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

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				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]**

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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