3930 issued 08/06/2025

C. Subsequent Action: NCP #2025-3930 ($1,019) issued 08/06/2025; no response, a default order and judgment (DOJ) in process.

D. Resolution: PENDING

E. Source Type: OUTDOOR BURNING

F. Initiated By: COMPLAINT

8. LANE FOREST PRODUCTS (EUGENE)

A. Violation: Lane Forest Products has not been conducting the required monthly fugitive emission surveys as outlined in ACDP 204741 Permit Condition 12 of their current permit (issue date 6/4/2024) which is the required monitoring component of preventing excess emissions of particulate matter.

B. Initial Action Taken: NON #3950 issued 04/13/2026

C. Subsequent Action: PENDING

D. Resolution: PENDING

E. Source Type: ACDP

F. Initiated By: COMPLAINT

CLOSED ENFORCEMENT CASES Enforcement closed in the current reporting period 09/01/2026 – 09/30/2026):

International Paper (NON #3969) and Belfor Environmental (NON #3984) closed this period and are listed under New above.

State of Oregon Department of Environmental Quality and Lane Regional Air Protection Agency

Notice of Proposed Rulemaking

September 15, 2026

LRAPA Air Quality (AQ) Permitting Updates 2026

Lane Regional Air Protection Agency (LRAPA) Rules and Regulations Air Quality (AQ) Permitting Updates 2026
Request for Hearing, October 8, 2026 at LRAPA's Board of Director's Meeting

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Introduction

LRAPA and DEQ invite public input on a proposed program to update, clarify, and improve air quality permitting requirements including permanent rule adoption and rule amendments to chapter 340 of the Oregon Administrative Rules via changes to LRAPA Rules and Regulations.

Request for Other Options

During the public comment period, LRAPA staff asks for public comment on whether there are other options for achieving the rules' substantive goals while reducing the rules' negative economic impact on business.

Overview

Short summary of proposed rule changes

LRAPA proposes to update its air quality rules to match recent changes made to state statutes and rules, as well as changes made to related federal rules. LRAPA also proposes to update the cost of the annual fees associated with implementing the Air Contaminant Discharge Permit (ACDP) program. The increase in ACDP fees would be sufficient to restore adequate funding for, and administration of, LRAPA's ACDP program. The four (4) categories of proposed changes include:

- **Federal Regulation Changes:** This group of changes include the typical adoption of federal regulations by reference, Startup Shutdown and Malfunction regulation changes pertaining to excess emissions affirmative defense updates, and PM2.5 and SO2 National Ambient Air Quality Standard (NAAQS) updates.
- **State Regulation Changes:** In 2025, the Oregon legislature enrolled one bill that requires rulemaking by LRAPA to implement. Specifically, HB 3729 addressed crematory incinerator afterburner temperatures. Additionally, LRAPA is proposing to implement the DEQ rules for Gasoline Dispensing Facilities (GDFs) that were updated in 2024.
- **ACDP Fee changes:** This includes an increase in the annual fees by 15% each year for three (3) fiscal years beginning on July 1, 2027, increasing the greenhouse gas (GHG) reporting fee for ACDP sources from 12.5% to 20%, and increasing the GDF fee by changing it from a Fee Class 5 to a Fee Class 4. The annual increase also changes from four (4) percent each year to an increase by the Employment Cost Index[1] (ECI) or five (5) percent, whichever is less.
- **Other Changes:** Corrections to typographical errors and non-technical changes.

[1] To establish the ECI for the July 1st ACDP fee increases each year, LRAPA will use the 12 months ending December 31st from the U.S. Bureau of Labor Statistics data here: https://www.bls.gov/bls/news-release/eci.htm

Federal Regulation Changes

1. Typical adoption of federal regulations by reference, Code of Federal Regulations date change: The federal Clean Air Act requires the U.S. Environmental Protection Agency to establish National Emission Standards for Hazardous Air Pollutants, known as NESHAPs, for hazardous air pollutants. EPA finished establishing major source standards in 2004. EPA began establishing area source standards in 2006 and concluded in 2011. EPA may create additional NESHAPs in the future for new source categories or source categories it may have missed.

   The Clean Air Act also requires EPA to develop New Source Performance Standards, known as NSPS, for categories of sources that cause or significantly contribute to air pollution that may endanger public health or welfare. Such regulations apply to each new source within a category without regard to source location or existing air quality.

   The Environmental Quality Commission has historically adopted many of these federal regulations into Oregon Law, and the LRAPA Board has followed suit. NSPS and NESHAP regulations adopted by reference are established in Oregon Administrative Rules divisions 238 and 244, and LRAPA rules in titles 46 and 44, respectively. For many air permits issued by LRAPA, the EQC and/or Board must adopt any changes made by EPA before they can be included in an air permit. Oregon DEQ and LRAPA regularly proposes to update these rules to ensure Oregon law aligns with federal regulations.

   EPA performs a residual risk analysis for major source NESHAPs and periodic technology reviews for NSPS and NESHAPs. These reviews are ongoing and, in some cases, result in EPA updating or amending the standards. EPA also revises NESHAPs to address errors, implementation issues and court rulings. Adopting federal regulations by reference can be classified as a ‘housekeeping’ measure because when EPA’s rulemaking is final, changes to the regulatory landscape are already made. The EQC adopting regulations into state law only simplifies permitting and compliance efforts. This term, ‘housekeeping’, as used by the EQC during the July 2019 federal regulation adoption rulemaking, remains an appropriate descriptor for this LRAPA rule update considering the significant similarities. This portion of the rulemaking regulates facilities subject to the new or modified NESHAP and NSPS regulations listed herein.

2. Startup Shutdown Malfunction affirmative defense: The Environmental Protection Agency removed the ‘‘emergency’’ affirmative defense provisions from the EPA’s Title V operating permit program regulations. These provisions established an affirmative defense that sources could have asserted in enforcement cases brought for noncompliance with technology-based emission limitations in operating permits, provided that the exceedances occurred due to qualifying emergency circumstances. These provisions were removed because they are inconsistent with rulings from the U.S. Court of Appeals for the D.C. Circuit. Most recently, on May 28, 2026, the EPA rescinded the final rule that removed emergency-related affirmative defense provisions from federal regulations governing title V operating permit programs (the

"Affirmative Defense Rule"). EPA took this final action in response to the September 5, 2025, decision of the U.S. Court of Appeals for the D.C. Circuit in SSM Litigation Group v. EPA, which reversed the 2023 Affirmative Defense Rule. However, LRAPA's rules in this regard must be at least as stringent as DEQ's corresponding rules that have removed the Affirmative Defense Rule from their Excess Emissions division.

3. The Clean Air Act requires EPA to set national air quality standards for six criteria pollutants considered harmful to public health and the environment. The law also requires EPA to periodically review the standards to ensure that they provide adequate health and environmental protection, and to update those standards as necessary. On February 7, 2024, EPA adopted a revised PM2.5 NAAQS. On December 27, 2024, EPA adopted revised SO2 NAAQS. With revised NAAQS, LRAPA must also revise the values for the NAAQS referenced in LRAPA rules, including any changes to implementation tools like Significant Impact Levels for PM2.5, that may result from those revised standards.

State Regulation Changes

1. The statutory change for HB 3729 was effective starting in September 2025 and is in direct conflict with existing LRAPA rule language and issued air quality permits. In LRAPA's title 30, owners and operators of crematory incinerators installed on or after March 13, 1993, are required to operate their units at 1,800ºF or higher, while the statutory change requires that LRAPA not enforce any rule or standard that requires operation above 1,600ºF. See HB 3729 and ORS 468A.865 regarding crematory incinerator temperatures. Additionally, LRAPA is proposing to repeal our existing rules for solid and infectious waste incinerators in title 30 and implement DEQ's corresponding rules in division 230 by reference.

2. At their March 21, 2024 meeting, the EQC adopted GDF emission control requirements to reduce emissions of hazardous air pollutants and compounds that lead to ground level ozone formation at various facilities around the state based on how much gasoline the facility dispenses. LRAPA is proposing to implement DEQ's GDF rules by reference and repeal LRAPA's existing GDF rules that are outdated and currently less stringent than DEQ's corresponding rules.

ACDP Fee Increases and ACDP Fee Changes

1. LRAPA's annual fees for ACDPs are approximately 35% lower than DEQ's corresponding annual fees for ACDPs. So, while the other ACDP fee components in LRAPA's rules, such as Initial Application Fees and Specific Activity Fees are nearly equivalent to DEQ's corresponding fees, LRAPA's annual fees in title 37, table 2, part 2 are approximately 35% lower than DEQ's annual fees. The ACDP fee program is part of LRAPA's portion of federally approved State Implementation Plan for Oregon, required to meet national air quality standards and Oregon's clean air laws. It is also LRAPA's cornerstone strategy for addressing air emissions from industrial

facilities. Fee increases are needed to maintain existing service levels and ensure adequate funding of the program so that reserves are maintained above target levels.

2. LRAPA's rules carry the Oregon GHG Reporting Program. This rulemaking updates the title 37 ACDP rules to reflect the current program, and the fee increase is needed to adequately fund LRAPA's work on it. The Oregon GHG rules require reporting from major sources of greenhouse gas emissions in Oregon. This includes industrial facilities, suppliers of liquid fuels and natural gas, landfills and electricity suppliers. LRAPA is proposing to increase the greenhouse gas (GHG) reporting fee for ACDP sources from 12.5% to 20% of the annual fee, with a minimum of $500 and a maximum annual GHG reporting fee of $9,000 per source.

3. This rulemaking updates the GDF fee classification in LRAPA's rules so affected General ACDP facilities move from Fee Class 5 ($218 per year) to Fee Class 4 ($655 per year). This matches the increase DEQ instituted in 2024 to account for a more appropriate fee level for the work required for sources in this category. Similarly, LRAPA proposes to change the fee classification for fiberglass lay-up and plastics composites production from Fee Class 1 ($1,307) to Fee Class 4 ($655 per year) to account for a more appropriate fee level for the work required for sources in this category.

4. The Cleaner Air Oregon (CAO) Specific Activity Fees in title 37, table 3 are proposed to also be included in the annual three percent (3%) fee increase that previously only applies to table 2, part 3 CAO Annual Fees.

Other Changes

1. Make it optional for LRAPA to require a renewal application from sources assigned to a General ACDP. LRAPA would have the option to assume in certain specific General ACDPs that sources assigned to those permits would like to remain assigned to them. Sources can always request termination of their General ACDP Assignment at any time, and not just at renewal.
2. Create a de minimis cut off for coffee roasting of less than 1 ton per year in title 37, table 1, Category A.10. to not require a Basic ACDP for very small roasters.
3. Create a new Basic ACDP category in title 37, table 1, Part A for sources that would be subject to Category B.75 and required to obtain at least a Simple ACDP due to their capacity but allows the source to limit production and/or hours of operation to keep them on a Basic ACDP.
4. Repeal an entire title related to a Contingency for PM10 Sources in Eugene-Springfield Non-Attainment Area since the area is in attainment.

Many of the proposed rule changes improve clarity, especially where rules may conflict, and correct cross-references and other errors. The rules also align more closely with DEQ rules adopted by the Environmental Quality Commission.

LRAPA proposes the LRAPA Board and Environmental Quality Commission approve the proposed rule and rule amendments for incorporation into Oregon’s State Implementation

Plan. With the LRAPA Board's and EQC's approval, DEQ would submit the proposed rule and rule amendments to the United States Environmental Protection Agency to be included in and revise the State Implementation Plan required by the Clean Air Act.

Note: See LRAPA's crosswalk of rules changes, including the rules in the State Implementation Plan, for details.

Affected parties
The proposed rule and rule amendments affect:

- All businesses, agencies, local governments and other entities holding air quality permits and that may be required to obtain air quality permits.

Procedural Summary

More information

Information about this rulemaking is on this rulemaking's web page: **https://www.lrapa-or.gov/air-quality-protection/about-lrapa/regulations-rules/**

Public Hearings

LRAPA is requesting authority to act as hearings officer and staff plans to hold one public hearing. Anyone can attend a hearing in person, or by webinar or teleconference.

Date: November 12, 2026
Start time: 12:30PM
Street address:1010 Main Street
Room: LRAPA Conference Room
City: Springfield, Oregon 97477
Teleconference phone number: [INSERT]
Webinar link: [INSERT]

How to comment on this rulemaking proposal

LRAPA is asking for public comment on the proposed program changes, including the proposed new rule and rule amendments. Anyone can submit comments and questions about this rulemaking. A person can submit comments by email, regular mail or at the public hearing. All comments are public records. LRAPA will include the commenter's name and comment in the public rulemaking record, except that Oregon public university and OHSU students may omit their email address as described below.

Comment deadline

LRAPA will only consider comments on the proposed rules that LRAPA receives in writing by 5:00 p.m., on November 11, 2026, along with oral comments made at the time of the public hearing at 12:30PM on November 12, 2026.

Submit comment by email

Any person can submit comments by going to this rulemaking's web page: www.lrapa-or.gov or via email to rules@lrapa-or.gov.

Note for public university students:

ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student you may notify LRAPA that you wish to keep your email address confidential when you submit a comment.

By mail

LRAPA
Attn: Max Hueftle
Lane Regional Air Protection Agency
1010 Main Street
Springfield, OR 97477

At hearing

November 12, 2026

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What will happen next?

Following adoption by the LRAPA Board, LRAPA staff will include a written response to comments in a staff report and will submit the informational packet to the Environmental Quality Commission (EQC). LRAPA staff may modify the rule and rule amendments proposal based on the comments and consistent with the scope of this rulemaking notice. The EQC will then consider adoption of the rule changes.

LRAPA intends to submit the LRAPA Board-adopted rules to the EQC sometime after November 12, 2026.

Statement of need

1. Federal Regulation Changes: The need the proposed rules would address is aligning LRAPA with federal rules.
2. State Regulation Changes: These need in this group fall into the following two categories:
    a. For crematory incinerator temperatures, the statutory change for HB 3729 was effective starting in September 2025 and is in direct conflict with existing LRAPA rule language and issued air quality permits.
    b. DEQ adopted updated GDF rules in 2024 to require the use of new Stage 1 Enhanced Vapor Recovery Systems for certain GDFs, and LRAPA needs to either update our corresponding rules or adopt DEQ's by reference. LRAPA is proposing to repeal the outdated GDF rules and implement DEQ's by reference. Many GDFs required to hold an air permit are not required to install equipment to control gasoline vapors. For those that are required to install control equipment, there have been developments in vapor control technology that have made some previous control systems outdated or otherwise ineffective. These technology changes are largely attributed to changes to the regulations in California applicable to these facilities by the California Air Resources Board and are referred to in the proposed rules as Stage 1 Enhanced Vapor Recovery systems.
3. ACDP Fee Increases and Other Fee Changes: LRAPA's annual fees for ACDP sources are approximately 35% less than DEQ's corresponding annual fees. While the LRAPA fees for ACDPs in other categories such as Initial Application Fees have remained nearly equal to DEQ's corresponding fees due to annual 4% increases on July 1st by rule, Annual Fees for ACDPs have fallen nearly 35% behind DEQ and LRAPA's reserves are projected to decline below targeted levels if funding is not increased.
4. Other Changes: This part of the rulemaking is needed to repeal outdated rules that are no longer relevant, correct various typographical errors, incorrect cross references, and make various clarifications to air quality rules.

How would the proposed rule address the need?

1. Federal Regulation Changes: The proposed rules will address this need by adopting by reference the federal rules.
2. State Regulation Changes: For crematories, the rule language would establish temperature requirements that align, instead of conflict, with Oregon statute 468A.865. For GDFs, the proposed rules require installation of new or more effective vapor controls in various situations. For example, a new GDF that would have not been required to install any vapor controls would be required to at least install a Stage 1 vapor balance system to control vapors during storage tank refilling; an existing GDF that is adding or replacing a storage tank would have to also install Enhanced

Vapor Recovery systems based on their past records of dispensed fuel.
3. ACDP Fee Increases and Other Fee Changes: The proposed rule generates revenue to provide adequate program funding for the foreseeable future.
4. Other Changes: The proposed rules would address the need by correcting or updating each of the issues that have been identified.

How will LRAPA know the rules have addressed the needs stated above?

1. Federal Regulation Changes: The proposed rules will address this need by adopting by reference the federal rules.
2. State Regulation Changes: For crematories, DEQ will know the rule addressed the need when Oregon Administrative Rule and Orgon Revised Statute do not conflict. DEQ will also know when revised Basic and General Air Contaminant Discharge Permits are issued by DEQ and assigned or issued to affected facilities, clearly establishing the new temperature requirement. For GDFs, LRAPA will know that the rule has addressed the need if newly constructed GDFs submitting new permit applications indicate that vapor control equipment is installed or proposed to be installed. LRAPA will also know that the rules have addressed the need when agency staff receive the required Notice of Construction applications from GDF owners or operators detailing the control equipment proposed to be installed on new or replaced storage tanks.
3. ACDP Fee Increases and Other Fee Changes: The proposed rule will address the need if the increased fees provide adequate program funding through the LRAPA budget-setting process with the Budget Committee.
4. Other Changes: LRAPA will know the rule addressed the need when the changes are adopted and effective LRAPA Rules.

If the LRAPA Board and then the EQC adopt the proposed rule changes after considering public comments, DEQ would submit the rules to EPA to update Oregon's State Implementation Plan. LRAPA and DEQ would know that one of the goals of this rulemaking has been addressed when EPA reviews and approves the State Implementation Plan revision.

Federal relationship

Relationship to federal requirements

ORS 183.332, ORS 468A.327 and OAR 340-011-0029 require DEQ, and in some cases LRAPA, to attempt to adopt rules that correspond with existing equivalent federal laws and rules unless there are reasons not to do so. This section complies with those statutes and rules to clearly identify the relationship between the proposed rule changes and applicable federal requirements.

1. Federal Regulation Changes: Here, LRAPA (and DEQ) had determined that there is no need to adopt different rules than these federal rules, as written. The proposed

rules would adopt federal requirements by reference or verbatim, and nothing more, and are therefore not different from or in addition to federal requirements.

2. State Regulation Changes: For crematories, there are no federal requirements applicable to crematory incinerator operations. LRAPA is proposing changes to this rule for administrative purposes to align administrative rule language with applicable statutory provisions. For GDFs, the proposed rules add requirements in addition to those in federal requirements. Current requirements in LRAPA Rules and Regulations title 44 applicable to GDF owners and operators supplement applicable federal requirements found under the Code of Federal Regulations (40 C.F.R. part 63 subpart CCCCCC). The proposed rules modify and add requirements to various affected facilities to reduce Hazardous Air Pollutant and criteria pollutant emissions, improve air quality, improve public health, and require enhanced pollution controls that are readily available. For most facilities in the county, the proposed rules establish that control equipment changes are required when an existing gasoline storage tank is being replaced or added to the facility.
3. ACDP Fee Increases and Other Fee Changes: Federal law requires states to have both a Title V permit program and a permit program for non-major facilities, LRAPA's ACDP permitting program. The proposed rules fund the ACDP program. While there is a federal requirement for LRAPA to fully fund its Title V operating permit program through TV permit fees, there is no similar requirement for the ACDP program. LRAPA has increased the ACDP fees incrementally since the rules were overhauled in October of 2008, by applying an increase for the consumer price index (CPI) from 2009 to 2017, a one-time 10% increase in 2018, and then applying a four percent (4%) increase on July 1st each year since 2018. For the GHG reporting fee increase, Oregon's existing GHG Reporting Program aligns with federal regulations to the extent possible but also includes additional requirements unique to Oregon that support state-specific climate regulations. The fees assessed under the GHG Reporting Program cover LRAPA's direct costs of implementing GHG reporting requirements. But this rulemaking process is not proposing any new substantive regulations that exceed applicable federal requirements, it is only proposing fee increases.
4. Other Changes: LRAPA does not believe that any of the non-technical revisions to LRAPA Rules exceed applicable federal requirements except for the existing adopted rules that were already exceeding applicable federal requirements.

What alternatives did LRAPA consider and why are you not pursuing them?

1. Federal Regulation Changes: LRAPA considered Not adopting standards to implement the updated federal standards. LRAPAs rejected this alternative because it would establish two different standards, the federal/state and local, with which a facility would need to comply. This would complicate LRAPA's ability to ensure compliance and reduce LRAPA's ability regulate sources. LRAPA also considered making state specific changes to some federal standards. LRAPA rejected this alternative because consistency with the federal rules reduces cost and complexity for

affected sources and LRAPA has determined that these federal rules are sufficiently protective of human health and the environment.

2. State Regulation Changes: For GDFs, LRAPA considered the alternatives DEQ considered during their 2024 GDF rulemaking process. LRAPA chose to adopt the entire set of DEQ regulations by reference to ensure the GDF regulations are consistent statewide. For crematories, LRAPA considered not changing any LRAPA rule language, and also considered proposing a lower temperature for crematory incinerators. LRAPA did not pursue this alternative because misalignment of the temperature requirement in LRAPA Rules and Regulations, Oregon Administrative Rule and Oregon Revised Statute will result in confusion among internal and external parties. The legislative action establishes that LRAPA will not enforce any standard, rule, or requirement of higher than 1,600ºF. Without changing the rule, there is a significantly increased chance that LRAPA staff, at some point in time, will attempt to enforce or apply the rule. LRAPA did not pursue the lower temperature alterative because the agency does not have sufficient information to ensure that lower operating temperatures will result in the same or less air pollutant emissions. The industry standard across the United States is operation of crematory incinerators at 1,600ºF and LRAPA does not have sufficient information to deviate from what was enacted by the Oregon legislature. Almost all crematory incinerators are regulated by LRAPA's General Air Contaminant Discharge Permits, meaning temperature variability and case-by-case approvals of lower temperatures would be difficult to track, regulate, implement, and enforce upon appropriately over time.
3. ACDP Fee Increases and Other Fee Changes: LRAPA's ACDP fees have had incremental increases using the CPI (2008-2017), a one-time 10% increase in 2018, and a 4% annual increase each year thereafter. LRAPA considered maintaining the 4% annual increase as part of the proposed 15% increase each year for three (3) consecutive fiscal years beginning on July 1, 2028, but chose instead to propose the use of the Employment Cost Index (ECI) capped at 5%. This refinement better aligns the escalator with LRAPA's actual cost drivers and reflects the cost realities that have unfolded since 2018. LRAPA also considered several other options of ACDP annual fees, including not adopting a proposed 15% increase each year for three (3) consecutive fiscal years beginning on July 1, 2028, but that would have resulted in budget constraints and reserves below LRAPA's 4-month reserves policy established by the LRAPA Board of Directors. For the GHG reporting fees, LRAPA considered delaying the fee increase, which would have resulted in a revenue shortfall for the program and would negatively impact program operations and staffing as well as the companies requiring technical assistance from the agency to properly comply with reporting regulations. Like DEQ, LRAPA also considered maintaining current fee rates for each permit type while removing the existing fee cap of $4,500. While this option would generate enough revenue for the program, it would result in disproportionate impacts to certain fee payers with significant increases to several individual sources while introducing no changes in fees for many other companies. LRAPA did not pursue these alternatives because the program would face a revenue shortfall impacting program implementation and preventing LRAPA from implementing the rules as intended. In their rulemaking, DEQ consulted with impacted fee payers on these alternatives and the final proposal.

4. Other Changes: LRAPA considered not making technical revisions to the rules and considered holding a separate rulemaking to make technical revisions to LRAPA's rules. LRAPA did not pursue this alternative because it would have left these minor errors in rule. While many of the issues addressed are minor, they have the potential to significantly complicate or delay permitting actions, cost the agency additional time and money, and cause confusion among internal and external parties. Additionally, LRAPA did not hold a separate rulemaking to make significant technical changes for these titles because it would have taken substantially more agency resources.

