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	LRAPA’s rules on solid and infectious waste incinerators are outdated.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	LRAPA’s rules on solid and infectious waste incinerators are outdated.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

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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.	

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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

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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.	

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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

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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, 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 $\mu g/m^3$.	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