

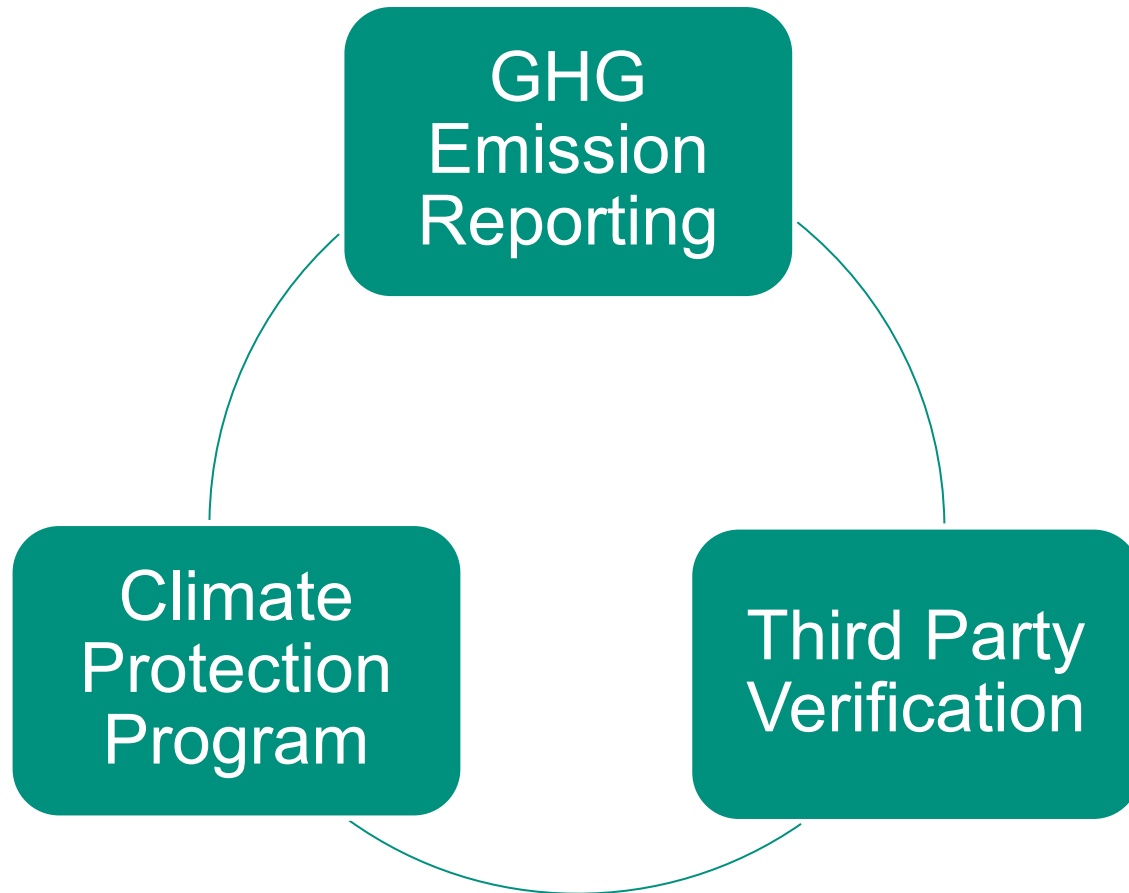
Climate 2023 Temporary Rulemaking

Environmental Quality Commission

Dec. 7, 2023

Colin McConnaha

EQC Adopted 2023 Climate Rulemaking



On Nov. 16, 2023, EQC adopted rule and rule amendments to:

- OAR 340 Division 215
- OAR 340 Division 272
- OAR 340 Division 271
- OAR 340 Division 216
- OAR 340 Division 12

Filing with Secretary of State

- After adoption, amended rules filed with Secretary of State
- The filed rules don't reflect all edits as shown in the “Edits Highlighted” version of rules in the Staff Report
- No policy differences, but some ambiguities could arise

Climate 2023 Temporary Rulemaking

- DEQ proposes a temporary rulemaking for **OAR 340-271-0420**
- Clarifies the distribution of compliance instruments to fuel suppliers covered under the Climate Protection Program in 2024
- Makes language consistent that 2024 distribution will be based on the higher of two values:
 - A fuel supplier's 2023 emissions
 - A fuel supplier's 2022 emissions

Justification for the temporary rulemaking

Failing to act promptly will result in serious prejudice to the interests of fuel suppliers regulated by the Climate Protection Program.

Justification for the temporary rulemaking

- Fuel suppliers could misinterpret the rules for DEQ's methodology to distribute CPP compliance instruments in 2024
- Negatively impact companies' ability to develop and execute plans for CPP compliance
- DEQ to distribute 2024 compliance instruments by June 30, 2024

Language of proposed EQC motions

Motion 1: *“I move that the Oregon Environmental Quality Commission affirm that when it approved a proposed rule and rule amendments as part of Agenda Item D: Climate 2023 Rulemaking at its meeting on November 16, 2023, the Commission intended to approve the rule and rule amendments as shown on pages 68 through 216 of the DEQ staff report provided at that meeting.”*

Motion 2: *“I move that the Oregon Environmental Quality Commission determine that failure to act promptly would result in serious prejudice to the public interest or the interests of the parties concerned, as provided under the Justification section of this staff report and adopt the temporary rule amendment as shown in Attachment A of the staff report for this item as part of Chapter 340 of the Oregon Administrative Rules to be effective upon filing with the Oregon Secretary of State.”*

Title VI and alternative formats

DEQ does not discriminate on the basis of race, color, national origin, disability, age or sex in administration of its programs or activities.

Visit DEQ's [Civil Rights and Environmental Justice page](#).

[Español](#) | [한국어](#) | [繁體中文](#) | [Русский](#) | [Tiếng Việt](#) | [العربية](#)
Contact: 800-452-4011 | TTY: 711 | deqinfo@deq.state.or.us