Rules affected, authorities, supporting documents

ORS 183.335(2)(b)

Lead division

Air Quality

Program or activity

LRAPA Operations Group

Chapter 340 action

OAR 340-200-0040(3)(b)

Other authority

LRAPA action

Adopt				
33-0400				
Amend				
12-005	12-025	30-005	30-010	30-050
30-055	31-0080	32-008	32-009	32-010
32-045	34-035	36-001	36-020	36-025
37-0020	37-0040	37-0052	37-0060	37-0082
37-0090	37-8010	37-8020	37-8030	44-015
44-150	44-170	46-510	46-535	50-015
51-025				
Repeal				

30-015	30-020	30-025	30-030	30-035
30-040	39-001	39-005	39-010	39-015
39-020	39-025	39-030	39-035	39-040
39-050	39-055	39-060	44-180	44-190
44-200	44-210	44-220	44-225	44-230
44-240	44-250	44-260	44-270	44-280
44-290				

Statutory Authority - ORS				
468.020	468.065	468A.025	468A.040	468A.050
468A.055	468A.070	468A.135	468A.155	468A.310
468A.337				

Statutes Implemented - ORS				
468.020	468.065	468.070	468A.010	468A.015
468A.025	468A.035	468A.040	468A.050	468A.055
468A.070	468A.135	468A.155	468A.310	468A.337

Documents relied on for rulemaking

Document title	Document location
Code of Federal Regulations	http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR
Federal Register	http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR
Oregon Administrative Rules	https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=80
Oregon Revised Statutes	https://www.oregon.gov/deq/Regulations/Pages/statutes.aspx
LRAPA Rules and Regulations	https://www.lrapa-or.gov/air-quality-protection/about-lrapa/regulations-rules/
HB3729 Enrolled	https://olis.oregonlegislature.gov/liz/2025r1/Measures/Overview/HB3729

Fee Analysis

1. Federal Regulation Changes: This portion of the rulemaking does not involve any fees or changes to fees.

2. State Regulation Changes: This rulemaking updates the GDF fee classification in LRAPA's rules so affected General ACDP facilities move from Fee Class 5 ($218 per year) to Fee Class 4 ($655 per year). This results in some affected sources paying a higher fee amount annually but does not involve changing the fee amounts. For the crematories, this portion of the rulemaking does not involve fees.
3. ACDP Fee Increases and Other Fee Changes: These proposed rules would increase existing ACDP Annual Fees and GHG reporting fees. See below for the detailed fee analysis for this portion of the rulemaking.
4. Other Changes: This portion of the rulemaking does not involve fees.

Fee Analysis for ACDP Fee Increases and Other Fee Changes

ACDP Fee Increase Summary: The proposed rules would increase existing ACDP Annual Fees by a proposed 15% increase each year for three (3) consecutive fiscal years beginning on July 1, 2027. As noted above, these fees have had small incremental increases using the CPI (2008-2017), a one-time 10% increase in 2018, and a 4% annual increase each year thereafter. The proposed fees would also address increased program and staff costs including cost of living adjustments, step increases and benefits.

ACDP Fee Payers: Fee payers would be air quality permit-holders in Lane County including, but not limited to, the activities and operations listed in LRAPA Rules title 37, Table 1.

ACDP Fee Affected Party Involvement: LRAPA plans to consult with the LRAPA Board and Citizens Advisory Committee (CAC) on these proposed changes. Both the Board and CAC include members and appointees representing a variety of industries and perspectives.

ACDP Fee Summary of Impacts: The table below shows the proposed increase in ACDP annual fees in title 37, table 2, part 2, paragraphs a. through e. by 15% per year for three (3) consecutive fiscal years beginning on July 1, 2027. LRAPA is not proposing any increases to the initial application fees in part 1, Cleaner Air Oregon (CAO) annual fees in part 3, specific activity fees in part 4, late fees in part 5, and specific registration fees in part 6.

Part 2. Annual Fees	Fee as of July 1, 2026	Proposed Fee as of July 1, 2027	Proposed Fee as of July 1, 2028	Proposed Fee as of July 1, 2029
Basic ACDP	$655	$753	$866	$996
General ACDP Fee Class One	$1,307	$1,503	$1,728	$1,987
General ACDP Fee Class Two	$2,354	$2,707	$3,113	$3,580
General ACDP Fee Class Three	$3,399	$3,909	$4,495	$5,169
General ACDP Fee Class Four	$655	$753	$866	$996
General ACDP Fee Class Five	$218	$250	$288	$331
General ACDP Fee Class Six	$444	$511	$587	$675

Part 2. Annual Fees	Fee as of July 1, 2026	Proposed Fee as of July 1, 2027	Proposed Fee as of July 1, 2028	Proposed Fee as of July 1, 2029
General ACDP Attachment	$218	$250	$288	$331
Simple ACDP Low	$3,484	$4,007	$4,608	$5,299
Simple ACDP High	$6,970	$8,015	$9,218	$10,600
Standard ACDP	$13,940	$16,031	$18,436	$21,201

GHG Reporting Fee Increase Summary: These proposed rules would increase existing GHG reporting fees. In 2025, the legislatively approved budget, SB 5520, authorized the DEQ to increase the GHG reporting program fees. On July 10, 2025, the EQC approved temporary rules increasing the GHG reporting fees and delegated authority to DEQ Director Feldon to adopt a permanent fee increase. LRAPA implements these fees for Title V payers from DEQ's division 220 by reference, but rule changes are needed to increase the fees for ACDP payers.

GHG reporting fees are calculated as a percentage of a stationary source's annual air permit fees. Currently, Title V air permit holders pay GHG reporting fees of 15% of annual fees, while ACDP holders pay 12.5%. All GHG reporting fees are currently capped at $4,500. Under the adopted temporary rules and the permanent rules that became effective June 12, 2026, the GHG reporting fee for both Title V and ACDP permit types is 20%, with a minimum fee of $500 and a maximum annual cap of $9,000 per source. This fee increase part of the rulemaking is proposing to adopt fee rules identical to those adopted by DEQ.

The proposed fees are necessary to maintain current service levels for implementing the GHG reporting and to support regulated companies in understanding the requirements and how they apply to each company. Program costs have increased due to inflation, annual cost of living increases, rising benefit expenses and program implementation costs. Although current fees have sustained the program for the past 10 years, they are no longer sufficient to cover staff costs and technology upgrades, necessary for ongoing programmatic activities and services to the public and regulated communities.

GHG Reporting Program Fee Payer: The proposed fee increases would impact approximately 16 greenhouse gas reporting entities holding ACDPs. These are sources required to maintain ACDP air quality permits and are subject to requirements of the GHG reporting in OAR Chapter 340 Division 215. This includes a wide variety of industrial, institutional, and manufacturing facilities, as well as electricity generating facilities throughout Oregon.

GHG Reporting Program Affected Parting Involvement: The fee increase was authorized through the 2025-2027 budget process. DEQ met with key representatives of air permit holders that would be impacted by the proposed fee adjustments. During the meetings staff and representatives worked through various proposed fee structures that could meet the need for increased revenue. These rules reflect feedback DEQ received.

DEQ convened a Rules Advisory Committee for this rulemaking with interested parties representing the impacted communities including industry, small business, and

environmental organizations. Feedback from the committee and the public will inform DEQ's fiscal impact analysis.

GHG Reporting Program Summary of Impacts: The impact to the approximately 16 ACDP sources from 12.5% of their annual fee to 20% of their annual fee is a 7.5 percentage point increase. In 2023 for example, 16 ACDP holders paid $25,343 in GHG reporting fees. This would be $40,549, or an increase of $15,206 annually, if the rate were increased from 12.5% to 20% for the 16 ACDP holders required to report GHGs.

GHG Reporting Program Fee Payer Concurrence: DEQ engaged fee payers and their representatives throughout the development of the agency's 2025-2027 biennial budget and legislative approval process. DEQ met with key representatives of fee-paying sources several times prior to the development of the proposed amendments. At these meetings, DEQ presented explanations for the need for the fee increase, options for structuring the increase, and subsequently provided updated options in response to their feedback. The proposed amendments incorporate feedback from the fee payer representatives.

LRAPA met and/or plans to meet with the LRAPA Board of Directors and Citizens Advisory Committee (CAC) on these proposed GHG reporting fee increases for ACDP holders that are required to report under OAR Chapter 340 Division 215.

Statement of fiscal and economic impact

Fiscal and Economic Impact

1. **Federal Regulation Changes:** These federal requirements already apply directly to sources, so LRAPA's adoption of them by reference will not add any new costs for sources but may decrease the administrative burden by streamlining the permitting process. Additionally, cost impacts of all NSPS and NESHAPs have been prepared by EPA and are provided in the Federal Register notices for those rules. For brevity, because LRAPA is adopting many rules by reference, the EPA fiscal impact statement for each NSPS and NESHAP rule is not included here. EPA evaluated the fiscal and economic effects of their rules and lists those effects in the preambles to their regulations. Based on the applicability date of EPA's rules, including the Startup Shutdown Malfunction and NAAQS updates, any economic impacts may have already occurred for Lane County agencies and businesses. LRAPA has no choice but to update the NAAQS, to maintain authority to implement the Clean Air Act in Oregon, and to make the Startup Shutdown Malfunction rule update, based on the federal court's decision on that issue. LRAPA is aligning its rules to EPA's federal standards and DEQ's rule adoptions, so there are not additional financial impacts outside of EPA's assessments. One benefit of aligning LRAPA with federal standards is that it reduces the administrative cost of compliance with differing federal and state standards.
2. **State Regulation Changes:** the proposed rules addressing HB 3729 which establish an upper limit on the required operating temperature for crematory incinerators may have a positive fiscal impact on crematory incinerators owners and operators who have installed an incinerator on or after March 13, 1993. These owners and operators will burn less fuel operating at a lower temperature and are expected to see an overall reduction in their operational costs. Owners and operators of crematory incinerators that were installed prior to this date remain subject to the same temperature limit of 1,600ºF and are not expected to have a fiscal impact.
3. **ACDP Fee Increases and Other Fee Changes:** Increases in ACDP Annual Fees would affect approximately 300 ACDP holders and registrants and increase program revenue from $785,000 per year to $970,852 per year over three (3) fiscal years, for a total annual increase of approximately $185,852. Increases in ACDP fees would also indirectly affect approximately 16 of the 307 permit holders subject to Oregon's greenhouse gas reporting program and increase program revenue by $17,228 per year.

   Increasing the GHG reporting fees would raise costs to the affected permit holders but ensures that the program has adequate funds to support its operations. Fully funding the program ensures that the agency can provide technical and compliance assistance to those regulated entities, reducing the risk of non-compliance and related enforcement actions or costs.
4. **Other Changes:** The non-technical updates are not expected to have a fiscal impact.

Statement of cost of compliance

State agencies

Federal and state agencies hold approximately one (1) Air Contaminant Discharge Permit. For state agencies, the cost to comply with the proposed rule changes are similar to costs described under small businesses.

Local governments

Local governments hold approximately six (6) Air Contaminant Discharge Permits. For local governments, the cost to comply with the proposed rule changes is similar to costs described under small businesses.

Public

The public is not directly regulated by the proposed rules. However, owners and operators of facilities affected by this rulemaking could pass costs or savings on to the public by changing the costs of goods or services. DEQ does not have available data or information to estimate the public impacts further.

Large businesses - businesses with more than 50 employees

Approximately 150 large businesses hold Air Contaminant Discharge Permits, and 15 large businesses hold Title V operating permits.

Small businesses - businesses with 50 or fewer employees

LRAPA estimated that there were 139 small businesses with air quality permits. There were an additional number of facilities with air quality permits that did not list the number of employees they have but would presumably fall into businesses with fewer than 50 employees based on types of business (e.g., gasoline stations and dry cleaners). Generally, facilities with less complex permits experience a smaller economic impact than larger facilities with more complex permits.

1. **Federal Regulation Changes:** LRAPA does not find adequate reason to believe that this portion of the rulemaking would result in a fiscal increase to state or local governments, the public, large businesses, and small businesses. Making LRAPA's rules consistent with federal and state regulations helps businesses save time which can indirectly ease impacts to the public if businesses choose to reduce the price of goods or services.
2. **State Regulation Changes:** For crematories, there are no impacts to state agencies or local governments because of this portion of the rulemaking. The public is not directly regulated by the proposed rules, but owners of crematories affected could pass costs or savings on to the public by changing the costs of goods or services. Additionally, LRAPA does not expect a negative fiscal impact to large or small businesses because of this portion of the rulemaking. Operational costs for crematories should either remain the same or be reduced due to less natural gas combustion.

   For GDFs, LRAPA is relying on the fiscal impact analysis DEQ conducted included in the Notice of Proposed Rulemaking for the rules adopted in 2024. A link to that DEQ rulemaking is provided in the table at the end of this section.

3. **ACDP Fee Increases and Other Fee Changes:** The permit fee increases would affect permit holders directly. Adjustments to the calculation of greenhouse gas reporting fees would also affect any permit holders subject to the fees indirectly. Changes to fees could also affect state and local agencies indirectly if businesses change the price of goods and services to offset any increased or decreased costs from paying a permit fee. Changes to fees could affect the public indirectly if businesses change the price of goods and services to offset any increased or decreased costs from paying a permit fee. For large and small businesses, the permit fee increases would affect these permit holders directly. Adjustments to the calculation of greenhouse gas reporting fees would also affect any permit holders subject to the fees indirectly. The type of permit required for a facility determines the permit fees regardless of the number of employees. Changes to fees could also affect businesses indirectly if other businesses change the price of goods and services to offset any increased or decreased costs from paying a permit fee.
4. **Other Changes:** Non-technical updates are not expected to have a fiscal impact on state or local governments, the public, large businesses, or small businesses.

Documents relied on for fiscal and economic impact

Document title	Document location
DEQ Gasoline Dispensing Facility Emissions Rulemaking, 2024	https://www.oregon.gov/deq/rulemaking/adopted/Pages/GDF2022.aspx
DEQ Federal Regulations Rulemaking, 2025	https://www.oregon.gov/deq/rulemaking/adopted/Pages/fedregs2025.aspx
DEQ Landfill, Crematory, and Non-Technical Updates Rulemaking, 2026	https://www.oregon.gov/deq/rulemaking/Pages/agrules2026.aspx
DEQ ACDP Fee Rulemaking, 2026	https://www.oregon.gov/deq/rulemaking/Pages/acdpfees2026.aspx
DEQ GHG Reporting Program Fee Update, 2026	https://www.oregon.gov/deq/rulemaking/Pages/ghgfees2026.aspx
Oregon Administrative Rules	https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=80
Oregon Revised Statutes – Air Quality	Oregon Laws Website
LRAPA Board of Directors July 9, 2026 and September 10, 2026 meeting packets	https://www.lrapa-or.gov/air-quality-protection/about-lrapa/public-oversight/agendas-minutes/
LRAPA LINFO air quality database reports	LRAPA Office 1010 Main Street Springfield, OR 97477

Advisory committee fiscal review

LRAPA's standing Citizens Advisory Committee (CAC) was provided on-going updates of the rulemaking progress and provided guidance to staff during the entire process. The CAC received an overview of the proposed rules at their July 28, 2026 meeting and provided feedback to LRAPA on the proposed rules. Further feedback is planned to be received at the September 29, 2026 meeting to discuss the LRAPA Board of Directors ACDP fee increase action adopted at their September 10, 2026 meeting.

DEQ appointed a rules advisory committee for their corresponding rulemaking and the fiscal impact statement. See the links to those DEQ rulemaking pages in the "Documents relied upon for fiscal and economic impact" above for more information.

Housing cost

As ORS 183.534 requires, LRAPA evaluated whether the proposed rule changes would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel.

1. **Federal Regulation Changes:** The federal regulations proposed for adoption by reference could have a negative impact on the cost of development of a 6,000 square-foot parcel and the construction of a 1,200 square-foot detached single-family dwelling on that parcel. This impact could occur if permit holders affected by new or updated federal standards obtain a permit and pass the permitting fees for such development or required changes through to the consumer. LRAPA does not have available information to quantify how many permit holders would pass the permitting fees or other costs through to the consumer and any such estimate would be speculative. LRAPA does not anticipate any business to become subject to regulatory oversight by LRAPA or newly require an air permit because of this rulemaking.
2. **State Regulation Changes:** For crematories, LRAPA determined the proposed rules would have no effect on the development costs. Owners and operators of crematories will either have no impact or a positive impact, but these changes are unlikely to impact housing costs.

   For the GDFs, LRAPA determined the proposed rules could affect development costs. If gasoline dispensing facility owners or operators subject to the proposed rules increased the cost of gasoline in response to the requirements, contractors and other individuals involved in developing the property may pass their increased cost along to the end-user or purchaser of the property. LRAPA does not have information to estimate how much, if any, the increase in cost would be.

3. **ACDP Fee Increases and Other Fee Changes:** While the costs associated with the fee increases could be passed through by businesses providing products and services for such development and construction, the possible impact of these potential changes appears to be minimal. LRAPA has determined the proposed rules would have little to no effect on development costs. LRAPA cannot accurately quantify the impact at this time because

the available information does not indicate whether the costs would be passed on to consumers and any such estimate would be speculative.

Racial equity

ORS 183.335(2)(b)(F) requires state agencies to provide a statement identifying how adoption of this rule will affect racial equity in this state. ORS 183.335(2)(a)(F) and HB 2993 and do not apply to LRAPA since LRAPA is not a state agency. However, LRAPA expects similar impacts on racial equity in Lane County as did DEQ in their corresponding rulemakings.

1. **Federal Regulation Changes:** LRAPA does not expect that implementing these draft rules will impact existing racial equity either positively or negatively; it maintains the status quo. Because this rulemaking is in response to federal requirements, LRAPA does not anticipate significant impacts on services and or fees because the action is matching federal requirements with applicability dates that have already passed for those federal requirements.

2. **State Regulation Changes:** For crematories, since the proposed rules will apply equally across all crematory incinerators, there is no expected impact on racial equity in the state. Establishing these requirements, as proposed, will align LRAPA's rules with Oregon Administrative Rules and with Oregon Revised Statutes as necessary to protect public health.

For GDFs, adopting the rules, as proposed, will help to protect public health and the environment (via compliance with the rules, inspections and enforcement) which may be particularly important in BIPOC or historically underserved communities. This is because the proposed rule amendments incorporate additional control technologies and technical clarifications for regulated companies while continuing to support the programs' overall implementation and objectives. Proposed rule amendments include the requirement to install gasoline vapor control technology and equipment at almost all newly constructed gasoline dispensing facilities, requiring additional or improved vapor control technology at existing facilities when storage tanks are added or replaced, and requiring these technologies at relatively large (high throughput) facilities.

3. **ACDP Fee Increases and Other Fee Changes:** Adoption of the proposed rule would affect ACDP and GHG reporting fees across various sectors, public and private. Since the fee increase will apply equally across all ACDP permit categories, and there are no expected changes to practical implementation of the program activities because of this rule adoption, there is no expected impact on racial equity in the state. Increasing the fees, as proposed, will help maintain program services critical to protecting public health and the environment, which may be particularly important in BIPOC or historically underserved communities.

4. **Other Changes:** Adoption of the non-technical rule changes will not have an impact on racial equity.

Land use

Land-use considerations

In adopting new or amended rules, ORS 197.180 and OAR 340-018-0070 require DEQ to determine whether the proposed rule changes significantly affect land use. If so, DEQ must explain how the proposed rule changes comply with statewide land-use planning goals and local acknowledged comprehensive plans.

Under OAR 660-030-0005 and OAR 340 Division 18, DEQ considers that rules affect land use if:

- The statewide land use planning goals specifically refer to the rule or program, or
- The rule or program is reasonably expected to have significant effects on:
- Resources, objects, or areas identified in the statewide planning goals, or
- Present or future land uses identified in acknowledge comprehensive plans

DEQ determined whether the proposed rule changes involve programs or actions that affect land use by reviewing its Statewide Agency Coordination plan. The plan describes the programs that DEQ determined significantly affect land use. DEQ considers that its programs specifically relate to the following statewide goals:

Goal	Title
5	Natural Resources, Scenic and Historic Areas, and Open Spaces
6	Air, Water and Land Resources Quality
11	Public Facilities and Services
16	Estuarine Resources
19	Ocean Resources

Statewide goals also specifically reference the following DEQ programs:

- Nonpoint source discharge water quality program – Goal 16
- Water quality and sewage disposal systems – Goal 16
- Water quality permits and oil spill regulations – Goal 19

Determination

LRAPA with help of DEQ determined that these proposed rules do not affect land use under OAR 340-018-0030 or DEQ's State Agency Coordination Program.

LRAPA Board and EQC Prior Involvement

LRAPA notified the Board about DEQ's corresponding rulemakings and that LRAPA's version of the rules would be forthcoming at a future Board meeting.

The EQC last approved LRAPA's rules that incorporated DEQ's 2022 Air Quality Permitting program elements into LRAPA's Rules and Regulations at the May 23, 2024 EQC meeting.

Advisory Committee

Background

LRAPA has a standing Citizens Advisory Committee (CAC) that meets most months, LRAPA consulted the CAC for this rulemaking and present an overview of the changes to the committee at their meeting on July 28, 2026 and on September 29, 2026
Weblink: Public Oversight | Lane Regional Air Protection Agency (https://www.lrapa-or.gov/) https://www.lrapa-or.gov/air-quality-protection/about-lrapa/public-oversight/

The committee members are:

LRAPA Air Quality Permitting Rules – Citizens Advisory Committee (CAC)	
Name	**Representing**
Kelly Wood, Chair	Industry
Evelina Davidova-Kamis, Vice-Chair	Industry
Peter Dragovich	Planning
Paul Metzler	General Public
Jo Rogers	Public Health
Ben Larson	Agricultural
Michael Koivula	General Public
Jessi Preston	General Public
Chris Cline	Fire Suppression

Meeting notifications

To notify people about the advisory committee's activities, LRAPA:

- Sent a one-time notice to General News & Updates subscribers of our email listserv of meeting content.
- Added advisory committee announcements to LRAPA's calendar of public meetings at https://www.lrapa-or.gov/air-quality-protection/public-calendar/

Committee discussions

Below is an excerpt from the July 28, 2026, CAC meeting discussion on the proposed rules:

Committee members raised extensive questions and feedback on the proposed ACDP annual fee increase, noting that LRAPA's fees are currently roughly 35% below DEQ's comparable fees, that the NPR's (Notice of Proposed Rulemaking's) characterization of past fee increases should be clarified given the cumulative effect of the annual 4% increases since 2009, and that the cumulative impact on permit holders, particularly those holding multiple permits, should be considered.

Members requested a clearer breakdown of what ACDP fees fund and how staff time is allocated across programs, which **Mr. Knudsen** said would be part of the analysis brought to the Board in September. Members also suggested LRAPA proactively notify affected permit holders and industry associations directly when rules affecting them go out for public comment.

Member Preston stated that, having reviewed the full NPR package through a public health lens, she did not identify anything detrimental to public health and found that reassuring.

The Committee reached consensus to wait until after the Board's September meeting, when additional detail on the ACDP program cost breakdown and fee increase options will be available, before advising the Board on moving forward with a public notice and hearing request for the suggested rulemaking changes reviewed at the meeting.

Public Engagement

Public notice

LRAPA provided notice of the proposed rulemaking and rulemaking hearing by:

- Notifying the DEQ and EPA by E-mail;
- Emailing: Send email to list of those who subscribe to our Public Notices category on our email listserv https://www.lrapa-or.gov/air-quality-protection/public-calendar/sign-up-for-updates/
- Posting on the LRAPA event calendar: https://www.lrapa-or.gov/air-quality-protection/public-calendar/

Public hearings

How to comment on this rulemaking proposal

LRAPA is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking. A person can submit comments by email, by regular mail, or at the public hearing.

Comment deadline

LRAPA will only consider comments on the proposed rules that LRAPA staff receives by 5:00 p.m., on November 11, 2026 in writing and oral comment will be received at the public hearing on November 12, 2026 at 12:30 p.m., written comments can be emailed to rules@lrapa-or.gov

Submit comment email

Any person can submit a written comment to this email: rules@lrapa-or.gov

Note for public university students:

ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student you may ask LRAPA to keep your university email address confidential, and LRAPA will withhold it from the public record as ORS 192.345(29) allows.

By mail

Lane Regional Air Protection Agency (LRAPA)
Attn: Max Hueftle
1010 Main Street
Springfield, OR 97477

At hearing

November 12, 2026 at 12:30P.M.

Public Hearing

LRAPA plans to hold one public hearing.

The public hearing is online and by teleconference only.

Anyone can attend a hearing in person, by webinar, or teleconference.

Date: November 12, 2026
Start time: 12:30PM
Street address:1010 Main Street
Room: Large LRAPA Conference Room
City: Springfield, Oregon 97477
Teleconference phone number: [INSERT]
Webinar link: [INSERT]

LRAPA will consider all comments and testimony received before the closing of the public hearing. LRAPA will summarize all comments and respond to comments in the Environmental Quality Commission staff report.

Accessibility Information

It is the policy of LRAPA to not discriminate on the basis of race, color, national origin, age, sex, disability, sexual orientation, or marital status in administration of its programs or activities, and, LRAPA does not intimidate or retaliate against any individual or group because they have exercised rights protected by 40 C.F.R Parts 5 and 7 or for the purpose of interfering with such rights.

LRAPA is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implanted by 40 C.F.R. Parts 5 and 7 (Non-discrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency), including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1973, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972 (hereinafter referred to collectively as the federal non-discrimination statutes).

