



LRAPA
Lane Regional Air Protection Agency

Proposed Rulemaking Hearing Request:
GDF and Air Quality Rules Cleanup
2026 Permitting Rulemaking Package

Max Hueftle
Operations Manager

Board of Directors Meeting
October 8, 2026

*Agenda item 10. GDF and Air Quality Rules Cleanup,
Hearing Request*



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Request before the Board



Authorize a public hearing

on the 2026 Permitting Rulemaking Package, targeted for the November 12, 2026 Board meeting.

1

Today

Board authorizes a hearing. Staff will then publish notice and open public comment.

2

November 12, 2026

Public hearing at the Board meeting for oral comments.

3

December 16, 2026

Public written comment period closes.

4

January 14, 2027

Board considers adoption after reviewing public comments.

Fee structure. Set by the Board on September 10, 2026. This rulemaking package includes that decision.



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This Rulemaking Package



State stringency

LRAPA rules must be at least as stringent as DEQ's. DEQ has updated several rules since our last update, including its 2024 gas station vapor control rules.



Federal alignment

EPA tightened the annual PM2.5 and SO₂ standards. Oregon's PM2.5 infrastructure plan is due to EPA by February 7, 2027.



LRAPA cleanup

Retire outdated rules, such as PM10 contingency measures for an area that now meets the standard, and update fees that no longer cover program costs.

How to read these roadmap tags

Stringency

Required. DEQ's or EPA's rule is now stricter than ours.

Consistency

Matches a DEQ or EPA rule change.

Other

LRAPA's own choice, different from or equivalent to DEQ.



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Significant changes at a glance

1	Title 30	Retire outdated solid and infectious waste incinerator rules. Use DEQ's.	Consistency
2	Title 30	Crematory minimum temperature 1,800°F to 1,600°F (HB 3729)	Stringency
3	Title 36	Remove remaining affirmative defense language	Stringency
4	Title 37	General permit renewal application only when LRAPA asks	Other
5	Title 37	Gas stations (GDFs) move from Fee Class Five to Four	Consistency
6	Title 37	Fiberglass shops move from default Fee Class One to Four	Other
7	Title 37	Align Cleaner Air Oregon activity fees with DEQ's annual adjustment	Consistency
8	Title 37	Coffee roasters under 1 ton per year need no permit	Other
9	Title 37	New Basic permit option for small sources that limit production	Consistency
10	Title 37	Annual fees up 15% for three years, then ECI capped at 5%	Consistency Other
11	Title 37	Match DEQ's greenhouse gas reporting fee	Consistency
12	Title 39	Repeal the PM10 contingency title	Consistency Other
13	Title 44	Adopt DEQ's 2024 gas station rules by reference	Stringency Consistency
14	Title 50	Update the PM2.5 and SO ₂ ambient air standards	Stringency Consistency

Full crosswalk: In whole, 79 line items across 12 titles. Most are cleanup, such as typos, cross-references, and updated federal dates.



Title 30: Incinerators



Crematory minimum temperature

Stringency

1,800°F → 1,600°F

HB 3729 (2025) bars any Oregon air agency from requiring more than 1,600°F. Our rule and permits conflict with state law until we change it.

8 permitted crematories in Lane County

Solid and infectious waste incinerators

Consistency

LRAPA's rules are outdated. Retire them and implement DEQ's current rules (Division 230) by reference.

Also in Title 30

Opacity measured as a 6-minute average, matching DEQ. Records kept 5 years instead of 2.



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Title 36: Excess emissions

We remove LRAPA's last affirmative defense language because DEQ already has removed its own. LRAPA's rules must be at least as stringent as DEQ's.

Stringency

2023

Aug. 2025

Sept. 2025

May 2026

EPA

Removes the "emergency" affirmative defense from federal operating permit rules.

DEQ

Oregon removes the defense from DEQ's excess emissions rules.

D.C. Circuit

Court reverses EPA's 2023 rule.

EPA

Rescinds the 2023 removal. Federally, the defense is back.



Result. LRAPA follows DEQ. Sources still report excess emissions and follow approved plans, and LRAPA weighs those plans when deciding on enforcement.

This also clears the way for EPA to approve Title 36 into Oregon's SIP.