LRAPA is committed to providing meaningful opportunities for public involvement in its proceedings. LRAPA strives to ensure that information and services are accessible to everyone, regardless of race, color, national origin, income, disability, or language proficiency. If assistance is needed accessing this document or participating in the public processes, please contact LRAPA Non-Discrimination Coordinator at (541) 736-1056 or info@lrapa.org. Language interpretation, translation, alternative formats, or other reasonable accommodations are available upon request. Please allow at least 5 business days to respond to a request. More information is available on LRAPA's nondiscrimination policy.

Supporting documents

Attachment A – Proposed revisions to LRAPA Air Quality Permitting Rules (redline version).
Attachment B – Crosswalk summary of proposed revisions to LRAPA Air Quality Permitting Rules.
Attachment C – LRAPA 2026 roadmap of significant/substantial proposed rule changes for the Citizens Advisory Committee (CAC) and Board of Directors.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 12

GENERAL PROVISIONS AND DEFINITIONS

Section 12-005 Definitions

As used in titles 1 through 51, unless specifically defined otherwise:

(1) "Categorically Insignificant Activity" means any of the following listed regulated pollutant emitting activities principally supporting the source or the major industrial group. Categorically insignificant activities must comply with all applicable requirements.

(a) Distillate oil, kerosene, gasoline, natural gas or propane burning equipment ~~brought~~ used on site for six (6) months or less for maintenance, construction or similar purposes, such as but not limited to generators, pumps, hot water pressure washers and space heaters, provided that any such equipment that performs the same function as the permanent equipment, must be operated within the source's existing PSEL. The six-month period begins on the first date the equipment is used;

(59) "Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator, including acts of God, which situation requires immediate corrective action to restore normal operation, and that may cause~~s~~ the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency does not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

(66) "Emission~~s~~ unit" means any part or activity of a source that emits or has the potential to emit any regulated air pollutant.

(178) "Significant impact level" or "SIL" means the ambient air quality concentrations listed in Table 3 below. The threshold concentrations listed below are used for comparison against the ambient air quality standards and PSD increments established under OAR chapter 340, division 202 or title 50, but do not apply for protecting air quality related values, including visibility.

TABLE 3 LRAPA Title 12 SIGNIFICANT IMPACT LEVEL:				
Pollutant	Averaging Time	Air Quality Area Designation		
		Class I	Class II	Class III
SO_2 (µg/m^3)	Annual	0.10	1.0	1.0
	24-hour	0.20	5.0	5.0
	3-hour	1.0	25.0	25.0
	1-hour	---	8.0	---
PM_{10} (µg/m^3)				
	24-hour	0.30	1.0	1.0
$PM_{2.5}$ (µg/m^3)	Annual	0.~~06~~03	0.13	0.13
	24-hour	0.07	1.2	1.2
NO_2 (µg/m^3)	Annual	0.10	1.0	1.0
	1-hour	---	8.0	---
CO (mg/m^3)	8 hour	---	0.5	0.5
	1-hour	---	2.0	2.0

(200) "Unassigned emissions" means the amount of emissions ~~that are in excess of the PSEL but less than the netting basis~~established in accordance with LRAPA 42-0055.

(208) "Volatile organic compound" or "VOC" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions.

(a) VOC includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity:

(A) 1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (also known as HFE-347pcf2);

Section 12-025 Reference Materials

As used in LRAPA Rules and Regulations, the following materials refer to the versions listed below.

(209) "CFR" or "C.F.R." means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, ~~2023~~ 2025 edition.

(210) The DEQ Source Sampling Manual refers to the November 2018 edition.

(211) The DEQ Continuous Monitoring Manual refers to the April 2015 edition.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 30

Incinerator Regulations

Section 30-005 Purpose and Applicability

The purpose of these rules is to establish state-of-the-art emission standards, design requirements, and performance standards for all ~~solid, infectious waste and~~ crematory incinerators, in order to minimize air contaminant emissions and provide adequate protection of public health. ~~The rules apply to all existing solid and infectious waste and crematory incinerators and to all that will be built, modified, or installed within Lane County, Oregon. These rules shall not apply to municipal waste combustors.~~In accordance with OAR 340-230-0020(6) LRAPA implements all the applicable requirements in DEQ's division 230 except for OAR 340-230-0200 through OAR 340-230-0230 for crematory incinerators.

Section 30-010 Definitions

The definitions in title 12 and title 46 and this section apply to this title. If the same term is defined in this section and title 12 or title 46, the definition in this section applies to this title.

~~1. "Acid Gases" means any exhaust gas which includes hydrogen chloride and sulfur dioxide.~~

~~2.~~1. "Administrator" means the Administrator of the U.S. Environmental Protection Agency or his/her authorized representative or Administrator of a State Air Pollution Control Agency.

~~3.~~2. "CFR" means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 2016 edition.

~~4. "Continuous Emissions Monitoring (CEM)" means a monitoring system for continuously measuring the emissions of a pollutant from an affected incinerator.~~

~~Continuous monitoring equipment and operation shall be certified in accordance with EPA performance specifications and quality assurance procedures outlined in 40 CFR 60, Appendices B and F, and the DEQ CEM Manual.~~

~~5.~~3. "Crematory Incinerator" means an incinerator used solely for the cremation of non-pathological human, non-pathological animal remains, and appropriate containers.

~~6. "Cultures and stocks" includes etiologic agents and associated biologicals, including specimen cultures and dishes and devices used to transfer, inoculate and mix cultures, wastes from production of biologicals, and serums and discarded live and attenuated vaccines. "Cultures" does not include throat and urine cultures (see also "infectious waste".~~

~~7. "Dioxins and Furans" means total tetra- through octachlorinated dibenzo-p-dioxins and dibenzofurans.~~

~~8.~~4. "Dry Standard Cubic Foot" means the amount of gas, free of uncombined water, that would occupy a volume of 1 cubic foot at standard conditions. When applied to combustion flue gases from waste or refuse burning, "Standard Cubic Foot (SCF)" means adjustment of gas volume to that which would result at a concentration of 7% oxygen (dry basis) or 50 percent excess air.

~~(212)~~5. "Incineration Operation" means any operation in which combustion is carried on in an incinerator, for the principal purpose or with the principal result, of oxidizing wastes to reduce their bulk and/or facilitate disposal.

~~(213)~~6. "Incinerator" means a combustion device specifically for destruction, by high temperature burning, of solid, semi-solid, liquid, or gaseous combustible wastes. This does not include devices such as open or screened barrels, drums, or process boilers.

~~(214) "Infectious Waste" means waste which contains or may contain any disease-producing microorganism or material including, but not limited to, biological waste, cultures and stocks, pathological waste, and sharps (see individual definitions for these terms).~~

~~(215) "Infectious Waste Incinerator" means an incinerator which is operated or utilized for the disposal or treatment of infectious waste, including combustion for the recovery of heat.~~

~~1. "Parts Per Million (ppm)" means parts of a contaminant per million parts of gas by volume on a dry gas basis (1 ppm equals 0.0001% by volume).~~

~~2. "Pathological waste" includes biopsy materials and all human tissues; anatomical parts that emanate from surgery, obstetrical procedures, autopsy and laboratory procedures; and animal carcasses exposed to pathogens in research and the bedding and other waste from such animals. "Pathological wastes" does not include teeth, or formaldehyde or other preservative agents (see also "infectious waste").~~

~~(216)~~7. "Primary Combustion Chamber" means the discrete equipment, chamber or space in which drying of the waste, pyrolysis, and essentially the burning of the fixed carbon in the waste occurs.

~~(217)~~8. "Pyrolisis" means the endothermic gasification of waste material using external energy.

~~(218) "Refuse" means unwanted matter.~~

~~(219) "Refuse Burning Equipment" means a device designed to reduce the volume of solid, liquid, or gaseous refuse by combustion.~~

~~(220)~~9. "Secondary (or Final) Combustion Chamber" means the discrete equipment, chamber, or space, excluding the stack, in which the products of pyrolysis are combusted in the presence of excess air, such that essentially all carbon is burned to carbon dioxide.

~~(221) "Sharps" includes needles, IV tubing with needles attached, scalpel blades, lancets, glass tubes that could be broken during handling, and syringes that have been removed from their original sterile containers (see also "infectious waste").~~

~~(222) "Solid Waste" means refuse, more than 50% of which is waste consisting of a mixture of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustible materials, and noncombustible materials such as metal, glass, and rock.~~

~~(223) "Solid Waste Incinerator" means an incinerator which is operated or utilized for the disposal or treatment of solid waste, including combustion for the recovery of heat.~~

~~(224) "Transmissometer" means a device that measures opacity and conforms to EPA specification Number 1 in Title 40 CFR, Part 60, Appendix B.~~

~~**Section 30-015 Best Available Control Technology for Solid and Infectious Waste Incinerators**~~

(1) Notwithstanding the specific emission limits set forth in Section 30-020, in order to maintain overall air quality at the highest possible levels, each solid and infectious waste incinerator is required to use best available control technology (BACT). In no event shall the application of BACT result in emissions of any air contaminant which would exceed the emission limits set forth in these rules.

(2) All installed equipment shall be operated and maintained in such a manner that emissions of air contaminants are kept at the lowest possible level.

Section 30-020 Emission Limitations for Solid and Infectious Waste Incinerators

No person shall cause, suffer, allow, or permit the operation of any solid or infectious waste incinerator in a manner which violates the following emission limits and requirements:

(1) Particulate Matter Emissions (PM)

(a) For solid and infectious waste incinerators constructed or modified on or after March 13, 1990, emissions from each stack shall not exceed 0.015 grains per dry standard cubic foot of exhaust gases corrected to seven (7) percent O_2 at standard conditions.

(b) For solid and infectious waste incinerators constructed or modified before March 13, 1990, emissions from each stack shall not exceed 0.030 grains per day standard cubic foot of exhaust gases corrected to seven (7) percent O_2 at standard conditions.

(2) Hydrogen Chloride (HCl)

(a) For existing and new solid and infectious waste incinerators, emissions of hydrogen chloride from each stack shall not exceed 50 ppm as an average during any sixty (60) minute period, corrected to 7% 0_2 (dry basis); or

(b) Shall be reduced by at least ninety (90)% by weight from their potential HCl emissions rate on an hourly basis.

(3) Sulfur Dioxide (SO_2)

(a) For existing and new solid and infectious waste incinerators, emissions of sulfur dioxide from each stack shall not exceed 50 ppm as a running three (3) hour average, corrected to 7% 0_2, (dry basis); or

(b) Shall be reduced by at least 70% by weight from their potential SO_2 emission rate on a three (3) hour basis.

(4) Carbon Monoxide (CO). For existing and new solid and infectious waste incinerators, emissions of carbon monoxide from each stack shall not exceed 100 ppm as a running eight (8) hour average, corrected to 7% 0_2 (dry basis).

(5) Nitrogen Oxide (NO_x). For solid and infectious waste incinerators constructed or modified on or after March 13, 1990 with the potential to process 250 tons/day or more of wastes, emissions of nitrogen oxide from each stack shall not exceed 200 ppm as a running 24-hour average, corrected to 7% 0_2 (dry basis).

(6) Opacity. Opacity, as measured visually by an applicable EPA Method or by a transmissometer, shall not exceed 10% for a period aggregating more than six (6) minutes in any sixty (60) minute period.

(7) Fugitive Emissions. All solid and infectious waste incinerators shall be operated in a manner which prevents or minimizes fugitive emissions, including but not limited to the paving of all normally traveled roadways within the plant boundary and enclosing of all material transfer points.

(8) Dioxin/furans. For solid and infectious waste incinerators with a waste charging rate of 250 tons/day or greater, emissions from each stack shall not exceed 30 nanograms of dioxin/furans per dry standard cubic foot.

(9) Other Wastes. No solid or infectous waste incinerator subject to these rules shall burn radioactive or hazardous waste, or any other waste not specifically authorized in LRAPA's Air Contaminant Discharge Permit.

(10) Other contaminants. For any incinerator subject to these rules, in the absence of an air-contaminant-specific emission limit or ambient air quality standard, LRAPA may establish, by permit, emission limits for any other air contaminants to protect human health and the environment.

Section 30-025 Design and Operation for Solid and Infectious Waste Incinerators

(1) Each solid or infectious waste incinerator shall have at least a primary and secondary combustion chamber.

(2) Temperature and residence time. Each solid or infectious waste incinerator shall be designed and operated to maintain temperatures of at least 1400° F in the primary chamber. Combustion gases in the secondary chamber shall be maintained at a minimum temperature of 1800° F for at least one (1) second residence time.

(3) Auxiliary Burners. Each solid or infectious waste incinerator shall be designed and operated with automatically controlled auxiliary burners capable of maintaining the combustion chamber temperatures specified in section 2 of this rule, and shall have sufficient auxiliary fuel capacity to maintain said temperatures.

(4) Interlocks. Each solid or infectious waste incinerator shall be designed and operated with an interlock system which:

(a) Prevents charging until the final combustion chamber reaches 1800° F;

(b) For batch-fed solid or infectious waste incinerators, prevents recharging until each combustion cycle is complete;

(c) Ceases charging if the secondary chamber temperature falls below 1800° F for any continuous fifteen (15) minute period; and

(d) Ceases charging if carbon monoxide levels exceed 150 ppm (dry basis), corrected to 7% O_2 over a continuous fifteen (15) minute period.

(5) Air Locks. Each mechanically fed solid or infectious waste incinerator shall be designed and operated with an air lock control system to prevent opening the incinerator to the room environment. The volume of the loading system must be designed so as to prevent overcharging, to assure complete combustion of the waste.

(6) Combustion Efficiency. Except during periods of startup and shutdown, each solid or infectious waste incinerator shall achieve a combustion efficiency of 99.9% based on a running eight (8) hour average, computed as follows:

$$CE = \frac{CO_2}{CO_2 + CO} \times 100$$

CO = Carbon monoxide in the exhaust gas, parts per million by volume (dry) at standard conditions

CO_2 = Carbon dioxide in the exhaust gas, parts per million by volume (dry) at standard conditions

(7) Stack Height. Each solid or infectious waste incinerator stack shall be designed in accordance with Good Engineering Practice (GEP) as defined in Title 40 CFR, Parts 51.100(ii) and 5118, in order to avoid the flow of stack pollutants into any building ventilation intake plenum.

~~(8) Operator Training and Certification. Each solid or infectious waste incinerator shall be attended at all times during operation by one or more individuals who have received training necessary for proper operation. A description of the training program shall be submitted to the LRAPA for approval. A satisfactory training program shall consist of any of the following:~~

~~(a) Certification by the American Society of Mechanical Engineers (ASME) for solid waste incinerator operation; or~~

~~(b) For infectious waste incineration, successful completion of EPA's Medical Waste Incinerator Operating training course; or~~

~~(c) Other certification or training by a qualified organization as to proper operating practices and procedures, which has been pre-approved by LRAPA prior to enrollment. In addition, the owner or operator of a solid or infectious waste incinerator facility shall develop and submit a manual for proper operation and maintenance, to be reviewed with employees responsible for incinerator operation on an annual basis.~~

~~(d) Copies of the written certificate of training of the operator shall be kept on site at all times, available LRAPA review.~~

~~(9) Odors. In cases where solid or infectious waste incinerator operation causes odors which interfere with the use and enjoyment of property, LRAPA may require, by permit, additional practices and procedures to prevent or eliminate those odors, in accordance with Title 49.~~

~~Section 30-030 Continuous Emission Monitoring for Solid and Infectious Waste Incinerators~~

~~(1) Each solid waste incinerator shall be equipped with continuous monitoring for the following:~~

~~(a) Sulfur dioxide;~~

~~(b) Carbon monoxide;~~

~~(c) Opacity;~~

~~(d) Primary combustion chamber temperature;~~

~~(e) Final combustion chamber temperature;~~

~~(f) Flue gas outlet temperature;~~

~~(g) Oxygen;~~

~~(h) Nitrogen oxide--new incinerators with a potential waste feed rate of 250 tons/day or more; and~~

~~(i) HCl - for incinerators with a potential waste feed rate of 250 tons per day or more.~~

~~(2) Each infectious waste incinerator shall be equipped with continuous monitoring for the following:~~

~~(a) Carbon monoxide;~~

~~(b) Opacity;~~

~~(c) Primary combustion chamber temperature;~~

~~(d) Final combustion chamber temperature; and~~

~~(e) HCl.~~

~~(3) LRAPA may, at any time following the effective date of these rules, require the installation and operation of any other continuous emission monitors which LRAPA determines are necessary in order to demonstrate compliance with emission limits set forth in these regulations.~~

~~(4) The monitors specified above shall comply with EPA performance specifications in Title 40, CFR, Part 60, and the Department's CEM Manual. All monitoring equipment shall be located, operated and maintained so as to accurately monitor emission levels, in order to demonstrate compliance with LRAPA Title 30.~~

~~Section 30-035 Reporting and Testing for Solid and Infectious Waste Incinerators~~

~~(1) Reporting~~

(a) Compliance test results shall be reported to LRAPA within thirty (30) days of completion of the test.

(b) All records associated with continuous monitoring data including, but not limited to, original data sheets, charts, calculations, calibration data, production records and final reports shall be maintained for a continuous period of at least two (2) years and shall be furnished to LRAPA upon request.

(2) Source Testing

(a) Each solid or infectious waste incinerator must be tested to demonstrate compliance with the standards in these rules.

(b) Compliance testing shall be conducted at the maximum design rate using waste that is representative of normal operation. If requested by the owner/ operator, compliance testing may be performed at a lower rate; however, permit limits will be established based on the lower rate of operation.

(c) Unless otherwise specified by LRAPA, each solid or infectious waste incinerator shall be tested at start-up for particulate matter, hydrogen chloride, sulfur dioxide, and carbon monoxide emissions. Solid and infectious waste incinerators with potential waste feed rates of 250 tons/day or more shall be tested for dioxin/furans and NO_x at startup.

(3) Other air contaminant compliance testing. LRAPA may, at any time after the effective date of this rule, conduct or require source testing and require access to information specific to the control, recovery, or release of other air contaminants.

Section 30-040 Compliance for Solid and Infectious Waste Incinerators

(1) All solid and infectious waste incinerators constructed or modified before March 13, 1990 must demonstrate compliance with the applicable provisions of these rules one year after the

~~effective date of this regulation. Subject to approval of LRAPA, existing data such as that collected in accordance with the requirements of an Air Contaminant Discharge Permit may be used to demonstrate compliance.~~

~~(2) Until compliance is demonstrated, existing solid and infectious waste incinerators shall continue to be subject to all applicable permit conditions.~~

~~(3) Solid and infectious waste incinerators constructed or modified on or after March 13, 1990 must demonstrate compliance with the applicable provisions of these rules in accordance with a schedule established by LRAPA before commencing regular operation.~~

~~(4) Compliance with these rules does not relieve the owner or operator of the solid or infectious waste incinerator from the responsibility to comply with requirements of the Department's Solid and Hazardous Waste rules (Oregon Administrative Rules, Chapter 340, Division 93) regarding the disposal of ash generated from solid and infectious waste incinerators.~~

Section 30-045 Emission Limitations of Crematory Incinerators

(1) No person ~~shall~~ may cause to be emitted particulate matter from any crematory incinerator in excess of 0.080 grains per dry standard cubic foot of exhaust gases corrected to seven (7) percent 0_2 at standard conditions.

(2) Opacity. No visible emissions ~~shall~~ may be present except for ~~a~~ one 6-minute period ~~aggregating no more than three (3) minutes in any sixty (60) minute period~~per hour of not more than 20% opacity, as measured by EPA Method 9. ~~At no time shall visible emissions exceed an opacity of 10%.~~

(3) Odors. In cases where crematory incinerator operation cause odors which interfere with the use and enjoyment of property, LRAPA may require by permit the use of good practices and procedures to prevent or eliminate those odors.

Section 30-050 Design and Operation of Crematory Incinerators

(1) Temperature and residence time. For a crematory incinerator, the temperature at the final combustion chamber must be at least 1600º F with a residence time of at least 0.5 seconds. The temperature in the final chamber must be equal to or greater than 1200º F prior to igniting the primary burner.~~During the course of cremation, the temperature in the final combustion chamber shall be 1800° F for incinerators installed on or after March 13, 1993, and 1600° F for crematory incinerators installed on or before March 12, 1993, with a residence time of at least 0.5 second. The temperature in the final chamber must be 1400°F prior to firing material in the primary combustion chamber. At no time while firing waste shall the temperature in the final chamber fall below 1400° F for incinerators installed on or after March 13, 1993, or 1200° F for incinerators installed on or after March 13, 1993.~~

(2) Operator training and certification. Each crematory incinerator shall be operated at all times under the direction of individuals who have received training necessary for proper operation. A description of the training program shall be submitted to LRAPA approval. Copies of the training certificates of the operators shall be maintained on site at all times and available to LRAPA for review.

(3) As defined in ~~Title 12~~section 30-010(3) ~~of these rules~~, crematory incinerators may only be used for incineration of human and animal bodies and appropriate containers. No other material, including infectious waste as defined OAR 340-230-0030~~by 30-010.10 of these rules~~, may be incinerated unless specifically authorized in LRAPA's Air Contaminant Discharge Permit. ~~On a case-by-case basis, LRAPA may allow the cremation of human anatomical parts or fetal remains, upon request.~~

Section 30-055 Monitoring and Reporting for Crematory Incinerators

(1) All crematory incinerators shall operate and maintain continuous monitoring for final combustion chamber exit temperature. Additional monitoring and reporting may be required by permit.

(2) All records associated with continuous monitoring data including, but not limited to, original data sheets, charts, calculations, calibration data, production records and final reports shall be

maintained for a continuous period of at least ~~two~~ five (5~~2~~) years and shall be furnished to LRAPA upon request.

(3) All crematory incinerators must conduct source testing to demonstrate compliance with these rules in accordance with a schedule specified by LRAPA. The test results shall be submitted to LRAPA no later than thirty (30) days after completion of the test.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 31

PUBLIC PARTICIPATION

Section 31-0080 Issuance or Denial of a Permit

(1) The applicant may submit a written request to receive public comments submitted and to provide their own response to public comments. A request to receive public comments submitted and to provide a response to public comments must be received by LRAPA no later than 10 calendar days after the close of the public comment period. When a timely request is received by LRAPA, the applicant may submit a written response to any comments submitted by the public within ten (10) working days after LRAPA provides the applicant with a copy of the written comments received by LRAPA. LRAPA will consider the applicant's response in making a final decision.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 32

EMISSION STANDARDS

Section 32-008 Typically Achievable Control Technology (TACT)

TACT determinations will be based on information known to LRAPA while considering pollution prevention, impacts on other environmental media, energy impacts, capital and operating costs, cost effectiveness, and the age and remaining economic life of existing emission control devices. LRAPA may consider emission control technologies typically applied to other types of emissions units where such technologies could be readily applied to the emissions unit. If an emission limitation is not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be required.

(2) New and Modified Sources. For new and modified sources, the emission limit established will be typical of the emission level achieved by well controlled new or

modified emissions units similar in type and size that were recently installed. A new or modified emissions unit must meet TACT for new or modified sources if:

(a) The new or modified emissions unit is not subject to a control technology requirement for the regulated pollutant emitted based on Major NSR in title 38, a Type A State NSR action under title 38, an applicable Standard of Performance for New Stationary Sources in title 46, or any other standard applicable only to new or modified sources in title 30, title 33, title 39 or title 46 ~~for the regulated pollutant emitted~~;

Section 32-009 Additional Control Requirements for Stationary Sources of Air Contaminants

In addition to other applicable requirements, LRAPA may establish control requirements ~~in addition to otherwise applicable requirements~~ by permit~~,~~ if necessary~~,~~ as specified in subsections (1) through (5):

(3) Requirements will be established to prevent violation of an ambient air quality standard caused or projected to be caused substantially by emissions from the source as determined by modeling, monitoring or a combination thereof. Any air quality analysis must be conducted in accordance with the procedures in title 40. For existing sources, LRAPA may conduct monitoring or modeling or may require a source to conduct monitoring or modeling to determine whether the source's emissions will cause or contribute to a new exceedance of an ambient air quality standard.

(4) Requirements will be established to prevent significant impairment of visibility in Class I areas caused or projected to be caused substantially by a source as determined by modeling, monitoring or a combination thereof. For existing sources, LRAPA will conduct monitoring to confirm visibility impairment..

(5) A requirement applicable to major source will be established if it has been adopted by EPA but has not otherwise been adopted by the EQC or the Board.