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Title 37: Simpler permitting



General permit renewals

Other

LRAPA may request a renewal application when needed. Otherwise sources stay assigned. Any source can leave at any time.

111

gas stations on general permits, all on administrative extension today



Coffee roasters

Other

Roasters under 1 ton per year no longer need a permit. LRAPA set this as a sensible small-source cutoff.

12

coffee roasters hold permits today



New Basic permit option

Consistency

Small sources that limit production or hours can stay on a Basic permit and skip a Simple permit and Cleaner Air Oregon review. Matches DEQ.

\$655

annual fee on a Basic permit, vs \$3,484 on a Simple permit

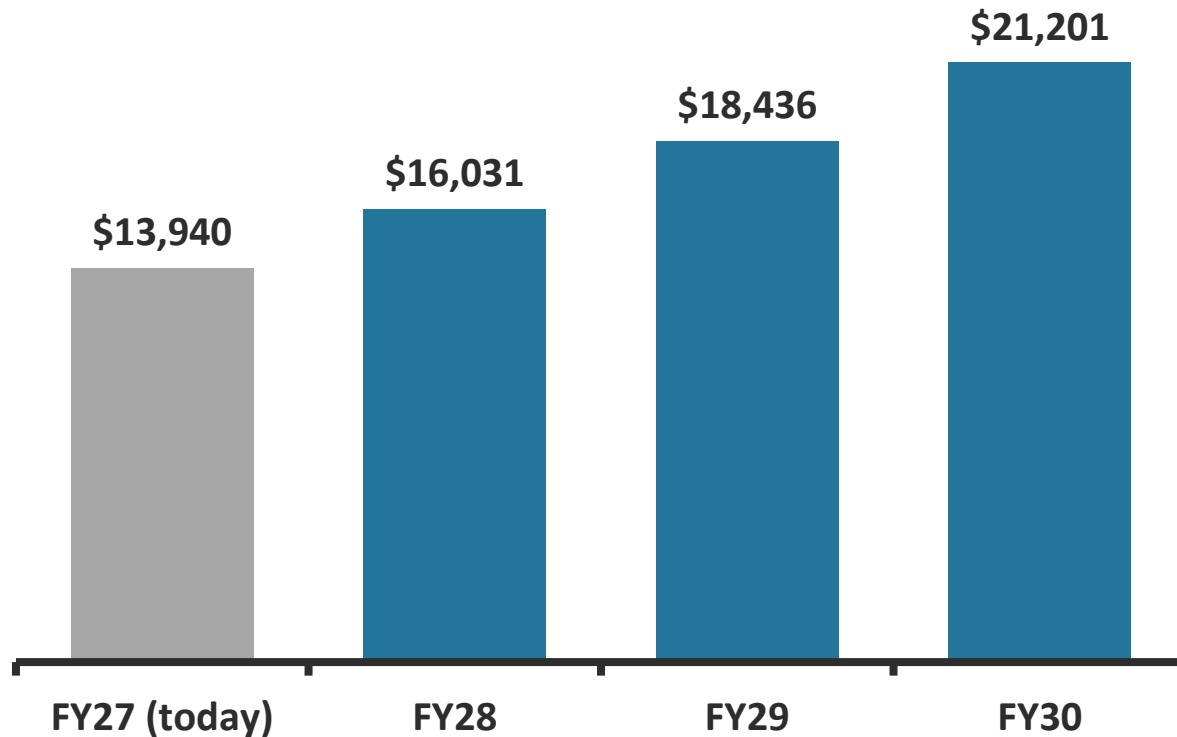


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Title 37: Annual permit fees

Example: Standard ACDP annual fee



+15%

on July 1 in 2027, 2028, and 2029

ECI $\leq$ 5%

every July starting 2030, replacing the fixed 4%. No escalator in a step year.

$\approx$ \$409,000 more per year by FY30
Annual fee revenue grows from \$785,000 (FY27) to about \$1.19 million.

LRAPA stays below DEQ's comparable fees throughout.
Application, activity, late, and registration fees hold at current levels until July 2030, then follow ECI.