(6) An additional control requirement will be established if requested by the owner or operator of a source.

(7) Requirements will be established if necessary to protect public health or welfare for the following air contaminants and sources not otherwise regulated under OAR chapter 340, divisions 200 through 268:

(a) Chemical weapons; and

(b) Combustion and degradation by-products of chemical weapons.

Section 32-010 Visible Air Contaminant Limitations

(1) The emissions standards in this section do not apply to fugitive emissions from a source or part of a source, or to recovery furnaces and veneer dryers regulated under title 33.

Section 32-045 Process Weight Emission Limitations and Determination of Process Weight

(1) Section 32-045 applies to all non-fugitive emissions from the following process equipment:

(a) Inertial separators without baghouses;

(b) Calciners;

(c) Material dryers;

(d) Material classifiers;

(e) Conveyors;

(f) Size reduction equipment;

(g) Material storage structures;

(h) Seed cleaning devices; and

(i) Equipment other than that for which specific emission standards have been adopted.

(2) No person may cause, suffer, allow, or permit the emissions of particulate matter in any one (1) hour from any process in excess of the amount shown in section 32-8010, for the process weight rate allocated to such process.

(3) Process weight is the total weight of all materials introduced into a piece of process equipment. Solid fuels charged are considered part of the process weight, but liquid and gaseous fuels and combustion air are not.

(a) For a cyclical or batch operation, the process weight per hour is derived by dividing the total process weight by the number of hours in one complete operation, excluding any time during which the equipment is idle.

(b) For a continuous operation, the process weight per hour is derived by dividing the process weight by a typical period of time, as approved by LRAPA.

(4) Where the nature of any process or operation or the design of any equipment permits more than one interpretation of this rule, the interpretation that results in the minimum

value for allowable emission applies.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 33

PROHIBITED PRACTICES AND CONTROL OF SPECIAL CLASSES OF INDUSTRY

Section 33-0400 Solid Waste Landfills: Emission Standards for Municipal Solid Waste Landfills

(5) In accordance with OAR 340-236-0005(2), LRAPA implements OAR 340-236-0500 by reference.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 34

STATIONARY SOURCE NOTIFICATION REQUIREMENTS

Notice of Construction and Approval of Plans

Section 34-035 Types of Construction/Modification Changes

For the purpose of sections 34-010 and 34-035 through 34-038, emission calculations for determining the type of change at a source must use the regulated air pollutant emission capacity, except for Type 1 changes under paragraph (1)(b) and Type 4 changes. The notices of construction changes are divided into the following types:

(1) Type 1 changes include construction or modification for which the owner or operator is not required to obtain a permit or permit modification under title 37, and where the changes meet the criteria in either paragraph (a) or (b):

(a) The construction or modification would:

(A) Have emissions from any new, modified, or replaced device or activity, or any combination of devices or activities, of less than or equal to the de minimis levels defined in title 12;

(B) Not result in an increase of emissions from the source above any PSEL;

(C) Not result in an increase of emissions from the source above the netting basis by more than or equal to the SER;

(D) Not be used to establish a federally enforceable limit on the potential to emit; and

(E) Not require a TACT determination under section 32-005 or a MACT determination under section 44-040; or

(b) The construction or modification is one of the following:

(A) Equipment, devices or processes that are explicitly allowed, covered, and regulated by a General ACDP or General ACDP attachment that the owner or operator has been assigned to;

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 36

EXCESS EMISSIONS

Following the reporting and recordkeeping prescribed herein or approval of procedures for startup, shutdown or maintenance will not absolve sources from enforcement action for conditions resulting in excess emissions.

Section 36-001 ~~General Policy and Discussion~~Purpose and Applicability

(1) Emissions of air contaminants in excess of applicable standards or permit conditions, described in title 36, are unauthorized and are subject to enforcement action.

(2) Sections 36-001 through 36-030 apply to any 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.

(3) Sources that do not emit air contaminants in excess of any applicable air quality rule or permit condition are not subject to the recordkeeping and reporting requirements in title 36.

~~(2)~~(4) LRAPA's decisions regarding whether procedures were adequate or followed or whether enforcement action is appropriate under title 36 are not binding on the EPA.~~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.~~

~~(3) The purpose of these rules is to:~~

~~(a) Require that, where applicable, the owner or operator immediately report all excess emissions to LRAPA;~~

~~(b) Require the owner or operator to submit information and data regarding conditions which resulted or could result in excess emissions;~~

~~(c) Identify criteria for LRAPA to use in determining whether it will take enforcement action against an owner or operator for an excess emission; and~~

~~(d) Provide owners and operators of sources with LRAPA Title V Operating Permits an affirmative defense to a penalty action when noncompliance with technology-based limits is due to an emergency pursuant to section 36-040.~~

Section 36-020 All Other Excess Emissions

(6) Approval of a request to continue operation does not shield the owner or operator from an enforcement action, but LRAPA will consider whether the approved plans and timelines to minimize excess emissions and return the equipment or facility back to the applicable compliant emission limits were followed in determining whether an enforcement action is appropriate.

Section 36-025 Reporting and Recordkeeping Requirements

(1) For any excess emissions event at a source with an LRAPA Title V Operating Permit and for any other source as required by permit, the owner or operator must submit a written excess emission report for each calendar day of the event. The report must be submitted within 15 days of the date of the event and include the following:

(a) The date and time of the beginning of the excess emissions event and the duration or best estimate of the time until return to normal operation;

(b) The date and time the owner or operator 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.~~

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 37

AIR CONTAMINANT DISCHARGE PERMITS

Section 37-0020 Applicability and Jurisdiction

(1) This title applies to all sources referred to in section 37-8010 Table 1. This title also applies to Oregon Title V Operating Permit program sources when an ACDP is required by OAR 340-218-0020 or section 38-0010. Sources referred to in section 37-8010 Table 1 are subject to fees set forth in section 37-8020 Table 2. Oregon Title V Operating Permit program sources are also subject to the fees set forth in section 37-8020 Table 2, Part 4 for the following specific activities:

(a) Notice of Intent to Construct Type 2;

(b) Modeling Review (outside Major NSR or Type A State NSR);

(c) Public Hearing at Source's Request;

(d) LRAPA MACT Determination; and

(e) Compliance Order Monitoring.

Section 37-0040 Application Requirements

(2) Permit Renewals. Any person who wants to renew an existing permit must submit a complete application using forms provided by LRAPA, unless otherwise allowed in writing by LRAPA.

(c) If required by LRAPA in writing, LRAPA must receive an application for reassignment to General ACDPs and General ACDP attachments within 30 days prior to expiration of the General ACDPs or General ACDP attachments.

(7) The name of the applicant on a permit application must be the person (individual, corporation, association, firm, partnership, joint stock company, public corporation, municipal corporation, political subdivision, state, state agency, federal government, or federal government agency), as defined in ORS 468.005 that is the legal name of the facility's owner, the owner's agent or the lessee responsible for the operation and maintenance of the facility. The legal name must be registered with the Oregon Secretary of State Corporation Division, unless the applicant meets the criteria in subsection (a) or (b) below: ~~is an individual person that is operating the facility or~~

~~applying for the permit, and is not doing so under an assumed business name.~~

(a) The applicant is an individual person that is operating the facility or applying for the permit, and is not doing so under an assumed business name. The applicant's legal name (First, Middle Initial, Last) will be used; or

~~(3)~~(b) The applicant is an entity that is not required to be registered with the Oregon Secretary of State Corporations Division, such as a government entity like a municipality or state or federal agency.

(10) Within 15 days after receiving the application, LRAPA will preliminarily review the application to determine the adequacy of the information submitted~~, and~~:

(d) If LRAPA has determined that additional information or corrections are necessary under paragraph (a), and except as provided in paragraph (c), LRAPA will not consider the application to be complete for processing until LRAPA has received the requested information.~~; and.~~

~~(e) When LRAPA has determined that the information in an application is adequate for processing, LRAPA will so notify the applicant in writing~~.

Section 37-0052 Construction ACDP

(1) Purpose. A Construction ACDP is a permit for approval of Type 3 and/or Type 4 construction or modification changes as specified in sections 34-035 and 34-037. The Construction ACDP includes requirements for the construction or modification of stationary sources or air pollution control devices and does not by itself provide authorization to operate the new construction or modification. A new or modified Standard ACDP or LRAPA Title V Operating Permit is required before operation of the new construction or modification. A Construction ACDP may be used for the following situations:

Section 37-0060 General Air Contaminant Discharge Permits

(b) Permit content. Each General ACDP must include the following:

(A) All relevant requirements for the operations covered by the General ACDP, excluding any federal requirements not adopted by the Board or EQC;

(B) PSELs set at the potential to emit for the largest emitting source in the source category in ~~the state~~Lane County for all regulated pollutants emitted at more than the de minimis emission level in accordance with title 42;

(C) Testing, monitoring, recordkeeping, and reporting requirements necessary to ensure compliance with the PSEL and other applicable emissions limits

and standards; and

(D) A permit expiration date not to exceed ten (10) years from the date of issuance.

(3) Source assignment:

(a) Application requirements. Any person requesting that a source be assigned to a General ACDP must submit a written application according to section 37-0040 that includes the information in subsection 37-0040(1), specifies the General ACDP source category, and shows that the source qualifies for the General ACDP.

(b) Fees. Applicants must pay the fees set forth in Table 2 of section 37-8020. The fee class for each General ACDP is Fee Class One unless otherwise specified as follows:

(A) Hard chrome platers – Fee Class Three;

(B) Decorative chrome platers – Fee Class Four;

(C) Halogenated solvent degreasers – batch cold – Fee Class Two;

(D) Perchloroethylene dry cleaners – Fee Class Six;

(E) Asphalt plants – Fee Class Three;

(F) Rock crushers – Fee Class Two;

(G) Ready-mix concrete – Fee Class One;

(H) Sawmills, planing mills, millwork, plywood manufacturing and veneer drying – Fee Class Three;

(I) Boilers – Fee Class Two;

(J) Crematories – Fee Class One;

(K) Coffee roasters – Fee Class One;

(L) Bulk gasoline plants – Fee Class One;

(M) Electric power generators – Fee Class Two;

(N) Clay ceramics – Fee Class One;

(O) Gasoline dispensing facilities ~~– stage I –~~ Fee Class ~~Five~~Four;

(P) Wood preserving – Fee Class Four;

(Q) Metal fabrication and finishing – Fee Class Two;

(R) Plating and polishing – Fee Class One;

(S) Motor vehicle and mobile equipment surface coating operations – Fee Class One;

(T) Paints and allied products manufacturing – Flee Class Two;

(U) Emergency generators and firewater pumps, if a permit is required – Fee Class ~~Two~~Five.; and

(V) Air curtain incinerators – Fee Class One.

(W) Fiberglass lay-up and/or reinforced plastics composites production – Fee Class Four

Section 37-0064 Simple ACDPs

(3) Fees. Applicants for a new or modified Simple ACDP must pay the fees set forth in Table 2 of section 37-8020. Applicants for a new Simple ACDP must initially pay the High Annual Fee. Once the initial permit is issued, annual fees for Simple ACDPs will be assessed based on the following:

(a) Low F~~–~~ee ~~– -~~ A source may qualify for the low fee if:

(b) High F~~–~~ee - Any source required to have a Simple ACDP (section 37-8010 Table 1 Part B) that does not qualify for the low fee under paragraph (~~2~~3)(a) will be assessed the high fee.

Section 37-0082 Expiration, Termination, Reinstatement or Revocation of an ACDP

(3) Termination of construction approval.

(a) Construction approval issued by LRAPA under this ~~division~~ title terminates and is invalid for the following reasons:

Section 37-0090 Sources Subject to ACDPs and Fees

(1) All air contaminant discharge sources listed in Table 1, section 37-8010 must obtain a permit from LRAPA and are subject to fees as set forth in Table 2, section 37-8020.

(2) An owner or operator of a source that is required to demonstrate compliance with Cleaner Air Oregon rules under OAR 340-245-0005 through 340-245-8050 must pay the fees specified in Table 3, section 37-8030.

(3) The fees in Table 2, section 37-8020, part 2, paragraphs a. through e., will increase by 15% on July 1, 2027, on July 1, 2028, and on July 1, 2029. The fees in Table 2, section 37-8020, part 2, paragraphs a. through e., will increase by the Employment Cost Index or five (5) percent, whichever is less, on July 1 of each year, beginning July 1, 2030.

~~(3)~~(4) The fees in Table 2, section 37-8020, parts 1, ~~2, and~~ 4, 5 and 6 will increase by ~~four~~ the Employment Cost Index or five (~~4~~5) percent, whichever is less, on July 1 of each year, beginning July 1, 2030.

~~(4)~~(5) The fees in Table 2, section 37-8020, part 3, and Table 3, section 37-8030 will increase by three (3) percent on July 1 of each year.

Section 37-8010

Table 1 — Activities and Sources

Section 37-8020
Table 2 — Air Contaminant Discharge Permits

(1) Sources referred to in Table 1 of Section 37-8010 are subject to air contaminant discharge permit fees in Table 2. Title V sources may be subject to the Cleaner Air Oregon annual fees and the specific activity permit fees in Table 2, if applicable.

Section 37-8030
Table 3 — Cleaner Air Oregon Specific Activity Fees

Sources subject to OAR chapter 340, division 245, Cleaner Air Oregon, are required to pay the specific activity fees in Table 3.

LANE REGIONAL AIR PROTECTION AGENCY

TABLE 1 - SECTION 37-8010

ACTIVITIES AND SOURCES

The following source categories must obtain a permit as required by Section 37-0020 Applicability and Jurisdiction

Part A: Basic ACDP

1. Reserved.

2. Boilers and other fuel-burning equipment of 2.0 or more MMBTU but less than 10 MMBTU/hour heat input, that do not use more than 9,999 gallons per year of #2 diesel oil as a backup fuel.
3. Concrete manufacturing including redimix and CTB, both stationary and portable, more than 5,000 but less than 25,000 cubic yards per year output.
4. Crematory incinerators with less than 20 tons/year material input.
5. Prepared feeds for animals and fowl and associated grain elevators more than 1,000 tons/year but less than 10,000 tons/year throughput.
6. Rock, concrete or asphalt crushing both portable and stationary more than 5,000 tons/year but less than 25,000 tons/year crushed.
7. Surface coating operations not elsewhere classified whose actual or expected usage of coating materials is greater than 250 gallons/year, but less than 250 gallons/month, excluding sources that exclusively use non-VOC and non-HAP containing coatings.
8. Sources not elsewhere classified with actual emissions of more than 1 ton/year VOC and/or HAP.
9. Sawmills and/or planing mills and/or millwork and/or wood furniture and fixtures manufacturing and/or plywood manufacturing and/or veneer drying of more than 5,000 but less than 25,000 board feet/maximum 8 hour finished product.
10. Coffee roasting, roasting more than 1 ton per year but less than 30 green tons per year.
11. Motor vehicle, mobile equipment and miscellaneous surface coating operations subject to an area source NESHAP under title 44 and using less than 20 gallons of coating per year excluding motor vehicle surface coating operations registered pursuant to subsection 34-025(2).
12. Sources subject to permitting under Part B of this table, number 75 if all of the following criteria are met:
    a. The source is not subject to any category listed on this table other than Part B number 75;
    b. The source has requested an enforceable limit on ther actual emissions, if the source were to operate uncontrolled, to below Part B number 75 of this table as applicable depending on the source's location through one or both of the following:
        i. A limit on hours of operation;
        ii. A limit on production;
    c. Control devices are not required to be used or otherwise accounted for to maintain emissions levels comliant with 12.b above;
    d. The source is not subject to and does not have any affected emissions units subject to a 40 C.F.R. part 60, part 61, or part 63 (NSPS or NESHAP);
    e. The source is not subject to any specific industry or operation standard in LRAPA titles 33 or 46.
    f. LRAPA has determined that the source is not required to conduct source testing and source testing for emissions factor verification will not be required.

~~1.~~

Part B: General, Simple or Standard ACDP

1. Aerospace or aerospace parts manufacturing.
2. Aluminum production – primary.
3. Ammonia manufacturing.
4. Animal rendering and animal reduction facilities.
5. Asphalt blowing plants.
6. Asphalt felts or coating manufacturing.
7. Asphaltic concrete paving plants, both stationary and portable.
8. Bakeries, commercial over 10 tons of VOC emissions per year.
9. Battery separator manufacturing.
10. Lead-acid battery manufacturing and re-manufacturing.
11. Beet sugar manufacturing.
12. Boilers and other fuel burning equipment over 10 MMBTU/hour heat input.
13. Building paper and building board mills.
14. Calcium carbide manufacturing.

15. Can or drum coating.
16. Cement manufacturing.
17. Cereal preparations and associated grain elevators with more than 10,000 ~~or more~~ tons/year throughput.
18. Charcoal manufacturing.
19. Chlorine and alkali manufacturing.
20. Chrome plating (Decorative and Hard) and anodizing subject to a NESHAP under title 44.
21. Coffee roasting, roasting more than 30 ~~or more~~ tons per year.
22. Concrete manufacturing including redimix and CTB, both stationary and portable, more than 25,000 ~~or more~~ cubic yards per year output.
23. Crematory incinerators with more than 20 ~~or more~~ tons/year material input.
24. Degreasing operations, halogenated solvent cleanings subject to a NESHAP under title 44.
25. Electrical power generation from combustion, excluding units used exclusively as emergency generators and units less than 500 kW.
26. Ethylene oxide sterilization.
27. Flatwood coating.
28. Flexographic or rotogravure printing.
29. Flour, blended and/or prepared and associated grain elevators with more than 10,000 ~~or more~~ tons/year throughput.
30. Galvanizing and pipe coating.
31. Gasoline bulk plants, bulk terminals, and pipeline facilities.
32. Gasoline dispensing facilities (GDFs), excluding gasoline dispensing facilities with a monthly throughput of less than 10,000 gallons of gasoline per month.[1]
33. Glass and glass container manufacturing.
34. Grain elevators used for intermediate storage with more than 10,000 ~~or more~~ tons/year throughput.
35. Reserved.
36. Gray iron and steel foundries, malleable iron foundries, steel investment foundries, steel foundries with more than 100 ~~or more~~ tons/year metal charged, not elsewhere identified.
37. Gypsum products manufacturing.
38. Hardboard manufacturing, including fiberboard.
39. Incinerators with two or more tons per day capacity.
40. Lime manufacturing.
41. Reserved
42. Magnetic tape manufacturing.
43. Manufactured home, mobile home, and recreational vehicle manufacturing.
44. Marine vessel petroleum loading and unloading.
45. Millwork manufacturing, including kitchen cabinets and structural wood members, with more than 25,000 ~~or more~~ board feet/maximum 8 hour input.
46. Molded plastic container manufacturing, using extrusion, molding, lamination, and foam processing and molded fiberglass container manufacturing, excluding injection molding.
47. Motor coach, travel trailer, and camper manufacturing.
48. Natural gas and oil production and processing and associated fuel burning equipment.
49. Nitric acid manufacturing.
50. Nonferrous metal foundries with more than 100 ~~or more~~ tons/year of metal charged.
51. Organic or inorganic chemical manufacturing and distribution with ½ or more tons per year emissions of any one criteria pollutant, sources in this category with less than ½ ton/year of each criteria pollutant are not required to have an ACDP.
52. Reserved.
53. Particleboard manufacturing, including strandboard, flakeboard, and waferboard.
54. Perchloroethylene dry cleaning operations subject to an area source NESHAP under title 44, excluding perchloroethylene dry cleaning operations registered pursuant to subsection 34-025(2).
55. Pesticide manufacturing with more than 5,000 ~~or more~~ tons/year annual production.
56. Petroleum refining and re-refining of lubricating oils and greases including asphalt production by distillation and the reprocessing of oils and/or solvents for fuels.

57. Plywood manufacturing and/or veneer drying.
58. Prepared feeds manufacturing for animals and fowl and associated grain elevators with more than 10,000 ~~or more~~ tons per year throughput.
59. Primary smelting and/or refining of ferrous and non-ferrous metals.
60. Pulp, paper and paperboard mills.
61. Rock, concrete or asphalt crushing both portable and stationary, with more than 25,000 ~~or more~~ tons/year crushed.
62. Sawmills and/or planing mills with more than 25,000 ~~or more~~ board feet/maximum 8 hour finished product.
63. Secondary smelting and/or refining of ferrous and nonferrous metals.
64. Seed cleaning and associated grain elevators with more than 5,000 ~~or more~~ tons/year throughput.
65. Sewage treatment facilities employing internal combustion engines for digester gasses.
66. Soil remediation facilities, both stationary and portable.
67. Steel works, rolling and finishing mills.
68. Reserved.
69. Surface coating operations: coating operations whose actual or expected usage of coating materials is greater than 250 gallons per month, excluding sources that exclusively use non-VOC and non-HAP containing coatings.
70. Synthetic resin manufacturing.
71. Tire manufacturing or tire retreading.
72. Wood furniture and fixtures with more than 25,000 ~~or more~~ board feet/maximum 8 hour input.
73. Wood preserving (including waterborne with actual or projected emissions of greater than 1 ton/year VOC and/or HAP).
74. All other sources, both stationary and portable, not listed herein that LRAPA determines an air quality concern exists including minor sources of HAPs not elsewhere classified or one which would emit significant malodorous emissions.
75. All other sources, both stationary and portable, not listed herein which would have the capacity of 5 or more tons per year of direct $PM_{2.5}$ or PM_{10} if located in a $PM_{2.5}$ or PM_{10} nonattainment or maintenance area, or 10 or more tons per year of any single criteria pollutant.[2]
76. Aluminum, copper, and other nonferrous foundries subject to an area source NESHAP under title 44.
77. Ferroalloy production facilities subject to an area source NESHAP under title 44.
78. Metal fabrication and finishing operations subject to an area source NESHAP under title 44.
79. Motor vehicle and mobile equipment surface coating operations subject to an area source NESHAP under title 44, using more than 20 gallons of coating per year excluding motor vehicle surface coating operations registered pursuant to LRAPA subsection 34-025(2).
80. Paint stripping and miscellaneous surface coating operations subject to an area source NESHAP under title 44.
81. Paint and allied products manufacturing subject to an area source NESHAP under title 44.
82. Plating and polishing operations subject to an area source NESHAP under title 44.
83. Fiberglass lay-up and/or reinforced plastic composites production.
84. Chemical manufacturing facilities subject to 40 CFR ~~part~~ Part 63, subpart VVVVVV.
85. Stationary internal combustion engines if:
    a. For emergency generators and firewater pumps, the aggregate engine horsepower rating is greater than 30,000 horsepower; or
    b. For any individual non-emergency or non-fire pump engine, the engine is subject to 40 CFR ~~part~~ Part 63, subpart ZZZZ and is rated at 500 horsepower or more, excluding two stroke lean burn engines, engines burning exclusively landfill or digester gas, and four stroke engines located in remote areas; or
    c. For any individual non-emergency engine, the engine is subject to 40 CFR ~~part~~ Part 60, subpart IIII and:
        A. The engine has a displacement of 30 liters or more per cylinder; or
        B. The engine has a displacement of less than 30 liters per cylinder and is rated at 500 horsepower or more and the engine and control device are either not

certified by the manufacturer to meet the NSPS or not operated and maintained according to the manufacturer's emission-related instructions; or

d. For any individual non-emergency engine, the engine is subject to 40 CFR ~~part~~ Part 60, subpart JJJJ and is rated at 500 horsepower or more and the engine and control device are either not certified by the manufacturer to meet the NSPS or not operated and maintained according to the manufacturer's emission-related instructions.

86. Pathological waste incinerators.
87. Clay ceramics manufacturing subject to an area source NESHAP under title 44.
88. Secondary nonferrous metals processing subject to an Area Source NESHAP under title 44.
89. All sources subject to BACT or LAER under title 38, a NESHAP title 44, a NSPS under title 46, or State MACT under 44-140(2), except sources:
    a. Exempted in any of the categories above;
    b. For which a Basic ACDP is available; or
    c. Registered pursuant to 34-025(2).
90. Landfills with more than 200,000 tons of waste in place and calculated methane generation rate is less than 664 metric tons per year which are subject to the requirements in OAR chapter 340, division 239.

Part C: Standard ACDP

1. Incinerators for PCBs, other hazardous wastes, or both.
2. All sources that LRAPA determines have emissions that constitute a nuisance.
3. All sources electing to maintain the source's netting basis.
4. All sources that request a PSEL equal to or greater than the SER for a regulated pollutant.
5. All sources having the potential to emit more than 100 tons or more of any regulated pollutant, except GHG, in a year.
6. All sources having the potential to emit more than 10 tons or more of a single hazardous air pollutant in a year.
7. All sources having the potential to emit more than 25 tons or more of all hazardous air pollutants combined in a year.
8. Landfills with more than 200,000 tons of waste in place and calculated methane generation rate is greater than or equal to 664 metric tons per year which are subject to the requirements in OAR chapter 340, division 239.

Notes:

For more information contact:

Lane Regional Air Protection Agency

1010 Main Street

Springfield, OR 97477

(541) 736-105

permitting@lrapa-or.gov

1 "monthly throughput" means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at the gasoline dispensing facility during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at the gasoline dispensing facility during the month, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at the gasoline dispensing facility during the previous 11 months, and then dividing that sum by 12.

2 A source subject to permitting from this category may be able to obtain a Basic ACDP under Part A number 12 of this table. For sources that meet the criteria of Part A number 12 of this table, the enforceable production and/or hours limitation in an issued ACDP may be used to demonstrate a permit is not required by Part B number 75 of this table irrespective of the term 'uncontrolled'.

LANE REGIONAL AIR PROTECTION AGENCY

TABLE 2 - SECTION 37-8020

AIR CONTAMINANT DISCHARGE PERMIT

Part 1. Initial Permitting Application Fees: ~~(in addition to first annual fee)~~

a. Short Term Activity ACDP	$5,446
b. Basic ACDP	$218
c. Assignment to General ACDP*	$2,178
d. Simple ACDP	$10,891
e. Construction ACDP	$17,426
f. Standard ACDP	$21,781
g. Standard ACDP (Major NSR or Type A State NSR)	$76,233

*LRAPA may waive the assignment fee for an existing source requesting to be assigned to a General ACDP because the source is subject to a newly adopted area source NESHAP as long as the existing source requests assignment within 90 days of notification by LRAPA.

Part 2. Annual Fees: (Due date 12/1* for 1/1 to 12/31 of the following year)

a. Short Term Activity ACDP	NA
b. Basic ACDP	$ 655
c. General ACDP	
(A) Fee Class One	$1,307
(B) Fee Class Two	$2,354
(C) Fee Class Three	$3,399
(D) Fee Class Four	$655
(E) Fee Class Five	$218
(F) Fee Class Six	$444
(G) Attachment	$218
d. Simple ACDP	
(A) Low Fee	$3,484
(B) High Fee	$6,970

e. Standard ACDP	$13,940
f. Greenhouse Gas reporting, as required by OAR chapter 340, division 215	$500.00 or 20% of the applicable ACDP annual fee in Part 2, whichever is greater and not to exceed $9,000 ~~12.5% of the applicable annual fee in Part 2~~

* LRAPA may extend the payment due date for dry cleaners or gasoline dispensing facilities until March 1st.

Part 3. Cleaner Air Oregon

Annual Fees: (Due date 12/1 for 1/1 to 12/31 of the following year)

a. Basic ACDP	$ 165
b. General ACDP	
(A) Fee Class One	$330
(B) Fee Class Two	$594
(C) Fee Class Three	$859
(D) Fee Class Four	$165
(E) Fee Class Five	$55
(F) Fee Class Six	$109
(G) Attachment	$52
c. Simple ACDP	
(A) Low Fee	$881
(B) High Fee	$1,761
d. Standard ACDP	$3,524

* LRAPA may extend the payment due date for dry cleaners or gasoline dispensing facilities until March 1st.

Part 4. Specific Activity Fees:

a. Notice of Intent to Construct Type 2[1]		$810
Permit Modification	ba. Non-Technical Permit Modification	$218
	cb. Basic Technical Permit Modification	$655
	dc. Simple Technical Permit Modification	$2,178
	ed. Moderate Technical Permit Modification	$10,891
	fe. Complex Technical Permit Modification	$21,781
Toxic Air Contaminant Discharge Permit Addendum Modification	ag. Non-Technical Permit Modification	$201
	bh. Basic Technical Permit Modification	$487
	ci. Simple Technical Permit Modification	$1,620
	dj. Moderate Technical Permit Modification	$8,056
	ek. Complex Technical Permit Modification	$16,122
fl. Major NSR or Type A State NSR Permit Modification		$76,233
gm. Modeling Review (outside Major NSR or Type A State NSR)		$10,891
hn. Public Hearing at Source's Request		$4,357
io. LRAPA MACT Determination		$10,891
jp. Compliance Order Monitoring[2]		$218/month

1. The Type 2 Notice of Intent to Construct does not apply to existing Basic ACDP or General ACDP sources.
2. Compliance Order Monitoring is a one-time fee payable when a compliance order is established in a permit or an LRAPA order containing a compliance

schedule becomes a final order of LRAPA and is based on the number of months LRAPA will have to oversee the order.	

Part 5. Late Fees:

a. 8-30 days late 5%

b. 31-60 days late 10%

c. 61 or more days late 20%

Part 6. Specific Registration Fees:

1. Gasoline Dispensing Facilities subject to area source NESHAPs not required to otherwise obtain an LRAPA permit must pay a one-time registration fee of $56.
2. Motor vehicle surface coating operations registered pursuant to section 34-025 must pay $376 per year.
3. Dry cleaners using perchloroethylene registered pursuant to section 34-025 must pay $282 per year.

LANE REGIONAL AIR PROTECTION AGENCY

TABLE 3 - SECTION 37-8030

CLEANER AIR OREGON SPECIFIC ACTIVITY FEES

LRAPA sources subject to OAR chapter 340, division 245, Cleaner Air Oregon, are required to pay the specific activity fees in Table 3.

#	ACTIVITY	Permit Type			
		Title V	Standard ACDP	Simple ACDP	General or Basic ACDP
1	Existing Source Call-In Fee	$10,~~000~~ 470	$10,~~0004~~ 70	$1,~~0000~~ 47	$~~500~~52 3

#	ACTIVITY	Permit Type			
		Title V	Standard ACDP	Simple ACDP	General or Basic ACDP
2	New Source Consulting Fee	$12,000 564	$12,0005 64	$1,9009 89	$1,0000 47
3	Submittal Document Modification Fee	$2,5006 17	$2,50061 7	$50052 3	$25026 2
Risk Assessment Fees					
4	Level 1 Risk Assessment - de minimis (no permit required)	$1,5005 70	$1,50057 0	$1,0000 47	$80083 8
5	Level 1 Risk Assessment - not de minimis	$2,0000 94	$2,00009 1	$1,5005 70	$1,1001 52
6	Level 2 Risk Assessment - de minimis (no permit amendment required)	$3,1002 46	$3,10024 6	$2,3004 08	$2,0000 94
7	Level 2 Risk Assessment - not de minimis	$3,6007 69	$3,60076 9	$2,8009 32	$2,3004 08
8	Level 3 Risk Assessment - de minimis (no permit required)	$8,8009 ,214	$8,2009, 214	$5,3002 49	$4,5007 11
9	Level 3 Risk Assessment - not de minimis	$19,900 20,835	$11,3008 31	$7,7008 ,062	$6,3005 96
10	Level 4 Risk Assessment - de minimis (no permit required)	$21,400 22,406	$18,5001 9,369	$11,700 12,250	NA
11	Level 4 Risk Assessment - not de minimis	$34,600 36,226	$25,8002 7,012	$15,500 16,228	NA
Risk Above Risk Action Levels					
12	Risk Reduction Plan Fee	$6,7007 ,015	$6,7007, 015	$2,6007 22	$2,6007 22
13	Air Oregon Monitoring Plan Fee (includes risk assessment)	$25,900 26,327	$25,9002 6,327	NA	NA

#	ACTIVITY	Permit Type			
		Title V	Standard ACDP	Simple ACDP	General or Basic ACDP
14	Postponement of Risk Reduction Fee	$4,~~4006~~07	$4,~~40060~~7	$4,~~4006~~07	$2,~~0000~~94
15	TBACT/TLAER Review (per Toxic Emissions Unit and type of toxic air contaminant)	$3,~~0001~~41	$3,~~00014~~1	$1,~~5005~~70	$1,~~5005~~70
Other Fees					
16	TEU Risk Assessment – no permit mod	$1,~~0000~~47	$1,~~00004~~7	$~~500~~52~~52~~3	$~~500~~52~~52~~3
17	TEU Risk Assessment – permit mod	$4,~~0001~~88	$4,~~00018~~8	$2,~~0000~~94	$1,~~0000~~47
18	Level 2 Modeling review only for TEU approval	$1,~~9009~~89	$1,~~30036~~1	$~~800~~83~~83~~8	$~~700~~73~~73~~3
19	Level 3 Modeling review only for TEU approval	$3,~~8009~~79	$3,~~80097~~9	$3,~~5006~~64	$3,~~5006~~64
20	Community Engagement Meeting Fee - high	$8,~~0003~~76	$8,~~00037~~6	$8,~~0003~~76	$8,~~0003~~76
21	Community Engagement Meeting Fee - medium	$4,~~0001~~88	$4,~~00018~~8	$4,~~0001~~88	$4,~~0001~~88
22	Community Engagement Meeting Fee - low	$1,~~0000~~47	$1,~~00004~~7	$1,~~0000~~47	$1,~~0000~~47
23	Source Test Review Fee (plan and data review) - complex	$6,~~0002~~82	$6,~~00028~~2	$6,~~0002~~82	$6,~~0002~~82
24	Source Test Review Fee (plan and data review) – moderate	$4,~~2003~~97	$4,~~20039~~7	$4,~~2003~~97	$4~~,2003~~97
25	Source Test Review Fee (plan and data review) - simple	$1,~~4004~~66	$1,~~40046~~6	$1,~~4004~~66	$1,~~4004~~66

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 39

Contingency for PM10 Sources in Eugene-Springfield Non-Attainment Area

[Repeal]

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 44

HAZARDOUS AIR POLLUTANT PROGRAM

General Provisions for Stationary Sources

Section 44-015 Definitions

The definitions in title 12, OAR 340-218-0030, and this section apply to this title. If the same term is defined in this section and title 12 or 340-218-0030, the definition in this section applies to this title.

(4) "CFR" means the ~~July~~ January 1, ~~2020~~ 2025 Code of Federal Regulations unless otherwise identified.

Section 44-150 Federal Regulations Adopted by Reference

(1) Except as provided in subsection (2) and (3) of this section, 40 CFR part 61, subparts A, C through F, J, L, N through P, V, Y, BB, and FF and 40 C.F.R. part 63, subparts A, F through J, L, through O, Q through U, W through Y, AA through EE, GG through YY, CCC through EEE, GGG through JJJ, LLL through RRR, TTT through VVV, XXX, AAAA, CCCC through KKKK, MMMM through YYYY, AAAAA through NNNNN, PPPPP through UUUUU, WWWWW, YYYYY, ZZZZZ, BBBBBB, DDDDDD through FFFFFF, LLLLLL through TTTTTT, VVVVVV through EEEEEEE, and HHHHHHH are adopted by reference and incorporated herein~~, .~~ ~~and~~ 40 CFR part 63, subparts ZZZZ and JJJJJJ are by this reference adopted and incorporated herein only for sources required to have a Title V or ACDP permit.

(2) Where "Administrator" or "EPA" appears in 40 C.F.R. part 61 or 63, "LRAPA" is be substituted, except in any section of 40 CFR part 61 or 63 for which a federal rule or delegation specifically indicates that authority will not be delegated to LRAPA.

(3) 40 C.F.R part 63, subpart M – Perchloroethylene Air Emission Standards for Dry Cleaning Facilities: The exemptions in 40 C.F.R. 63.320(d) and (e) do not apply.

(4) 40 C.F.R. part 61 subparts adopted by this section are titled as follows:

(a) Subpart A – General Provisions;

(b) Subpart C – Beryllium;

(c) Subpart D – Beryllium Rocket Motor Firing;

(d) Subpart E – Mercury;

(e) Subpart F – Vinyl Chloride;

(f) Subpart J – Equipment Leaks (Fugitive Emission Sources) of Benzene;

(g) Subpart L – Benzene Emissions from Coke By-Product Recovery Plants;

(h) Subpart N – Inorganic Arsenic Emissions from Glass Manufacturing Plants;

(i) Subpart O – Inorganic Arsenic Emissions from Primary Copper Smelters;

(j) Subpart P – Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities;

(k) Subpart V – Equipment Leaks (Fugitive Emission Sources);

(l) Subpart Y – Benzene Emissions from Benzene Storage Vessels;

(m) Subpart BB – Benzene Emissions from Benzene Transfer Operations; and

(n) Subpart FF – Benzene Waste Operations.

(5) 40 CFR part 63 Subparts adopted by this section are titled as follows:

(a) Subpart A – General Provisions. Standards adopted include final rule promulgations through July 1, 2020 of the CFR;

(b) Subpart F – Synthetic Organic Chemical Manufacturing Industry (SOCMI);

(c) Subpart G – SOCMI - Process Vents, Storage Vessels, Transfer Operations, and Wastewater;

(d) Subpart H – ~~SOCMI –~~ Equipment Leaks and Fenceline Monitoring for All Emission Sources;

(e) Subpart I – Certain Processes Subject to the Negotiated Regulation for Equipment Leaks;

(f) Subpart J – Polyvinyl Chloride and Copolymers Production;

(g) Subpart L – Coke Oven Batteries;

(h) Subpart M – Perchloroethylene Air Emission Standards for Dry Cleaning Facilities;

(i) Subpart N – Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks;

(j) Subpart O – Ethylene Oxide Emissions Standards for Sterilization Facilities;

(k) Subpart Q – Industrial Process Cooling Towers;

(l) Subpart R – Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations);

(m) Subpart S – Pulp and Paper Industry;

(n) Subpart T – Halogenated Solvent Cleaning;

(o) Subpart U – Emissions: Group I Polymers and Resins;

(p) Subpart W – Epoxy Resins Production and Non-Nylon Polyamides Production;

(q) Subpart X – Secondary Lead Smelting;

(r) Subpart Y – Marine Tank Vessel Loading Operations;

(s) Subpart AA – Phosphoric Acid Manufacturing Plants;

(t) Subpart BB – Phosphate Fertilizers Production Plants;

(u) Subpart CC – Petroleum Refineries;

(v) Subpart DD – Off-Site Waste and Recovery Operations;

(w) Subpart EE – Magnetic Tape Manufacturing Operations;

(x) Subpart GG – Aerospace Manufacturing and Rework Facilities;

(y) Subpart HH – Oil and Natural Gas Production Facilities;

(z) Subpart II – Shipbuilding and Ship Repair (Surface Coating);

(aa) Subpart JJ – Wood Furniture Manufacturing Operations;

(bb) Subpart KK – Printing and Publishing Industry;

(cc) Subpart LL – Primary Aluminum Reduction Plants;

(dd) Subpart MM – Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills;

(ee) Subpart NN – ~~Area Sources:~~ Wool Fiberglass Manufacturing at Area Sources;

(ff) Subpart OO – Tanks - Level 1;

(gg) Subpart PP – Containers;

(hh) Subpart QQ – Surface Impoundments;

(ii) Subpart RR – Individual Drain Systems;

(jj) Subpart SS – Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process;

(kk) Subpart TT – Equipment Leaks - Control Level 1;

(ll) Subpart UU – Equipment Leaks - Control Level 2;

(mm) Subpart VV – Oil-Water Separators and Organic-Water Separators;

(nn) Subpart WW – Storage Vessels (Tanks) - Control Level 2;

(oo) Subpart XX – Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations;

(pp) Subpart YY – Generic Maximum Achievable Control Technology Standards;

(qq) Subpart CCC – Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants;

(rr) Subpart DDD – Mineral Wool Production;

(ss) Subpart EEE – Hazardous Waste Combustors;

(tt) Subpart GGG – Pharmaceuticals Production;

(uu) Subpart HHH – Natural Gas Transmission and Storage Facilities;

(vv) Subpart III – Flexible Polyurethane Foam Production;

(ww) Subpart JJJ – Group IV Polymers and Resins;

(xx) Subpart LLL – Portland Cement Manufacturing Industry;

(yy) Subpart MMM – Pesticide Active Ingredient Production;

(zz) Subpart NNN – Wool Fiberglass Manufacturing;

(aaa) Subpart OOO – Manufacture of Amino/Phenolic Resins;

(bbb) Subpart PPP – Polyether Polyols Production;

(ccc) Subpart QQQ – Primary Copper Smelting;

(ddd) Subpart RRR – Secondary Aluminum Production

(eee) Subpart TTT – Primary Lead Smelting;

(fff) Subpart UUU – Petroleum Refineries ~~–~~ Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units;

(ggg) Subpart VVV – Publicly Owned Treatment Works;

(hhh) Subpart XXX – Ferroalloys Production: Ferromanganese, and Silicomanganese;

(iii) Subpart AAAA – Municipal Solid Waste Landfills;

(jjj) Subpart CCCC – Manufacturing of Nutritional Yeast;

(kkk) Subpart DDDD – Plywood and Composite Wood Products;

(lll) Subpart EEEE – Organic Liquids Distribution (non-gasoline);

(mmm) Subpart FFFF – Miscellaneous Organic Chemical Manufacturing;

(nnn) Subpart GGGG – Solvent Extraction for Vegetable Oil Production;

(ooo) Subpart HHHH – Wet Formed Fiberglass Mat Production;

(ppp) Subpart IIII – Surface Coating of Automobiles and Light-Duty Trucks;

(qqq) Subpart JJJJ – Paper and Other Web Coating;

(rrr) Subpart KKKK – Surface Coating of Metal Cans;

(sss) Subpart MMMM – Surface Coating of Miscellaneous Metal Parts and Products;

(ttt) Subpart NNNN – Surface Coating of Large Appliances;

(uuu) Subpart OOOO – Printing, Coating, and Dyeing of Fabrics and Other Textiles;

(vvv) Subpart PPPP – Surface Coating of Plastic Parts and Products;

(www) Subpart QQQQ – Surface Coating of Wood Building Products;

(xxx) Subpart RRRR – Surface Coating of Metal Furniture;

(yyy) Subpart SSSS – Surface Coating of Metal Coil;

(zzz) Subpart TTTT – Leather Finishing Operations;

(aaaa) Subpart UUUU – Cellulose ~~Production~~ Products Manufacturing;

(bbbb) Subpart VVVV – Boat Manufacturing;

(cccc) Subpart WWWW – Reinforced Plastic~~s~~ Composites Production;

(dddd) Subpart XXXX – Rubber Tire Manufacturing;

(eeee) Subpart YYYY – Stationary Combustion Turbines;

(ffff) Subpart ZZZZ – Stationary Reciprocating Internal Combustion Engines (adopted only for sources required to have a Title V or ACDP permit);

(gggg) Subpart AAAAA – Lime Manufacturing Plants;

(hhhh) Subpart BBBBB – Semiconductor Manufacturing;

(iiii) Subpart CCCCC – Coke Ovens: Pushing, Quenching and Battery Stacks;

(jjjj) Subpart DDDDD – Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters

(kkkk) Subpart EEEEE – Iron and Steel Foundries;

(llll) Subpart FFFFF – Integrated Iron and Steel Manufacturing Facilities;

(mmmm) Subpart GGGGG – Site Remediation;

(nnnn) Subpart HHHHH – Miscellaneous Coating Manufacturing;

(oooo) Subpart IIIII – Mercury Cell Chlor-Alkali Plants;

(pppp) Subpart JJJJJ – Brick and Structural Clay Products Manufacturing;

(qqqq) Subpart KKKKK – Clay Ceramics Manufacturing;

(rrrr) Subpart LLLLL – Asphalt Processing and Asphalt Roofing Manufacturing;

(ssss) Subpart MMMMM – Flexible Polyurethane Foam Fabrication Operations;

(tttt) Subpart NNNNN – Hydrochloric Acid Production;

(uuuu) Subpart PPPPP – Engine Tests Cells/Stands;

(vvvv) Subpart QQQQQ – Friction Materials Manufacturing Facilities;

(wwww) Subpart RRRRR – Taconite Iron Ore Processing;

(xxxx) Subpart SSSSS – Refractory Products Manufacturing;

(yyyy) Subpart TTTTT – Primary Magnesium Refining;

(zzzz) Subpart UUUUU – Coal- and Oil-Fired Electric Utility Steam Generating Units

(aaaaa) Subpart WWWWW – ~~Area Sources:~~ Hospital Ethylene Oxide ~~Sterilization~~Sterilizers;

(bbbbb) Subpart YYYYY – Area Sources: Electric Arc Furnace Steelmaking Facilities;

(ccccc) Subpart ZZZZZ – ~~Area Sources:~~ Iron and Steel Foundries Area Sources;

(ddddd) Subpart BBBBBB – ~~Area Sources:~~ Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities Area Sources;

(eeeee) Subpart DDDDDD – ~~Area Sources:~~ Polyvinyl Chloride and Copolymers Production Area Sources;

(fffff) Subpart EEEEEE – ~~Area Sources:~~ Primary Copper Smelting Area Sources;

(ggggg) Subpart FFFFFF – ~~Area Sources:~~ Secondary Copper Smelting Area Sources;

(hhhhh) Subpart GGGGGG – ~~Area Sources:~~ Primary Nonferrous Metals - Zinc, Cadmium, and Beryllium Area Sources;

(iiiii) Subpart HHHHHH – ~~Area Sources:~~ Paint Stripping and Miscellaneous Surface Coating Operations Area Sources;

(jjjjj) Subpart JJJJJJ – ~~Area Sources:~~ Industrial, Commercial, and Institutional Boilers Area Sources (adopted only for sources required to have a Title V or ACDP permit);

(kkkkk) Subpart LLLLLL – ~~Area Sources:~~ Acrylic and Modacrylic Fibers Production Area Sources;

(lllll) Subpart MMMMMM – ~~Area Sources:~~ Carbon Black Production Area Sources;

(mmmmm) Subpart NNNNNN – ~~Area Sources:~~ Chemical Manufacturing: Chromium Compounds Area Sources;

(nnnnn) Subpart OOOOOO – ~~Area Sources:~~ Flexible Polyurethane Foam Production and Fabrication Area Sources;

(ooooo) Subpart PPPPPP – ~~Area Sources:~~ Lead Acid Battery Manufacturing Area Sources;

(ppppp) Subpart QQQQQQ – ~~Area Sources:~~ Wood Preserving Area Sources;

(qqqqq) Subpart RRRRRR – ~~Area Sources:~~ Clay Ceramics Manufacturing Area Sources;

(rrrrr) Subpart SSSSSS – ~~Area Sources:~~ Glass Manufacturing Area Sources;

(sssss) Subpart TTTTTT – ~~Area Sources:~~ Secondary Nonferrous Metals Processing Area Sources;

(ttttt) Subpart VVVVVV – ~~Area Sources:~~ Chemical Manufacturing Area Sources;

(uuuuu) Subpart WWWWWW – Area Source~~s:~~ Standards for Plating and Polishing Operations;

(vvvvv) Subpart XXXXXX – Area Source~~s:~~ Standards for Nine Metal Fabrication and Finishing Source Categories;

(wwwww) Subpart YYYYYY – Area Sources: Ferroalloys Production Facilities;

(xxxxx) Subpart ZZZZZZ – Area ~~Sources~~ Source Standards for~~-~~ Aluminum, Copper, and Other Nonferrous Foundries;

(yyyyy) Subpart AAAAAAA – Area Sources: Asphalt Processing and Asphalt Roof Manufacturing;

(zzzzz) Subpart BBBBBBB – Area Sources: Chemical Preparations Industry;

(aaaaaa) Subpart CCCCCCC – Area Sources: Paints and Allied Products Manufacturing;

(bbbbbb) Subpart DDDDDDD – Area Sources: Prepared Feeds Manufacturing;

(cccccc) Subpart EEEEEEE – ~~Area Sources:~~ Gold Mine Ore Processing and Production Area Source Catgory;

(dddddd) Subpart HHHHHHH – Polyvinyl Chloride and Copolymers Production.

(Section 37-150 Original Adoption 06/11/02, includes updated provisions of sections 43-020 through 43-035 which were deleted from title 43 by 06/11/02 rulemaking; Amended 1/12/2010, Amended 04/25/2011, Amended 11/12/2015, Amended 1/11/18)

EMISSION STANDARDS FOR GASOLINE DISPENSING FACILITIES

Section 44-170 ~~Purpose~~General Provisions for Stationary Sources: Delegation of Authority

(1) ~~The sections 44-180 through 44-290 establish emission limitations and management practices for hazardous air pollutants (HAP) and volatile organic compounds (VOCs) emitted from the loading of gasoline storage tanks and dispensing of fuel at gasoline dispensing facilities (GDFs). Sections 44-180 through 44-290 also establish requirements to~~

~~demonstrate compliance with the emission limitations and management practices~~In accordance with OAR 340-244-0020 LRAPA implements the applicable requirements in OAR 340-244-0231 through OAR 340-244-0252 in Lane County.