Consistency

Other



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Title 37: Other Fees

Source type	Change	Annual fee	Lane County sources	Roadmap Tag
Gas stations (GDFs)	Fee Class Five → Four	\$218 → \$655	111	Consistency
Fiberglass and reinforced plastics	Default Class One → Four	\$1,307 → \$655	7	Other
Emergency generators and fire pumps	Fee Class Two → Five	\$2,354 → \$218	None today	Consistency
Greenhouse gas reporting fee	Align with DEQ's June 2026 rule	\$500 min, \$9,000 cap	About 16	Consistency
Cleaner Air Oregon activity fees	Align with DEQ's 2024 rule	Same 3% adjustment as CAO annual fees	As used	Consistency

Fee class numbers are labels. Class Four (\$655) costs less than Class One (\$1,307). The 15% annual fee steps apply on top of these amounts.



Titles 39, 44, and 50



Title 39
PM10 contingency plan

Consistency

Other

Repeal the title.

Eugene-Springfield meets the PM10 standard. DEQ repealed its matching rules in 2022.



Title 44
Gas station vapor controls

Stringency

Consistency

Replace LRAPA's rules with DEQ's 2024 rules.

New stations install vapor controls.
Existing stations upgrade when they add or replace a tank.



Title 50
Ambient air standards

Stringency

Consistency

Match EPA's standards.

Annual PM2.5 12.0 → 9.0 $\mu\text{g}/\text{m}^3$

Annual SO₂ 0.02 ppm → 10 ppb

PM2.5 standard upheld by the D.C. Circuit, June 2026.



PM2.5 infrastructure plan. Oregon's plan is due to EPA by February 7, 2027. It shows the state can carry out the National Ambient Air Quality Standard for PM2.5, and LRAPA's rule updates are part of it.



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Citizens Advisory Committee review

1

July 28, 2026

Special extended meeting

Staff walked through the roadmap. Members asked about the fee increase, cumulative cost for multi-permit holders, and what fees fund. A public health review found nothing detrimental.

2

September 29, 2026

Recommendation

After the Board's September fee decision, the CAC recommended the Board authorize a public hearing.



LRAPA's commitment

Direct notice to every permit holder, including all 111 gas stations, and to industry associations.

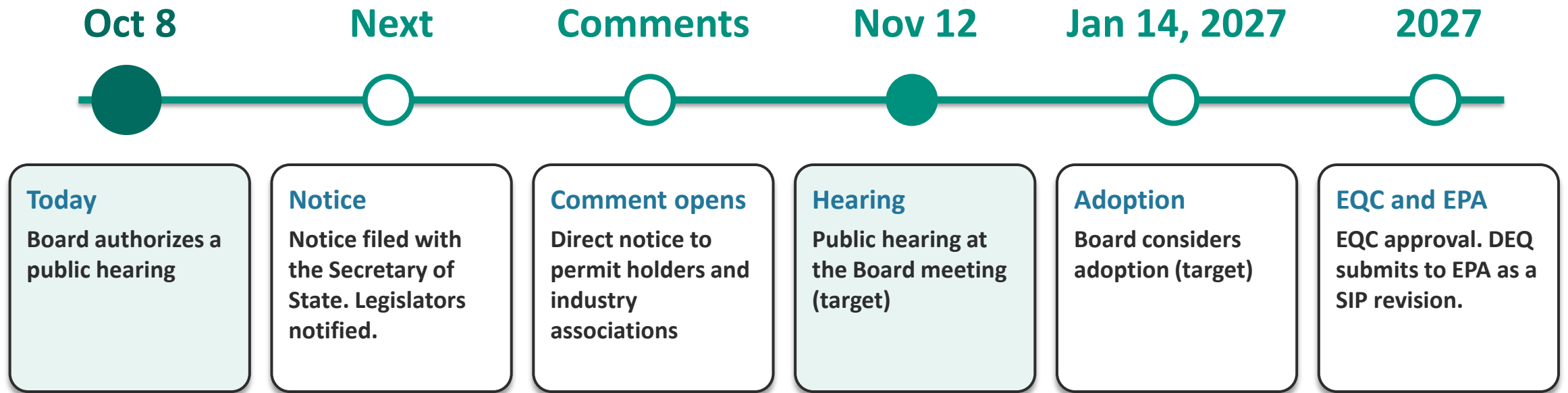
Plus newspaper, GovDelivery, and NotifyMe notices.



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What happens next



Dates after today are targets and may shift with Secretary of State publication timing.



Motion options

Staff recommendation

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.





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Questions and discussion

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