~~Section 44-180 Definitions~~

~~The definitions in title 12 and this section apply to sections 44-170 through 44-290. If the same term is defined in this section and title 12, the definition in this section applies.~~

~~(6) "Annual throughput" means the amount of gasoline transferred into a gasoline dispensing facility during 12 consecutive months.~~

~~(7) "Aviation Gasoline" means a type of gasoline suitable for use as a fuel in an aviation gas spark-ignition internal combustion engine.~~

~~(8) "Dual Point Vapor Balance System" means a type of vapor balance system in which the storage tank is equipped with an entry port for a gasoline fill pipe and a separate exit port for a vapor connection.~~

~~(9) "Gasoline" means any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals (4.0 psi) or greater, which is used as a fuel for internal combustion engines.~~

~~(10) "Gasoline Cargo Tank" means a delivery tank truck or railcar which is loading or unloading gasoline, or which has loaded or unloaded gasoline on the immediately previous load.~~

~~(11) "Gasoline Dispensing Facility" (GDF) means any stationary facility which dispenses gasoline into the fuel tank of a motor vehicle, motor vehicle engine, nonroad vehicle, or nonroad engine, including a nonroad vehicle or nonroad engine used solely for competition. These facilities include, but are not limited to, facilities that dispense gasoline into on- and off-road, street, or highway motor vehicles, lawn equipment, boats, test engines, landscaping equipment, generators, pumps, and other gasoline fueled engines and equipment.~~

~~(12) "Monthly Throughput" means the total volume of gasoline that is loaded into, or dispensed from, all gasoline storage tanks at each GDF during a month. Monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the current day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the previous 364 days, and then dividing that sum by 12.~~

~~(13) "Motor Vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway.~~

~~(14) "Nonroad engine" means an internal combustion engine (including the fuel system) that~~

~~is not used in a motor vehicle or a vehicle used solely for competition, or that is not subject to standards promulgated under section 7411 of this title or section 7521 of this title [Note: for the context of the terms "section" and "title" as used in this definition, please refer to the definition of "nonroad engine" in 40 C.F.R. Part 63 Subpart CCCCCC].~~

~~(15) "Nonroad vehicle" means a vehicle that is powered by a nonroad engine, and that is not a motor vehicle or a vehicle used solely for competition.~~

~~(16) "Submerged Filling" as used in this title, means the filling of a gasoline storage tank through a submerged fill pipe whose discharge is no more than the applicable distance specified in section 44-230 from the bottom of the tank. Bottom filling of gasoline storage tanks is included in this definition.~~

~~(17) "Topping off" means, in the absence of equipment malfunction, continuing to fill a gasoline tank after the nozzle has clicked off.~~

~~(18) "Vapor Balance System" means a combination of pipes and hoses that create a closed system between the vapor spaces of an unloading gasoline cargo tank and a receiving storage tank such that vapors displaced from the storage tank are transferred to the gasoline cargo tank being unloaded.~~

~~(19) "Vapor Tight" means equipment that allows no loss of vapors. Compliance with vapor-tight requirements can be determined by monitoring to ensure that the concentration at a potential leak source is not equal to or greater than 100 percent of the Lower Explosive Limit when measured with a combustible gas detector, calibrated with propane, at a distance of 1 inch from the source.~~

~~(20) "Vapor-tight gasoline cargo tank" means a gasoline cargo tank which has demonstrated within the 12 preceding months that it meets the annual certification test requirements in 40 C.F.R. 63.11092(f).~~

~~Section 44-190 Affected Sources~~

~~(21) The affected source to which the emission standards apply is each GDF. The affected source includes each gasoline cargo tank during the unloading of gasoline to a GDF and also includes each storage tank.~~

~~(22) Gasoline storage tanks with a capacity of less than 250 gallons must comply with the work practices in subparagraph 44-230(1)(a) through 44-230(1)(e) but are not required to comply with the submerged fill requirements in section 44-230 and vapor balance requirements in section 44-240.~~

~~(23) The owner or operator of a GDF that has any gasoline storage tanks with a capacity of 250 gallons or more must comply with the work practices requirements and the submerged fill requirements in section 44-230.~~

(24) The owner or operator of a GDF whose total volume of gasoline that is loaded into all gasoline storage tanks greater than or equal to 250-gallon capacity must comply with the vapor balance requirements in section 44-240 if either:

(a) The annual throughput is 480,000 gallons or more in any 12 consecutive months; or

(b) The monthly throughput is 100,000 gallons or more, as calculated on a rolling 30-day basis.

(25) Each GDF must, upon request by LRAPA, demonstrate that their annual and average monthly gasoline throughput is below any applicable thresholds.

(26) The owner or operator of a GDF must comply with the requirements of subsection 44-240(4) for any gasoline storage tank equipped vapor balance system.

(27) The owner or operator of a GDF that installs a new tank with a capacity of 10,000 gallons or more after the effective date of this section must be equipped with a vapor balance system that meets the requirements in section 44-240.

(28) Monthly throughput is the total volume of gasoline loaded into, or dispensed from, all the gasoline storage tanks located at a single affected GDF. If an area source has two (2) or more GDFs at separate locations within the area source, each GDF is treated as a separate affected source.

(29) If the affected source's throughput ever exceeds an applicable throughput threshold, the affected source will remain subject to the requirements for sources above the threshold, even if the affected source throughput later falls below the applicable throughput threshold.

(30) The dispensing of gasoline from a fixed gasoline storage tank at a GDF into a portable gasoline tank for the on-site delivery and subsequent dispensing of the gasoline into the fuel tank of a motor vehicle or other gasoline-fueled engine or equipment used within the area source is only subject to subsection 44-230(1).

(31) For any affected source subject to the provisions of sections 44-170 through 44-290 and another federal rule, the owner or operator may elect to comply only with the more stringent provisions of the applicable rules. The owner or operator of an affected source must consider all provisions of the rules, including monitoring, recordkeeping, and reporting. The owner or operator of an affected source must identify the affected source and provisions with which the owner or operator of an affected source will comply in the Notification of Compliance Status required under section 44-260. The owner or operator of an affected source also must demonstrate in the Notification of Compliance Status that each provision with which the owner or operator of an affected source will comply is at least as stringent as the otherwise applicable requirements in sections 44-170 through 44-290. The owner or operator of an affected source is responsible for making accurate determinations concerning the more stringent provisions, and noncompliance with this

rule is not excused if it is later determined that your determination was in error, and, as a result, the owner or operator of an affected source is violating sections 44-170 through 44-290. Compliance with this rule is the owner's or operator's responsibility and the Notification of Compliance Status does not alter or affect that responsibility.

Section 44-200 Exceptions

(32) Agricultural Operations. The emission standards in sections 44-210 through 44-290 do not apply to GDF used exclusively for agricultural operations as defined in ORS 468A.020. Agricultural operations are however required to comply with the applicable requirements in 40 CFR part 63, subpart CCCCCC – National Hazardous Air Pollutant Emission Standards (NESHAP) for Gasoline Dispensing Facilities.

(33) Aviation Gasoline. The provisions of this section do not apply to the loading of aviation gasoline in storage tanks at airports, and aviation gasoline is not included in paragraphs 44-190(4)(a) and 44-190(4)(b).

(34) The owner or operator of an affected source, as defined in section 44-190, is not required to obtain a Title V Operating Permit, as a result of being subject to sections 44-210 through 44-290. However, the owner or operator must still apply for and obtain an LRAPA Title V Operating Permit if meeting one or more of the applicability criteria found in OAR 340-218-0020.

Section 44-210 Affected Equipment or Processes

(1) The emission sources to which this section applies are gasoline storage tanks and associated equipment components in vapor or liquid gasoline service at new, reconstructed, or existing GDF that meet the criteria specified in section 44-190. Pressure/Vacuum vents on gasoline storage tanks and the equipment necessary to unload product from cargo tanks into the storage tanks at GDF are covered emission sources. The equipment used for the refueling of motor vehicles is not covered by this section with the exception of topping off.

(2) New GDF. For purposes of this section, a GDF is a new GDF if the owner or operator commenced construction of the GDF after November 9, 2006 and meets the applicability criteria in section 44-190 upon startup of the GDF.

(3) Reconstructed GDF. A GDF is a reconstructed GDF if meeting the criteria for reconstruction as defined in 40 CFR 63.2.

(4) Existing GDF. A GDF is an existing GDF if it is not new or reconstructed.

Section 44-220 Compliance Dates

(1) For a new or reconstructed affected source, the owner or operator must comply with the standards in sections 44-230 and 44-240, as applicable, no later than January 10, 2008 or upon startup, whichever is later, except as follows:

(a) The owner or operator of a new or reconstructed GDF must comply with paragraphs 44-230(1)(b) and (c) no later than the effective date of this section or upon startup, whichever is later.

(b) For tanks located at a GDF with average monthly throughput of less than 10,000 gallons of gasoline, the owner or operator must comply with the standards in subsection 44-230(3) no later than the effective date.

(2) The owner or operator of an existing GDF must comply with paragraphs 44-230(1)(a) through 44-230(1)(e) no later than the effective date of this section or upon startup, whichever is later.

(3) For an existing affected source, the owner or operator must comply with the standards in sections 44-230 and 44-240, as applicable, by no later than January 10, 2011.

(4) The owner or operator of an existing affected source that becomes subject to the control requirements in this section because of an increase in the monthly throughput, as specified in section 44-190, must comply with the applicable standards in this section no later than January 10, 2011 or within two (2) years after the affected source becomes subject to the additional control requirements in this section, whichever is later.

(5) The initial compliance demonstration test required under paragraphs 44-250(2)(a) and (b) must be conducted as specified in paragraphs (5)(a) and (b).

(a) For a new or reconstructed affected source, the owner or operator must conduct the initial compliance test upon installation of the complete vapor balance system.

(b) For an existing affected source, the owner or operator must conduct the initial compliance test as specified in subparagraph (5)(b)(A) or (B).

(A) For vapor balance systems installed on or before December 15, 2009 at a GDF whose average monthly throughput is 100,000 gallons of gasoline or more, the owner or operator must test no later than 180 days after the applicable compliance date specified in subsection (2) or (3).

(B) For vapor balance systems installed after December 15, 2009, the owner or operator must test upon installation of a complete vapor balance system or a new gasoline storage tank.

(C) For a GDF whose average monthly throughput is less than or equal to 100,000 gallons of gasoline, the owner or operator is only required to test upon installation of a complete vapor balance system or a new gasoline storage tank.

(6) If the GDF is subject to the control requirements in sections 44-178 through 44-290 only because it loads gasoline into fuel tanks other than those in motor vehicles, as defined in section 44-180, the owner or operator of the GDF must comply with the standards in

~~sections 44-178 through 44-290 as specified in paragraphs (6)(a) and (b).~~

~~(a) If the GDF is an existing facility, the owner or operator of the GDF must comply by January 24, 2014.~~

~~(b) If the GDF is a new or reconstructed facility, the owner or operator of the GDF must comply by the dates specified in subparagraphs (5)(b)(A) and (B).~~

~~(A) If startup of the GDF is after December 15, 2009, but before January 24, 2011, the owner or operator of the GDF must comply no later than January 24, 2011.~~

~~(B) If startup of the GDF is after January 24, 2011, the owner or operator of the GDF must comply upon startup of the GDF.~~

~~Section 44-225 General Duties to Minimize Emissions~~

~~Each owner or operator of an affected source must comply with the requirements of subsections (1) and (2).~~

~~(1) The owner or operator of an affected source must, at all times, operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to LRAPA and the EPA Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.~~

~~(2) The owner or operator of an affected source must keep applicable records and submit reports as specified in subsections 44-270(4) and 44-280(2).~~

~~Section 44-230 Work Practice and Submerged Fill Requirements~~

~~(1) The owner or operator of a GDF must take reasonable precautions to prevent gasoline vapor releases to the atmosphere. Reasonable precautions include, but are not limited to, the following:~~

~~(a) Minimize gasoline spills;~~

~~(b) Do not top off or overfill vehicle tanks. If a person can confirm that a vehicle tank is not full after the nozzle clicks off, such as by checking the vehicle's fuel tank gauge, the person may continue to dispense fuel using best judgment and caution to prevent a spill;~~

~~(c) Post a sign at the GDF instructing a person filling up a motor vehicle to not top off vehicle tanks;~~

(d) Clean up spills as expeditiously as practicable;

(e) Cover all gasoline storage tank fill-pipes with a gasketed seal and all gasoline containers when not in use;

(f) Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as oil/water separators.

(g) Ensure that cargo tanks unloading at the GDF comply with paragraphs (1)(a), (1)(d) and (1)(e).

(2) Any cargo tank unloading at a GDF equipped with a functional vapor balance system must connect to the vapor balance system whenever gasoline is being loaded.

(3) The owner or operator of cargo tank or GDF must only load gasoline into storage tanks at the facility by utilizing submerged filling as specified in paragraph (3)(a), (3)(b) or (3)(c). The applicable distances in paragraphs (3)(a) and (3)(b) must be measured from the point in the opening of the submerged fill pipe that is the greatest distance from the bottom of the storage tank.

(a) Submerged fill pipes installed on or before November 9, 2006, must extend to no less than 12 inches from the bottom of the storage tank.

(b) Submerged fill pipes installed after November 9, 2006, must extend to no less than six (6) inches from the bottom of the storage tank.

(c) Submerged fill pipes not meeting the specifications of subsection (3)(a) or (3)(b) are allowed if the owner or operator of a GDF can demonstrate that the liquid level in the tank is always above the entire opening of the fill pipe. Documentation providing such demonstration must be made available for inspection by LRAPA and the EPA Administrator during the course of a site visit.

(4) The GDF owner or operator must submit the applicable notifications as required in section 44-260.

(5) The GDF owner or operator must have records available within 24 hours of a request by the LRAPA or the EPA Administrator to document gasoline throughput.

(6) The GDF owner or operator must comply with the requirements of this section by the applicable dates specified in section 44-220.

(7) Portable gasoline containers that meet the requirements of 40 CFR part 59, subpart F are considered acceptable for compliance with paragraph (1)(e).

Section 44-240 Vapor Balance Requirements

(1) Except as provided in subsection (2), the owner or operator of a GDF must meet the requirements in either paragraph (1)(a) or (1)(b) for all affected gasoline storage tanks.

(a) Each management practice in Table 4 of section 44-240 that applies to the GDF.

(b) If, prior to January 10, 2008, the owner or operator operates a vapor balance system on all affected tanks at the GDF that meets either requirement listed in subparagraph (1)(b)(A) or (1)(b)(B), the owner or operator of a GDF will be deemed in compliance with this subsection.

(A) Achieves emissions reduction of at least 90 percent.

(B) Operates using management practices at least as stringent as those in Table 4 of section 44-240.

(2) Gasoline storage tanks equipped with floating roofs or the equivalent are not required to comply with the control requirements in subsection (1).

(3) Cargo tanks unloading at a GDF must comply with the work practice requirements of subsection 44-230(1) and management practices in Table 5 of section 44-240.

(4) The owner or operator of a GDF subject to subsection (1) or having a gasoline storage tank equipped with a vapor balance system, must comply with the following requirements on and after the applicable compliance date in section 44-220:

(a) When loading a gasoline storage tank equipped with a vapor balance system, connect and ensure the proper operation of the vapor balance system whenever gasoline is being loaded.

(b) Maintain all equipment associated with the vapor balance system to be vapor tight and in good working order.

(c) Have the vapor balance equipment inspected on at least an annual basis to discover potential or actual equipment failures.

(d) Replace, repair or modify any worn or ineffective component or design element within 24 hours of discovery to ensure the vapor-tight integrity and efficiency of the vapor balance system. If repair parts must be ordered, either a written or verbal order for those parts must be initiated within two (2) working days of detecting such a leak. Such repair parts must be installed within five (5) working days after receipt.

(5) The owner or operator of a GDF subject to subsection (1) must also comply with the following requirements:

(a) The applicable testing requirements in section 44-250.

(b) The applicable notification requirements in section 44-260.

(c) The applicable recordkeeping and reporting requirements in sections 44-270 and 44-280.

(d) The owner or operator must have records available within 24 hours of a request by the LRAPA or the EPA Administrator to document gasoline throughput.

Section 44-250 Testing and Monitoring Requirements

(1) For all testing required by this section, submit notification to LRAPA at least ten (10) days prior to testing.

(2) If required to install a vapor balance system subject to the requirements of section 44-240, the owner or operator must comply with the testing requirements in paragraphs 44-250(2)(a) and 44-250(2)(b) at the time of installation of a vapor balance system or a new gasoline storage tank. Further, each owner or operator of a GDF with monthly throughput of 100,000 gallons of gasoline or more must also test every three (3) years after installation.

(a) The owner or operator must demonstrate compliance with the leak rate and cracking pressure requirements, specified in item 1(g) of Table 4 of section 44-240, for pressure/vacuum vent valves installed on gasoline storage tanks using test method identified in subparagraphs (a)(A) or (a)(B):

(A) PV (pressure/vacuum test valve) Vent Cap Testing in accordance with CARB TP-201.1E, Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, adopted October 8, 2003 (incorporated by reference, see 40 CFR 63.14).

(B) Use alternative test methods and procedures in accordance with the alternative test method requirements in 40 CFR 63.7(f).

(b) The owner or operator must demonstrate compliance with the static pressure performance requirement, specified in item 1(h) of Table 4 of section 44-240, for the vapor balance system by conducting a static pressure test on the gasoline storage tanks using test methods identified in subparagraph (b)(A) or (b)(B):

(A) Pressure Decay Testing in accordance with CARB TP-201.3, Determination of 2 inches of WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities.

(B) Use alternative test methods and procedures in accordance with the alternative test method requirements in 40 CFR 63.7(f).

(C) Bay Area Air Quality Management District Source Test Procedure ST-30 — Static Pressure Integrity Test — Underground Storage Tanks, adopted November 30, 1983, and amended December 21, 1994 (incorporated by reference, see 40 CFR 63.14).

(3) Each owner or operator of a GDF, choosing, under the provisions of 40 CFR 63.6(g), to use a vapor balance system other than that described in Table 4 of section 44-240, must

demonstrate to the EPA the equivalency of their vapor balance system to that described in Table 4 of section 44-240 using the procedures specified in paragraphs (3)(a) through (c).

(a) The owner or operator must demonstrate initial compliance by conducting an initial performance test on the vapor balance system to demonstrate that the vapor balance system achieves 95 percent reduction in accordance with CARB TP-201.1, Vapor Recovery Test Procedure, Volumetric Efficiency for Phase I Vapor Recovery Systems, incorporated by reference, see 40 CFR 63.14.

(b) The owner or operator must, during the initial performance test required in paragraph (3)(a), determine and document alternative acceptable values for the leak rate and cracking pressure requirements specified in item 1(g) of Table 4 of section 44-240 and for the static pressure performance requirement in item 1(h) of Table 4 of section 44-240.

(c) The owner or operator must also comply with the testing requirements specified in subsection (2).

(4) Conduct of performance tests. Performance tests must be conducted under such conditions as LRAPA or the EPA Administrator specifies to the owner or operator of a GDF based on representative performance, i.e., performance based on normal operating conditions, of the affected source. Upon request by LRAPA or the EPA Administrator, the owner or operator of a GDF must make available such records as may be necessary to determine the conditions of performance tests.

(5) Owners and operators of gasoline cargo tanks subject to the provisions of Table 4 of section 44-240 must conduct annual certification testing according to the vapor tightness testing requirements found in 40 CFR 63.11092(f).

Section 44-260 Notifications

(1) Each owner or operator of a GDF subject to the submerged fill requirements in subsection 44-230(3) or the vapor balance requirements in section 44-240 must comply with subsections (2) through (6).

(a) The owner or operator of a GDF must submit an Initial Notification that the owner or operator is subject to the GDF NESHAP by May 9, 2008, or at the time the owner or operator becomes subject to the submerged fill requirements in subsection 44-230(2) or the vapor balance requirements in section 44-240, unless the owner or operator meets the requirements in subsection 44-260(4). The Initial Notification must contain the information specified in paragraphs (a) through (c) of this section. The notification must be submitted to the EPA's Region 10 Office and LRAPA as specified in 40 CFR 63.13.

(A) The name and address of the owner and the operator.

(B) The physical address of the GDF.

(C) The volume of gasoline loaded into all storage tanks or on the volume of gasoline dispensed from all storage tanks during the previous twelve months.

(D) A statement that the notification is being submitted in response to the GDF NESHAP and identifying the requirements in subsections 44-230(1) through (3) and section 44-240 that apply to the owner or operator of a GDF.

(b) The owner or operator of a GDF must submit a Notification of Compliance Status to the EPA's Region 10 Office and LRAPA as specified in 40 CFR 63.13, by the compliance date specified in section 44-220 unless the owner or operator meets the requirements in subsection (4). The Notification of Compliance Status must be signed by a responsible official who must certify its accuracy and must indicate whether the source has complied with the requirements of sections 44-170 through 44-290. If the facility is in compliance with the requirements of sections 44-170 through 44-290 at the time the Initial Notification required in paragraph (a) is due, the Notification of Compliance Status may be submitted in lieu of the Initial Notification provided it contains the information required in subsection (2).

(c) If, prior to January 10, 2008 the owner or operator satisfies the requirements in paragraph (a) or (b), the owner or operator is not required to submit an Initial Notification or a Notification of Compliance Status specified in subsections (2) and subsection 44-260(3).

(d) The owner or operator is not subject to the vapor requirements in section 44-240, and is operating in compliance with an enforceable federal, state or local rule or permit that requires submerged fill as specified in subsection 44-230(2).

(e) The owner or operator is subject to the vapor requirements in section 44-240 and meets the requirements in paragraphs (b)(A) and (b)(B).

(A) The owner or operator operates a vapor balance system at the GDF that meets the requirements of either sub-subparagraphs (4)(b)(A)(i) or (ii):

(i) Achieves emissions reduction of at least 90 percent.

(ii) Operates using management practices at least as stringent as those in Table 4.

(B) The owner or operator is operating in compliance with an enforceable federal, state, or local rule or permit that requires submerged fill as specified in subsection 44-230(2), and requires the operation of a vapor balance system as specified in subparagraph 44-260(4)(b)(A).

(2) The owner or operator must submit a Notification of Performance Test as specified in 40

CFR 63.9(e), prior to initiating testing required by subsections 44-250(2) and 44-250(3) as applicable.

(a) The owner or operator must submit additional notifications specified in 40 CFR 63.9, as applicable.

Section 44-270 Recordkeeping Requirements

(1) Each owner or operator must keep the following records:

(a) Records of all tests performed in accordance with subsections 44-250(2) and 44-250(3).

(b) Records related to the operation and maintenance of vapor balance equipment required in section 44-240. Any vapor balance component defect must be logged and tracked by the GDF owner or operator using forms provided by LRAPA or a reasonable facsimile.

(c) Records of total monthly and annual throughput in gallons as defined.

(d) Records of permanent changes made at the GDF and to vapor balance equipment which may affect emissions.

(2) Records required under section (1) must be kept for a period of five (5) years and must be available within 24 hours of a request by LRAPA and the EPA Administrator.

(3) Each owner or operator of a gasoline cargo tank subject to the management practices in Table 5 of section 44-240 must keep records documenting vapor tightness testing for a period of five (5) years. Documentation must include each of the items specified in 40 CFR 63.11094(b)(2)(i) through (viii). Records of vapor tightness testing must be retained as specified in either subsection (3)(a) or (b).

(a) The owner or operator of a gasoline cargo tank must keep all vapor tightness testing records with the cargo tank.

(b) As an alternative to keeping all records with the cargo tank, the owner or operator of a gasoline cargo tank may comply with the requirements of subparagraphs (3)(a)(A) and (B).

(A) The owner or operator of a gasoline cargo tank may keep records of only the most recent vapor tightness test with the cargo tank and keep records for the previous four (4) years at their office or another central location.

(B) Vapor tightness testing records that are kept at a location other than with the cargo tank must be instantly available (e.g., via e-mail or facsimile) to LRAPA and the EPA Administrator during the course of a site visit or within a mutually agreeable time frame. Such records must be an exact duplicate image of the original paper copy record with certifying

signatures.

(4) Each owner or operator of a GDF must keep records as specified in subsections (4)(a) and (b).

(a) Records of the occurrence and duration of each malfunction of operation, i.e., process equipment, or the air pollution control and monitoring equipment.

(b) Records of actions taken during periods of malfunction to minimize emissions in accordance with subsection 44-225(2), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

Section 44-280 Reporting Requirements

(1) Each owner or operator subject to section 44-240 must report to the LRAPA and the EPA Administrator the results of all tests required in section 44-250. Test results must be submitted within 30 days of the completion of the performance testing.

(2) Annual report. Each owner or operator of a GDF that has monthly throughput of 10,000 gallons of gasoline or more must report, by February 15 of each year, the following information, as applicable.

(a) The total throughput volume of gasoline, in gallons, for each calendar month.

(b) A summary of changes made at the facility on vapor recovery equipment which may affect emissions.

(c) List of all major maintenance performed on pollution control devices.

(d) The number, duration, and a brief description of each type of malfunction which occurred during the previous calendar year and which caused or may have caused any applicable emission limitation to be exceeded.

(e) A description of actions taken by the owner or operator of a GDF during a malfunction to minimize emissions in accordance with subsection 44-225(2), including actions taken to correct a malfunction.

Section 44-290 Federal NESHAP Subpart A Applicability

Table 3 to 40 CFR part 63, subpart CCCCCC shows which parts of the General Provisions apply to the owner or operator.

[Table 2: RESERVED]

[Table 3: RESERVED]

TITLE 44 – TABLE 4 (LRAPA 44-240) MANAGEMENT PRACTICES FOR GASOLINE DISPENSING FACILITIES SUBJECT TO STAGE I VAPOR CONTROLS	
If owning or operating	**The owner or operator must**
1. An existing GDF	Install and operate a vapor balance system on gasoline storage tanks that meets the design criteria in paragraphs (a) through (h). (a) All vapor connections and lines on the storage tank must be equipped with closures that seal upon disconnect. (b) The vapor line from the gasoline storage tank to the gasoline cargo tank must be vapor-tight, as defined in section 44-180. (c) The vapor balance system must be designed such that the pressure in the tank truck does not exceed 18 inches water pressure or 5.9 inches water vacuum during product transfer. (d) The vapor recovery and product adaptors, and the method of connection with the delivery elbow, must be designed so as to prevent the over-tightening or loosening of fittings during normal delivery operations. (e) If a gauge well separate from the fill tube is used, it must be provided with a submerged drop tube that extends the same distance from the bottom of the storage tank as specified in section 44-240(2). (f) Liquid fill connections for all systems must be equipped with vapor-tight caps. (g) Pressure/vacuum (PV) vent valves must be installed on the storage tank vent pipes. The pressure specifications for PV vent valves must be: a positive pressure setting of 2.5 to 6.0 inches of water and a negative pressure setting of 6.0 to 10.0 inches of water. The total leak rate of all PV vent valves at an affected facility, including connections, must not exceed 0.17 cubic foot per hour at a pressure of 2.0 inches of water and 0.63 cubic foot per hour at a vacuum of 4 inches of water. (h) The vapor balance system must be capable of meeting the static pressure performance requirement of the following equation: $Pf = 2e^{-500.887/v}$ Where: Pf = Minimum allowable final pressure, inches of water. v = Total ullage affected by the test, gallons. e = Dimensionless constant equal to approximately 2.718. 2 = The initial pressure, inches water.
2. For a new or reconstructed GDF with monthly throughput of 100,000 gallons of gasoline or more, or a new storage tank(s) at an existing GDF with monthly throughput of	Install and operate a dual-point vapor balance system, as defined in section 44-180, on each affected gasoline storage tank and comply with the design criteria in item 1 of this Table.

~~100,000 gallons of gasoline or more~~	

~~TITLE 44 – TABLE 5 (LRAPA 44-240) MANAGEMENT PRACTICES FOR GASOLINE CARGO TANKS UNLOADING AT GASOLINE DISPENSING FACILITIES EQUIPPED WITH STAGE I VAPOR CONTROLS~~	
~~If owning or operating~~	~~The owner or operator must~~
~~A gasoline cargo tank~~	~~Not unload gasoline into a storage tank at a GDF with stage I vapor controls unless the following conditions are met:~~ ~~i. All hoses in the vapor balance system are properly connected,~~ ~~ii. The adapters or couplers that attach to the vapor line on the storage tank have closures that seal upon disconnect,~~ ~~iii. All vapor return hoses, couplers, and adapters used in the gasoline delivery are vapor tight,~~ ~~iv. All tank truck vapor return equipment is compatible in size and forms a vapor-tight connection with the vapor balance equipment on the GDF storage tank, and~~ ~~v. All hatches on the tank truck are closed and securely fastened.~~ ~~vi. The filling of storage tanks at GDF must be limited to unloading by vapor tight gasoline cargo tanks. Documentation that the cargo tank has met the specifications of EPA Method 27 must be carried on the cargo tank.~~

~~*(Table 4 Original Adoption 01/12/2010)*~~

TITLE 46

NEW SOURCE PERFORMANCE STANDARDS

~~*The existing title 46 was rescinded in its entirety on November 10, 1994, and this new title 46 was adopted in its place. Subsequent updates and modifications were adopted on October 14, 2008 and November 12, 2015. These sections are the same as DEQ's Standards of Performance for New Stationary Sources contained in OAR chapter 340, division 238.*~~

Section 46-510 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.

(4) "CFR" means the ~~July~~ January 1, 2025~~0~~ edition of the Code of Federal Regulations unless otherwise identified.

PERFORMANCE STANDARDS

Section 46-535 Federal Regulations Adopted by Reference

(5) Except as provided in subsection (2), 40 C.F.R. part 60, subparts A, D through EE, GG, HH, KK through NN, PP through XXa, BBB, DDD, FFF through LLL, NNN through XXX, AAAA, CCCC, EEEE, KKKK, LLLL, OOOO, OOOOa and TTTT are by this reference adopted and incorporated herein~~,~~.

(a) 40 CFR ~~part~~ Part 60 subpart OOO is by this reference adopted and incorporated herein for major sources only~~,~~.

~~(5)~~(6) 40 CFR ~~p~~Part 60, subpart IIII and JJJJ are by this reference adopted and incorporated herein only for sources required to have a Title V or ACDP permit and excluding the requirements for engine manufacturers.

~~(6)~~(7) The definitions of LRAPA 12-005 and LRAPA 46-510 do not apply to the Subparts of 40 CFR Part 60 incorporated by reference in this section, except for the definition of "CFR" in LRAPA 46-510. Where "Administrator" or "EPA" appears in 40 CFR part 60, "LRAPA" is substituted, except in any section of 40 CFR part 60 for which a federal rule or delegation specifically indicates that authority will not be delegated to the state or regional authority.

~~(7)~~(8) 40 CFR part 60 Subparts adopted by this section are titled as follows:

(a) Subpart A – General Provisions;

(b) Subpart D – Fossil-fuel-fired steam generators;

(c) Subpart Da – Electric utility steam generating units;

(d) Subpart Db – Industrial-commercial-institutional steam generating units;

(e) Subpart Dc – Small industrial-commercial-institutional steam generating units;

(f) Subpart E – Incinerators;

(g) Subpart Ea – Municipal waste combustors for which construction is commenced after December 20, 1989 and on or before September 20, 1994;

(h) Subpart Eb – Large municipal waste combustors for which construction is commenced after September 20, 1994 or for which modification or reconstruction is commenced after June 19, 1996;

(i) Subpart Ec – Hospital/Medical/Infectious waste incinerators ~~that commenced construction after June 20, 1996, or for which modification is commenced after March 16, 1998~~;

(j) Subpart F – Portland cement plants;

(k) Subpart G – Nitric acid plants;

(l) Subpart Ga – Nitric acid plants for which construction, reconstruction, or modification commenced after October 14, 2011;

(m) Subpart H – Sulfuric acid plants;

(n) Subpart I – Hot mix asphalt facilities;

(o) Subpart J – Petroleum refineries;

~~(o)~~(p) Subpart Ja — Petroleum refineries for which construction, reconstruction, or modification commenced after May 14, 2007;

~~(p)~~(q) Subpart K – Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after June 11, 1973, and prior to May 19, 1978;

~~(q)~~(r) Subpart Ka – Storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after May 18, 1978, and prior to July 23, 1984;

(s) Subpart Kb – Volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984 and on or before October 4, 2023;

~~(r)~~(t) Subpart Kc — Volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after October 4, 2023;

(u) Subpart L – Secondary lead smelters for which construction, reconstruction, or modification commenced after June 11, 1973 and on or before December 1, 2022;

~~(s)~~(v) Subpart La — Secondary lead smelters for which construction, reconstruction, or modification commenced after December 1, 2022;

~~(t)~~(w) Subpart M – Secondary brass and bronze production plants;

~~(u)~~(x) Subpart N – Primary emissions from basic oxygen process furnaces for which construction is commenced after June 11, 1973;

~~(v)~~(y) Subpart Na – Secondary emissions from basic oxygen process steelmaking facilities for which construction is commenced after January 20, 1983;

~~(w)~~(z) Subpart O – Sewage treatment plants;

~~(x)~~(aa) Subpart P – Primary copper smelters;

~~(y)~~(bb) Subpart Q – Primary ~~Z~~zinc smelters;

~~(z)~~(cc) Subpart R – Primary lead smelters;

~~(aa)~~(dd) Subpart S – Primary aluminum reduction plants;

~~(bb)~~(ee) Subpart T – Phosphate fertilizer industry: ~~w~~Wet-process phosphoric acid plants;

~~(cc)~~(ff) Subpart U – Phosphate fertilizer industry: ~~s~~Superphosphoric acid plants;

~~(dd)~~(gg) Subpart V – Phosphate fertilizer industry: ~~d~~Diammonium phosphate plants;

~~(ee)~~(hh) Subpart W – Phosphate fertilizer industry: ~~t~~Triple superphosphate plants;

~~(ff)~~(ii) Subpart X – Phosphate fertilizer industry: ~~g~~Granular triple superphosphate storage facilities;

~~(gg)~~(jj) Subpart Y – Coal preparation and processing plants;

~~(hh)~~(kk) Subpart Z – Ferroalloy production facilities;

~~(ii)~~(ll) Subpart AA – Steel plants: ~~e~~Electric arc furnaces constructed after October 21, 1974 and on or before August 17, 1983;

(mm) Subpart AAa – Steel plants: ~~e~~Electric arc furnaces and argon-oxygen decarburization vessels constructed after August 17, 1983 and on or before May 16, 2022;

~~(jj)~~(nn) Subpart AAb — Steel plants: Electric arc furnaces and argon-oxygen decarburization vessels constructed after May 16, 2022;

~~(kk)~~(oo) Subpart BB – Kraft pulp mills;

~~(ll)~~(pp) Subpart BBa – Kraft pulp mill affected sources for which construction, reconstruction, or modification commences after May 23, 2013.

~~(mm)~~(qq) Subpart CC – Glass manufacturing plants;

~~(nn)~~(rr) Subpart DD – Grain elevators;

~~(oo)~~(ss) Subpart EE – Surface coating of metal furniture;

~~(pp)~~(tt) Subpart GG – Stationary gas turbines;

~~(qq)~~(uu) Subpart HH – Lime manufacturing plants;

(vv) Subpart KK – Lead-acid battery manufacturing plants for which construction,

reconstruction, or modification commenced after January 14, 1980, and on or before February 23, 2022;

~~(rr)~~(ww) Subpart KKa — Lead acid battery manufacturing plants for which construction, modification, or reconstruction commenced after February 23, 2022;

~~(ss)~~(xx) Subpart LL – Metallic mineral processing plants;

(yy) Subpart MM – Automobile and light-duty truck surface coating operations for which construction, modification, or reconstruction commenced after October 5, 1979 and on or before May 18, 2022;

~~(tt)~~(zz) Subpart MMa — Automobile and light duty truck surface coating operations for which construction, modification, or reconstruction commenced after May 18, 2022;

~~(uu)~~(aaa) Subpart NN – Phosphate rock plants;

~~(vv)~~(bbb) Subpart PP – Ammonium sulfate manufacture;

~~(ww)~~(ccc) Subpart QQ – Graphic arts industry: ~~p~~Publication rotogravure printing;

~~(xx)~~(ddd) Subpart RR – Pressure sensitive tape and label surface coating operations;

~~(yy)~~(eee) Subpart SS – Industrial surface coating: ~~l~~Large appliances;

~~(zz)~~(fff) Subpart TT – Metal coil surface coating;

~~(aaa)~~(ggg) Subpart UU – Asphalt processing and asphalt roofing manufacture;

~~(bbb)~~(hhh) Subpart VV – Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry for which construction, reconstruction, or modification commenced after January 5, 1981, and on or before November 7, 2006;

~~(ccc)~~(iii) Subpart VVa – Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry for which construction, reconstruction, or modification commenced after November 7, 2006 and on or before April 25, 2023;

(jjj) Subpart VVb — Equipment leaks of VOC in the synthetic organic chemicals manufacturing industry for which construction, reconstruction, or modification commenced after April 25, 2023;

~~(ddd)~~(kkk) Subpart WW – Beverage can surface coating industry;

~~(eee)~~(lll) Subpart XX – Bulk gasoline terminals that commenced construction, modification, or reconstruction after December 17, 1980 and on or before June 10, 2022;

(mmm) Subpart XXa — Bulk gasoline terminals that commenced construction, modification, or reconstruction after June 10, 2022;

~~(fff)~~(nnn) Subpart BBB – Rubber tire manufacturing industry;

~~(ggg)~~(ooo) Subpart DDD – Volatile organic compound (VOC) emissions from the polymer manufacture industry;

~~(hhh)~~(ppp) Subpart FFF – Flexible vinyl and urethane coating and printing;

~~(iii)~~(qqq) Subpart GGG – Equipment leaks of VOC in petroleum refineries for which construction, reconstruction, or modification commenced after January 4, 1983, and on or before November 7, 2006;

~~(jjj)~~(rrr) Subpart GGGa-- Equipment leaks of VOC in petroleum refineries for which construction, reconstruction, or modification commenced after November 7, 2006;

~~(kkk)~~(sss) Subpart HHH – Synthetic fiber production facilities;

~~(lll)~~(ttt) Subpart III – Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) air oxidation unit processes after October 21, 1983 and on or before April 25, 2023;

(uuu) Subpart IIIa — Volatile organic compound (VOC) emissions from the synthetic organic chemical manufacturing industry (SOCMI) air oxidation unit processes for which construction, reconstruction, or modification commenced after April 25, 2023;

~~(mmm)~~(vvv) Subpart JJJ – Petroleum dry cleaners;

~~(nnn)~~(www) Subpart KKK – Equipment leaks of VOC from onshore natural gas processing plants for which construction, reconstruction, or modification commenced after January 20, 1984, and on or before August 23, 2011;

~~(ooo)~~(xxx) Subpart LLL – SO_2 emissions from onshore natural gas processing for which construction, reconstruction, or modification commenced after January 20, 1984, and on or before August 23, 2011;

~~(ppp)~~(yyy) Subpart NNN – Volatile organic compound (VOC) emissions from synthetic organic chemical manufacturing industry (SOCMI) distillation operations after December 30, 1983 and on or before April 25, 2023;

(zzz) Subpart NNNa — Volatile organic compound (VOC) emissions from synthetic organic chemical manufacturing industry (SOCMI) distillation operations for which construction, reconstruction, or modification commenced after April 25, 2023;

~~(qqq)~~(aaaa) Subpart OOO – Nonmetallic mineral processing plants (adopted by reference for major sources only);

~~(rrr)~~(bbbb) Subpart PPP – Wool fiberglass insulation manufacturing plants;

~~(sss)~~(cccc) Subpart QQQ – VOC emissions from petroleum refinery wastewater systems;

~~(ttt)~~(dddd) Subpart RRR – Volatile organic compound emissions from synthetic organic chemical manufacturing industry (SOCMI) reactor processes after June 29, 1990 and on or before April 25, 2023;

(eeee) Subpart RRRa — Volatile organic compound (VOC) emissions from synthetic organic chemical manufacturing industry (SOCMI) reactor processes for which construction, reconstruction, or modification commenced after April 25, 2023;

~~(uuu)~~(ffff) Subpart SSS – Magnetic tape coating facilities;

~~(vvv)~~(gggg) Subpart TTT – Industrial surface coating: surface coating of plastic parts for business machines;

(hhhh) Subpart TTTa — Industrial surface coating: Surface coating of plastic parts for business machines for which construction, reconstruction, or modification commenced after June 21, 2022;

~~(www)~~(iiii) Subpart UUU – Calciners and dryers in mineral industries;

~~(xxx)~~(jjjj) Subpart VVV – Polymeric coating of supporting substrates facilities;

~~(yyy)~~(kkkk) Subpart WWW – Municipal solid waste landfills that commenced construction, reconstruction, or modification on or after May 30, 1991, but before July 18, 2014, as clarified by section 46-900;

~~(zzz)~~(llll) Subpart XXX – Municipal solid waste landfills that commenced construction, reconstruction, or modification after July 17, 2014;

~~(aaaa)~~(mmmm) Subpart AAAA – Small municipal waste combustion units for which construction is commenced after August 30, 1999 or for which modification or reconstruction is commenced after June 6, 2001;

~~(bbbb)~~(nnnn) Subpart CCCC – Commercial and industrial solid waste incineration units;

~~(cccc)~~(oooo) Subpart EEEE – Other solid waste incineration units for which construction is commenced after December 9, 2004, or for which modification or reconstruction is commenced on or after June 16, 2006;

~~(dddd)~~(pppp) Subpart IIII – Stationary compression ignition internal combustion engines (adopted only for sources required to have a Title V or ACDP permit), excluding

the requirements for engine manufacturers (40 CFR 60.4201 through 60.4203, 60.4210, 60.4215, and 60.4216);

~~(eeee)~~(qqqq) Subpart JJJJ – Stationary spark ignition internal combustion engines (adopted only for sources required to have a Title V or ACDP permit), excluding the requirements for engine manufacturers (40 CFR 60.4231 through 60.4232, 60.4238 through 60.4242, and 60.4247);

~~(ffff)~~(rrrr) Subpart KKKK – Stationary combustion turbines;

~~(gggg)~~(ssss) Subpart LLLL – New sewage sludge incineration units;

~~(hhhh)~~(tttt) Subpart OOOO – Crude oil and natural gas facilities for which construction, modification, or reconstruction commenced after August 23, 2011, and on or before September 18, 2015. Standards adopted include final rule promulgations through July 1, 2020 of the CFR;

~~(iiii)~~(uuuu) Subpart OOOOa – Crude oil and natural gas facilities for which construction, modification, or reconstruction commenced after September 18, 2015 and on or before December 6, 2022. Standards adopted include final rule promulgations through July 1, 2020 of the CFR; and

~~(jjjj)~~(vvvv) Subpart TTTT – Greenhouse gas emissions for electric generating units. Standards adopted include final rule promulgations through July 1, 2020 of the CFR.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 50

AMBIENT AIR STANDARDS AND PSD INCREMENTS

Section 50-015 Suspended Particulate Matter

(1) Concentrations of the fraction of suspended particulate that is equal to or less than 2.5 microns in aerodynamic diameter in ambient air as measured by an approved method must not exceed:

(a) ~~12~~ 9.0 µg/m^3 of $PM_{2.5}$ as a 3-year average of the annual arithmetic mean. This standard is attained when the 3-year average of the ~~annual~~ arithmetic mean concentrations is equal to or less than ~~12~~ 9.0 µg/m^3 as determined in accordance with Appendix N of 40 CFR part 50.

(b) 35 µg/m^3 of $PM_{2.5}$ as a 3-year average of annual 98th percentile 24-hour average values recorded at each monitoring site. This standard is attained when the 3-year average of annual 98th percentile 24-hour average concentrations is equal to or less than 35 µg/m^3 as determined in accordance with Appendix N of 40 CFR part 50.

Section 50-025 Sulfur Dioxide

(1) Concentrations of sulfur dioxide in ambient air as measured by an approved method for each averaging time must not exceed the following concentrations:

(a) Annual average: ~~0.02 ppm~~10 ppb as a~~n~~ three-year average of annual arithmetic means for any calendar year at any monitoring site as determined by appendix T of 40 CFR par 50, and as measured by the reference method described in ~~A~~appendix A-1 of 40 CFR part 50 or by an equivalent method designated in accordance with 40 CFR part 53.

~~(b) 24-hour average: 0.10 ppm as a 24-hour average concentration more than once per year at any site as measured by the reference method described in Appendix A of 40 CFR part 50 or by an equivalent method designated in accordance with 40 CFR part 53.~~

~~(c) 3-hour average: 0.50 ppm as a 3-hour average concentration more than once per year at any site as measured by the reference method described in Appendix A of 40 CFR part 50 or by an equivalent method designated in accordance with 40 CFR part 53.~~

~~(d)~~(b) 1-hour average: ~~0.075 ppm~~ 75 ppb as a three-year average of the annual 99th percentile of the daily maximum 1-hour average concentration recorded at any monitoring site as determined by ~~A~~appendix T of 40 CFR part 50, and as measured by a reference method based on appendix ~~A or~~ A-1 of 40 CFR part 50, or by ~~a Federal Equivalent Method (FEM)~~an equivalent method designated in accordance with 40 CFR part 53.

Crosswalk of Proposed Revisions to LRAPA 2026 Air Permitting Rules

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
12				**General Provisions and Definitions**		
12	005(29)(d)	12	005(29)(d)	Replace "brought" with "used", and add the sentence: "The six-month period begins on the first date the equipment is used"	Clarification and consistency	Y
12	005(59)	12	005(59)	Change the phrase from "…and that causes the source to exceed…" to "….and that may cause the source to exceed…"	Clarification and consistency	Y
12	005(66)	12	005(66)	Change term from "Emission unit" to "Emissions unit"	Clarification and consistency	Y
12	005(178)	12	005(178)	Revised Significant Impact Level (SIL) for PM2.5 annual values	EPA updated the annual PM2.5 NAAQS and also the recommended SILs in 2024	Y
12	005(200)	12	005(200)	Change the definition of "Unassigned emissions" from "means the amount of emissions that are in excess of the PSEL but less than the netting basis" to "means the amount of emissions established in accordance with LRAPA 42-0055"	Clarification. Section 42-0055 is more descriptive in how unassigned emissions are established and revised over time.	Y
12	025(1)	12	025(1)	Change the date for the CFR reference from July 1, 2023 to July 1, 2026	Update	Y
30				**Incinerator Regulations**		
30	005	30	005	Revise the Purpose and Applicability section to remove references to "solid and infectious waste" and include a statement that LRAPA implements DEQ's division 230 requirements in Lane County except for crematory incinerators.	LRAPA's rules on solid and infectious waste incinerators are outdated. Rather than revising the rules, LRAPA is proposing to implement DEQ's solid and infectious incinerator rules by reference in accordance with OAR 340-230-0020(6).	N
30	010	30	010	Change definitions from bullets to numbering.	Clarification and to be consistent with LRAPA's standard rule outline levels.	Y
30	010	NA	NA	Remove the following definitions related to solid and infectious incinerators, or otherwise defined in LRAPA title 12: Acid Gases, Continuous Emissions Monitoring, Cultures and stocks, Dioxins and furans, Infectious waste, Infectious waste incinerator, Pars per million, Pathological waste, Refuse, Refuse Burning Equipment, Sharps, Solid Waste, Solid Waste Incinerator, and Transmissometer.	LRAPA's rules on solid and infectious waste incinerators are outdated. Rather than revising the rules, LRAPA is proposing to implement DEQ's solid and infectious incinerator rules by reference in accordance with OAR 340-230-0020(6).	Y
30	015	NA	NA	Delete entire section on Best Available Control Technology for Solid and Infectious Waste Incinerators.	LRAPA's rules on solid and infectious waste incinerators are outdated. Rather than revising the rules, LRAPA is	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					proposing to implement DEQ's solid and infectious incinerator rules by reference in accordance with OAR 340-230-0020(6).	
30	020	NA	NA	Delete entire section on Emission Limitations for Solid and Infectious Waste Incinerators.	LRAPA's rules on solid and infectious waste incinerators are outdated. Rather than revising the rules, LRAPA is proposing to implement DEQ's solid and infectious incinerator rules by reference in accordance with OAR 340-230-0020(6).	Y
30	025	NA	NA	Delete entire section on Design and Operation of Solid and Infectious Waste Incinerators.	LRAPA's rules on solid and infectious waste incinerators are outdated. Rather than revising the rules, LRAPA is proposing to implement DEQ's solid and infectious incinerator rules by reference in accordance with OAR 340-230-0020(6).	Y
30	030	NA	NA	Delete entire section on Continuous Emission Monitoring for Solid and Infectious Waste Incinerators.	LRAPA's rules on solid and infectious waste incinerators are outdated. Rather than revising the rules, LRAPA is proposing to implement DEQ's solid and infectious incinerator rules by reference in accordance with OAR 340-230-0020(6).	Y
30	035	NA	NA	Delete entire section on Reporting and Testing for Solid and Infectious Waste Incinerators.	LRAPA's rules on solid and infectious waste incinerators are outdated. Rather than revising the rules, LRAPA is proposing to implement DEQ's solid and infectious incinerator rules by reference in accordance with OAR 340-230-0020(6).	Y
30	040	NA	NA	Delete entire section on Compliance for Solid and Infectious Waste Incinerators.	LRAPA's rules on solid and infectious waste incinerators are outdated. Rather than revising the rules, LRAPA is proposing to implement DEQ's solid and infectious incinerator rules by reference in accordance with OAR 340-230-0020(6).	Y
30	045(2)	30	045(2)	Change the basis of the opacity standard from a 3-minute aggregate to a 6-minute average.	This change is consistent with the opacity limitations in other LRAPA rules as well as DEQ's corresponding opacity limit for crematories in division 230.	

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
30	050(1)	30	050(1)	Change the requirement for the minimum temperature in the final combustion chamber for crematory incinerators from 1,800 degrees Fahrenheit to 1,600 degrees Fahrenheit. Delete previous language including compliance dates that have passed.	The Oregon legislature passed HB 3729 during the long session of 2025 that prohibits an Air Authority in Oregon from requiring a crematory from operating at a minimum temp of more than 1600. Clarification.	Y
30	050(3)	30	050(3)	Change the rule reference for the definition of "crematory incinerators" from title 12 to section 30-010(3).	Clarification and correction.	Y
30	055(2)	30	055(2)	Change the recordkeeping retention requirement from at least two to at least five years.	Consistency with other recordkeeping records retention requirements in LRAPA's rules.	Y
31				**Public Participation**		
31	0080(3)	31	0080(3)	Add language that requires an applicant to first request the ability to receive public comments submitted during the comment period and to provide their own written response to public comments within 10 days of the closing of the comment period before the applicant is allowed to submit a written response.	Clarification and consistency. Under the current rule, a source could request the public comments the day before the permit is issued, resulting in delays to the issuance, and possible permit revisions. Language was also added to clarify that sources may request to receive a copy of public comments submitted during the comment period.	Y
32				**Emission Standards**		
32	008(a)	32	008(a)	Move the phrase "for the regulated pollutant emitted" from the end of the paragraph to after the phrase "The new or modified emissions unit is not subject to a control technology requirement…"	Clarification.	Y
32	009	32	009	Move the phrase "in addition to otherwise applicable requirements" to the beginning of the paragraph.	Clarification and to be consistent with OAR 340-226-0140	Y
NA	NA	32	009(5)	Add a new subsection to include a statement that LRAPA will establish requirements if necessary for chemical weapons sources and combustion and degradation by-products of chemical weapons.	Clarification and to be consistent with OAR 340-226-0140(5)	Y
32	010	32	010	In subsection (1), add "and veneer dryers" to the list of equipment that the title 32 opacity limitations do not apply.	Clarification and correction.	Y
NA	NA	32	045(1)	Create a new subsection that lists specific process equipment for which the process weight rule will apply.	Change to be consistent with OAR 340-226-0210(1). This would narrow the applicability of the process weight limitation and establish statewide consistency.	Y
33				**Prohibited Practices And Control Of Special Classes Of Industry**		

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
NA	NA	33	0400	Add a new section titled Solid Waste Landfills: Emission Standards for Municipal Solid Waste Landfills with a subsection that states: "(1) In accordance with OAR 340-230-0005(2), LRAPA implements OAR 340-230-0500 by reference."	Consistency and clarity	Y
34				**Stationary Source Notification Requirements**		
34	035(1)(b)	34	035(1)(b)	Add "(A) Equipment, devices or processes that are explicitly allowed, covered, and regulated by a General ACDP or General ACDP attachment that the owner or operator has been assigned to;"	Add a new category to the Type 1, so-called notice-and-go list to include items that are permitted under General ACDPs/Attachments that are not specific to any one source, since this is allowed in practice. This would be consistent with DEQ's corresponding rules.	Y
36				**Excess Emissions**		
36	001	36	001	Change the title of the section from "General Policy and Discussion" to "Purpose and Applicability"	Clarification.	Y
36	001(1)	36	001(1)	Add the phrase "described in title 36" so that it reads: *Emissions of air contaminants in excess of applicable standards or permit conditions,* ***described in title 36****, are unauthorized and are subject to enforcement action.*	Clarification and to be consistent with DEQ's corresponding rules.	Y
36	001(1)	36	001(2)	Keep the same text but include it in a new subsection (2).	Clarification and to be consistent with DEQ's corresponding rules.	Y
36	001(1)	36	001(3)	Keep the same text but include it in a new subsection (2).	Clarification and to be consistent with DEQ's corresponding rules.	Y
36	001(1)	36	001(4)	Replace "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.", with "LRAPA's decisions regarding whether procedures were adequate or followed or whether enforcement action is appropriate under title 36 are not binding on the EPA."	This language would be consistent with DEQ's corresponding rule changes. On July 12, 2023, the EPA Administrator signed a final rule to remove the "emergency" affirmative defense provisions from Clean Air Act (CAA) operating permit program regulations. EPA stated these provisions allowed sources to avoid liability in enforcement proceedings by demonstrating that violations of certain emission limitations in a title V permit were caused by an "emergency" situation. EPA stated these title V affirmative defense provisions were inconsistent with EPA's interpretation of the Clean Air Act's enforcement	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
					structure, following the D.C. Circuit's 2014 NRDC v. EPA decision. Most recently, on May 28, 2026, the EPA rescinded the final rule that removed emergency-related affirmative defense provisions from federal regulations governing title V operating permit programs (the "Affirmative Defense Rule"). EPA took this final action in response to the September 5, 2025, decision of the U.S. Court of Appeals for the D.C. Circuit in SSM Litigation Group v. EPA, which reversed the 2023 Affirmative Defense Rule. However, LRAPA's rules in this regard must be at least as stringent as DEQ's corresponding rules that have removed the Affirmative Defense Rule from their Excess Emissions division.	
36	001(2)	NA	NA	Delete the entire subsection.	Clarification and to be consistent with the changes related to the reason/issue described for 36-001(1).	Y
NA	NA	36	020(6)	Create a new subsection that states: "(6) Approval of a request to continue operation does not shield the owner or operator from an enforcement action, but LRAPA will consider whether the approved plans and timelines to minimize excess emissions and return the equipment or facility back to the applicable compliant emission limits were followed in determining whether an enforcement action is appropriate."	Clarification and to be consistent with the changes related to the reason/issue described for 36-001(1).	Y
36	025(h)	NA	NA	Delete paragraph (h) that states: "Where applicable, evidence supporting any claim that emissions in excess of technology-based limits were due to an emergency pursuant to section 36-040."	Clarification and to be consistent with the changes related to the reason/issue described for 36-001(1).	Y
37				**Air Contaminant Discharge Permits**		
37	0020(1)	37	0020(1)	Add a sentence and five paragraphs that state: "Oregon Title V Operating Permit program sources are also subject to the fees set forth in section 37-8020 Table 2, Part 4 for the following specific activities:	Clarification. Title V sources are subject to the fee categories listed in paragraphs (a) through (e) in the proposed changes.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
				(a) Notice of Intent to Construct Type 2; (b) Modeling Review (outside Major NSR or Type A State NSR); (c) Public Hearing at Source's Request; (d) LRAPA MACT Determination; and (e) Compliance Order Monitoring."		
37	0040(2)(c)	37	0040(2)(c)	Add the phrase: "If required by LRAPA in writing,"	Change to make it optional for LRAPA to require sources assigned to General ACDPs to submit a renewal application and not mandatory. LRAPA would have the option to assume in certain specific General ACDPs that sources assigned to those permits would like to remain assigned to them. Sources can always request termination of their General ACDP Assignment at any time, and not just at renewal.	Y
37	0040(7)	37	0040(7)	Add language that clarifies the name of the applicant must be the "person (individual, corporation, association, firm, partnership, joint stock company, public corporation, municipal corporation, political subdivision, state, state agency, federal government, or federal government agency), as defined in ORS 468.005 that is the" legal name the facility's owner, the owner's agent or the lessee responsible for the operation and maintenance of the facility. The legal name must be registered with the Oregon Secretary of State Corporation Division, unless the applicant "meets the criteria in subsection (a) or (b) below: (a) The applicant is an individual person that is operating the facility or applying for the permit, and is not doing so under an assumed business name. The applicant's legal name (First, Middle Initial, Last) will be used; or (b) The applicant is an entity that is not required to be registered with the Oregon Secretary of State Corporations Division, such as a government entity like a municipality or state or federal agency."	Clarification and to be consistent with DEQ's corresponding rules.	Y
37	0040(10)	37	0040(10)	Delete the ", and:" prior to the (a) and (b) paragraphs.	Clarification.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
37	0040(10)(e)	NA	NA	Delete paragraph (e) that states: "When LRAPA has determined that the information in an application is adequate for processing, LRAPA will so notify the applicant in writing."	Clarification to reflect LRAPA practice. LRAPA will notify an applicant of the need for additional or corrected information, but the Agency does not notify the applicant in writing that an application has been deemed adequate for processing.	Y
37	0052(1)	37	0052(1)	Add "and/or Type 4" in the Purpose subsection so that Type 4 changes are included in the purpose of a Construction ACDP issuance.	Correction and clarification.	Y
37	0060(1)(b)(B)	37	0060(1)(b)(B)	Replace "in the state" with "in Lane County".	Correction and clarification. LRAPA does not set PSELs based on the largest emitting source in the source category in the state. LRAPA sets PSELs based on the largest emitting source in the source category in Lane County, and not the other counties regulated by DEQ for air quality.	Y
37	0060(3)(b)(O)	37	0060(3)(b)(O)	Change the fee class for a GDF from Fee Class Five to Fee Class Four.	Change in fee class to more adequately fund the work on the sources in this source category and to align with DEQ's corresponding fee class for GDFs.	Y
37	0060(3)(b)(U)	37	0060(3)(b)(U)	Change the fee class for emergency generators and firewater pumps from Fee Class Two to Fee Class Five.	Change in fee class to more adequately fund the work on the sources in this source category and to align with DEQ's corresponding fee class for emergency generators and firewater pumps.	Y
NA	NA	37	0060(3)(b)(W)	Revised the fee category to Fee Class Four for fiberglass lay-up and/or reinforced plastics composites production where previously the default Fee Class One applied.	Change in fee class to more adequately fund the work on the sources in this source category.	Y
37	0064(3)(a) and (b)	37	0064(3)(a) and (b)	Correct the typos from "F—" to "Fee", and the typo in (b) that referred to the low fee in "paragraph (2)(a)" which was corrected to read "paragraph (3)(a)".	Corrections. Typos.	Y
37	0082(2)(c)	37	0082(2)(c)	Delete the "2" prior to "section 37-0040"	Correction. Typo.	Y
37	0082(3)(a)	37	0082(3)(a)	Replace "division" with "title"	Correction	Y
NA	NA	37	0090(3)	New subsection for the three 15% increases in annual fees on July 1, 2027, on July 1, 2028, and on July 1, 2029, which will increase by the Employment Cost Index or five (5) percent, whichever is less, on July 1 of each year, beginning July 1, 2030.	LRAPA Board of Directors action at their September 10, 2026 meeting to address a budget gap in the revenue vs. the cost to implement the ACDP program.	

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
37	0090(3)	37	0090(4)	Include parts 5 and 6 in the annual increase of ACDP fees each year. Change the annual increase from four (4) percent each year, to an increase by the Employment Cost Index or five (5) percent, whichever is less.	Correction. LRAPA Board of Directors action at their September 10, 2026 meeting to address a budget gap in the revenue vs. the cost to implement the ACDP program.	Y
37	0090(4)	37	0090(5)	Include Table 3 (for CAO fees specified in Table 3) for the annual three (3) percent fee increase on July 1st each year that previously only applied to Table 2, part 3 CAO fees.	DEQ adopted a three (3) percent increase in 2024 for their corresponding fees in Table 3 which also include CAO fees. LRAPA previously understood the increase only applied to Table 2, part 3 CAO fees.	Y
37	8010	NA	NA	Create a subsection within title 37 that references Table 1 – Activities and Sources.	Clarification.	Y
37	8020	NA	NA	Create a subsection within title 37 that references Table 2 – Air Contaminant Discharge Permits.	Clarification.	Y
37	8030	NA	NA	Create a subsection within title 37 that references Table 3 – Cleaner Air Oregon Specific Activity Fees	Clarification.	Y
37	8010 Table 1	37	8010 Table 1	Create a de minimis cut off for coffee roasting of less than 1 ton per year in Category A.10.	LRAPA does not want to require a permit for very small coffee roasters and has determined that 1 ton/year is an appropriate small source cut off threshold.	Y
37	8010 Table 1	37	8010 Table 1	Create a new Basic ACDP category in Part A, Category 12, for sources that would be subject to Category B.75 but allows the source to limit production and/or hours of operation to keep them on a Basic ACDP.	Matches DEQ's Basic ACDP category and allows flexibility for very small sources to not be required to obtain a new Simple ACDP and go through Cleaner Air Oregon (CAO), etc.	Y
37	8010 Table 1	37	8010 Table 1	Change category language from "or more" to "with more than" throughout Part B, and add the LRAPA permitting email in the notes below Part C.	Clarification.	Y
37	8010 Table 1	37	8010 Table 1	Add two foot notes: Footnote 1 is to define "monthly throughput" for GDFs as it relates to Category B.32; Footnote 2 is to clarify that sources potentially subject to Category B.75 may obtain a Basic ACDP under Category A.12.	Clarification.	Y
37	8020 Table 2	37	8020 Table 2	In Part 1, delete the phrase "(in addition to first annual fee")"	Clarification and correction. Short term activity ACDPs and Construction ACDPs do not have an annual fee component.	Y
37	8020 Table 2	37	8020 Table 2	In Part 3, add a CAO annual fee for General ACDP Attachments	Correction.	Y

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	Section	Title	Section			
37	8020 Table 2	37	8020 Table 2	In Part 4, include an outline level of “a” for Notice of Intent to Construct Type 2.	Correction	Y
37	8020 Table 2	37	8020 Table 2	Increase the ACDP annual fees in Part 2 paragraphs a. through e., by 15% on July 1, 2027, on July 1, 2028, and on July 1, 2029. The fees in Table 2, section 37-8020, part 2, paragraphs a. through e., will increase by the Employment Cost Index or five (5) percent, whichever is less, on July 1 of each year, beginning July 1, 2030.	LRAPA Board of Directors action at their September 10, 2026 meeting to address a budget gap in the revenue vs. the cost to implement the ACDP program.	Y
37	8020 Table 2	37	8020 Table 2	Increase the fees in Parts 1, 4, 5, and 6 by the Employment Cost Index or five (5) percent, whichever is less, on July 1 of each year.	LRAPA Board of Directors action at their September 10, 2026 meeting to address a budget gap in the revenue vs. the cost to implement the ACDP program.	Y
37	8020 Table 2	37	8020 Table 2	Replace the 12.5% GHG reporting fee with: “$500.00 or 20% of the applicable ACDP annual fee in Part 2, whichever is greater and not to exceed $9,000”	Consistent with DEQ’s current rules for GHG reporting from ACDP sources. This increase is to offset an increase in annual program costs.	Y
39				**Contingency for PM10 Sources in Eugene-Springfield Non-Attainment Area**		
39	All sections	NA	NA	Repeal entire title.	No longer needed. The area is in attainment.	Y
44				**Hazardous Air Pollutant Program**		
44	015(4)”	NA	NA	Change “July 1, 2020” to “January 1, 2025”	The most recent EPA delegation to DEQ and, by extension, LRAPA.	N
44	150(1)	44	150(1)	Add the phrase “of this section” after “Except as provided in subsection (2) and (3)”	Clarification.	N
44	150(1)	44	150(1)	Place a period after “…are adopted by reference and incorporated herein.” and delete the word “and”.	Clarification to make the phrase about adopting the 4Z and 6J NESHAPs by reference only for sources required to have a permit its own sentence.	N
44	150(5)(a)	44	150(5)(a)	Add the sentence: “Standards adopted include final rule promulgations through July 1, 2020 of the CFR.”	The most recent EPA delegation to DEQ and, by extension, LRAPA.	N
44	150(5)	44	150(5)	Revise titles of subparts to match the CFR titles	Clarification to match the title in the CFR.	N
44	170	44	170	Change title of section from “Purpose” to “General Provisions for Stationary Sources: Delegation of Authority”, and replace text with “In accordance with OAR 340-244-0020 LRAPA implements the applicable requirements in OAR 340-244-0231 through OAR 340-244-0252 in Lane County.”	LRAPA is proposing to implement the GDF rules in OAR 340 division 244 by reference.	N
44	180 - 280	NA	NA	Repeal all LRAPA GDF rules.	LRAPA is proposing to implement the GDF rules in OAR 340 division 244 by reference.	N

Current		Proposed		Suggested change	Reason/Issues	SIP
Title	**Section**	**Title**	**Section**			
46				**New Source Performance Standards**		
46	510(3)	NA	NA	Change “2020” to “2025”.	Update year to the latest CFR version delegated to LRAPA.	N
46	535(1)	46	535(1)	Change subpart “XX” to “XXa” and add subpart “OOOOa”	Updated federal regulations that are adopted by reference.	N
46	535(3)	46	535(3)	Add the sentence: “The definitions of LRAPA 12-005 and LRAPA 46-510 do not apply to the Subparts of 40 CFR Part 60 incorporated by reference in this section, except for the definition of “CFR” in LRAPA 46-510.”	Clarification.	N
46	535(4)	46	535(4)	Add subparts to the list with some subparts specifying the version of the CFR date for which they are adopted by reference.	Clarification.	N
50				**Ambient Air Standards and PSD Increments**		
50	015(1)(a)	50	015(1)(a)	Change the annual PM2.5 standard from 12.0 µg/m^3 to 9.0 µg/m^3.	NAAQS was revised.	Y
50	025(1)(a)	50	025(1)(a)	Change the annual SO2 standard from 0.02 ppm to 10 ppb.	NAAQS was revised.	Y
50	025(1)(b)	50	025(1)(b)	Change the 1-hour SO2 standard from 0.075 ppm to 75 ppb.	Clarification	Y

LRAPA 2026 roadmap of significant/substantial proposed rule changes for the Citizens 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 rule.
- "[**Consistency**]" – means the proposed change is consistent with the corresponding DEQ rule and/or EPA regulation change.
- "[**Other**]" – means the proposed change is different or equivalent to the corresponding DEQ rule change.

Rule Item Number	LRAPA title/ section	Description	Significant/Substantial Proposed Rule Changes	Purpose
1.	**30**	Incinerator Regulations	LRAPA proposes to remove the rules on solid and infectious waste incinerators and implement DEQ's more updated rules by reference.	These proposed changes would make LRAPA's rules clearer and more consistent with DEQ rules. **[Consistency]**
2.	**30**	Incinerator Regulations	LRAPA proposes to change the requirement for the minimum temperature in the final combustion chamber for crematory incinerators from 1,800 degrees Fahrenheit to 1,600 degrees Fahrenheit.	The Oregon legislature passed HB 3729 during the long session of 2025 that prohibits an Air Authority in Oregon from requiring a crematory from operating at a minimum temp of more than 1600. **[Stringency]**.
3.	**36**	Excess Emissions	LRAPA is proposing to remove additional language pertaining to an affirmative defense for excess emissions in emergency situations that were missed in a previous rulemaking.	This language would be consistent with DEQ's corresponding rule changes and be consistent with EPA's rules (see paragraph below). Title 36 still contains language in that regard that makes it difficult to impossible for EPA to approve LRAPA's Excess Emissions regulations into the Oregon State Implementation Plan (SIP). On July 12, 2023, the EPA Administrator signed a final rule to remove the "emergency" affirmative defense provisions from Clean Air Act (CAA) operating permit program regulations. EPA stated these provisions allowed sources to avoid liability in enforcement proceedings by demonstrating that violations of certain emission limitations in a title V permit were caused by an "emergency" situation. EPA stated these title V affirmative defense provisions were inconsistent with EPA's interpretation of the Clean Air Act's enforcement structure, following the D.C. Circuit's 2014 NRDC v. EPA decision. Most recently, on May 28, 2026, the EPA rescinded the final rule that removed

Rule Item Number	LRAPA title/ section	Description	Significant/Substantial Proposed Rule Changes	Purpose
				emergency-related affirmative defense provisions from federal regulations governing title V operating permit programs (the "Affirmative Defense Rule"). EPA took this final action in response to the September 5, 2025, decision of the U.S. Court of Appeals for the D.C. Circuit in SSM Litigation Group v. EPA, which reversed the 2023 Affirmative Defense Rule. However, LRAPA's rules in this regard must be at least as stringent as DEQ's corresponding rules that have removed the Affirmative Defense Rule from their Excess Emissions division. **[Stringency]**
4.	**37**	ACDPs	Make it optional for LRAPA to require a renewal application from sources assigned to a General ACDP.	LRAPA would have the option to assume in certain specific General ACDPs that sources assigned to those permits would like to remain assigned to them. Sources can always request termination of their General ACDP Assignment at any time, and not just at renewal. **[Other]**
5.	**37**	ACDPs	Change the fee class for a GDF from Fee Class Five to Fee Class Four.	Change in fee class to more adequately fund the work on the sources in this source category and to align with DEQ's corresponding fee class for GDFs. **[Consistency]**
6.	**37**	ACDPs	Revise the fee category to Fee Class Four for fiberglass lay-up and/or reinforced plastics composites production where previously the default Fee Class One applied.	Change in fee class to more adequately fund the work on the sources in this source category. **[Other]**
7.	**37**	ACDPs	Include Table 3 (for CAO fees specified in Table 3) for the annual three (3) percent fee increase on July 1st each year that previously only applied to Table 2, part 3 CAO fees.	DEQ adopted a three (3) percent increase in 2024 for their corresponding fees in Table 3 which also include CAO fees. LRAPA previously understood the increase only applied to Table 2, part 3 CAO fees. **[Consistency]**
8.	**37**	ACDPs	Create a de minimis cut off for coffee roasting of less than 1 ton per year in Category A.10.	LRAPA does not want to require a permit for very small coffee roasters and has determined that 1 ton/year is an appropriate small source cut off threshold. **[Other]**
9.	**37**	ACDPs	Create a new Basic ACDP category in Part A for sources that would be subject to Category B.75 but allows the source to limit production and/or hours of operation to keep them on a Basic ACDP.	Matches DEQ's Basic ACDP category and allows flexibility for very small sources to not be required to obtain a new Simple ACDP and go through Cleaner Air Oregon (CAO), etc. **[Consistency]**
10.	**37**	ACDPs	Increase the ACDP annual fees in Part 2 by 15% each year on July 1, 2027, July 1, 2028, and July 1, 2029. The annual fees in Part 2 will increase by five (5) percent or by the Employment Cost Index, whichever is less.	Increase in annual revenue to offset an increase in annual program costs. This would make LRAPA fees more consistent with DEQ's corresponding fees and would result in an annual increase of approximately $185,852 in revenue. **[Consistency and Other]**

Rule Item Number	LRAPA title/ section	Description	Significant/Substantial Proposed Rule Changes	Purpose
11.	**37**	ACDPs	Replace the 12.5% GHG reporting fee with: "$500.00 or 20% of the applicable ACDP annual fee in Part 2, whichever is greater and not to exceed $9,000".	Consistent with DEQ's current rules for GHG reporting from ACDP sources. This increase is to offset an increase in annual program costs and would result in an annual increase of approximately $7,362 in revenue. **[Consistency]**
12.	**39**	Contingency for PM10 Sources in Eugene-Springfield Non-Attainment Area	Repeal entire title.	No longer needed. The area is in attainment. DEQ repealed their corresponding rules in a 2022 rulemaking. **[Consistency and Other]**
13.	**44**	Hazardous Air Pollutant Program	Repeal all LRAPA GDF rules and implement DEQ GDF rules by reference.	LRAPA is proposing to implement the GDF rules in OAR 340 division 244 by reference. DEQ adopted new GDF rules in 2024 that are more stringent than LRAPA's corresponding rules. **[Stringency and Consistency]**
14.	**50**	Ambient Air Standards and PSD Increments	LRAPA is proposing to update the ambient standards for $PM_{2.5}$ and SO_2 to match changes at the federal level.	EPA updated the annual PM2.5 and SO2 standards. **[Stringency and Consistency]**

Max
9/14/26