

# Director Delegation of Specific 2024 Rulemakings

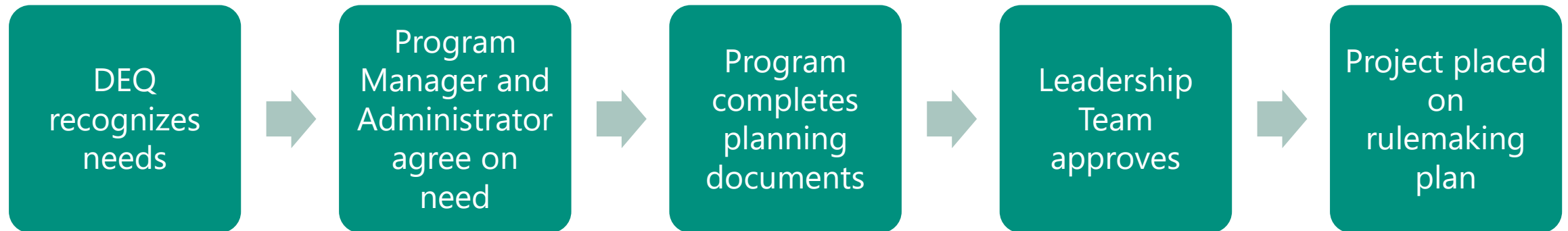
Agenda Item E: Action Item

January 24, 2024



# DEQ Rule Project Proposal Process

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# Rulemaking Plan

- Approved rulemaking projects
- Preliminary timelines
- Description of purpose and scope

**Pending rulemakings**  
There are 21 pending rulemakings in the current DEQ Rulemaking Plan. The table below provides the current schedule for each.

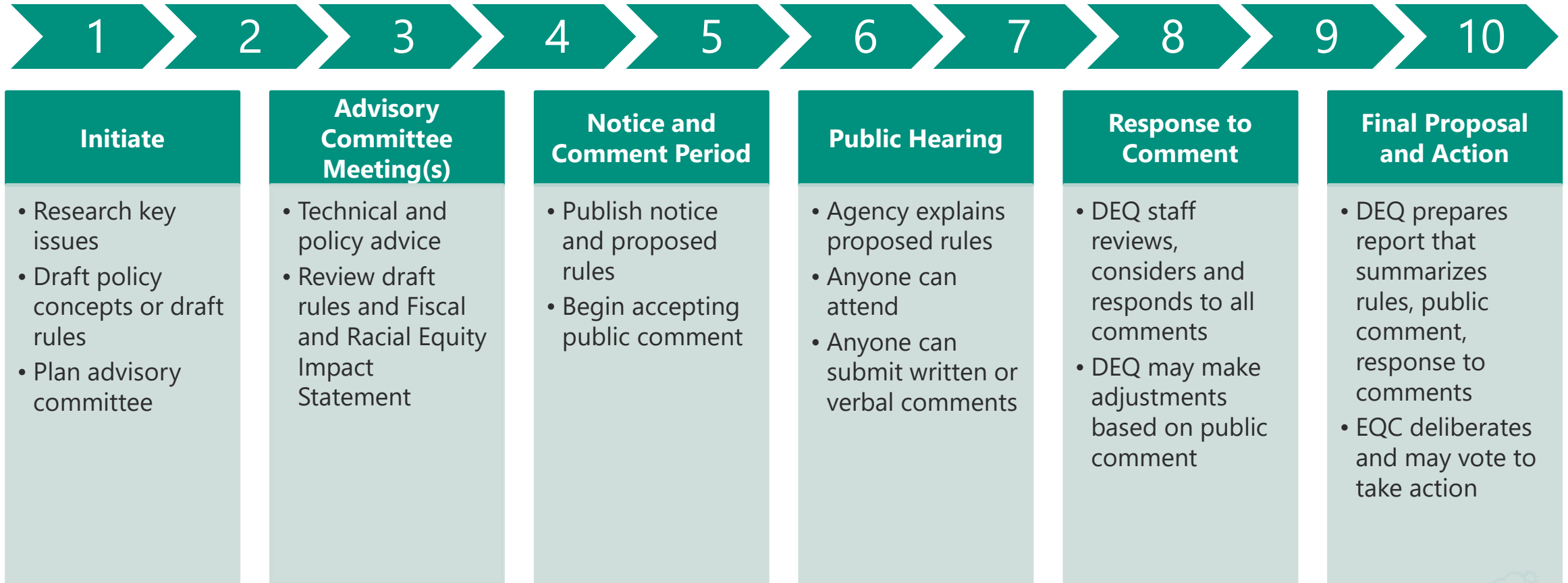
	2024											
	J	F	M	A	M	J	J	A	S	O	N	D
Dec. 29, 2023												
Legislative Session EQC Meeting	E		E									
1. Title V Fee Increase 2023												
2. Powder Basin TMDL												
3. High Hazard Rail Tank Fee 2023												
4. AQ Rules to Address Federal Regulations												
5. Stage II GDF Rule Review and Update 2022												
6. Vehicle Inspection Updates 2024												
7. Noise 2024												
8. Heavy Duty Diesel Low NOx 2024												
9. Lower Columbia-Sandy Sandy Temperature TMDL												
10. Willamette Subbasins Temperature TMDL												
11. Water Quality Fees 2024												
12. Aquatic Life Toxics Criteria 2024												
13. Medium Heavy-Duty ZEV Rebate 2024												
14. AQ Fees 2024												
15. Recycling Updates 2024												
16. Clean Fuels Program Updates 2024												
17. Willamette River Mainstem and Major Tributaries TMDL												
18. E-Cycles 2024												
19. Klamath Falls Maintenance Plan - TBD												
20. Coquille TMDL - TBD												
21. Commute Options - TBD												

**DEQ Rulemaking Plan**  
Jan. 4, 2024



# Rulemaking Process

Time in Months



# Delegation of Final Adoption

- EQC is the rulemaking authority for DEQ
- ORS 183.325 provides authority for delegation
- **Streamlines process for procedural/administrative actions, saving commission time for more substantive issues**
- Criteria:
  - Permanent adoption of temporary rules
  - Limited or no policy discretion for the commission
  - Routine alignment with federal standards and other procedural maneuvers

# Proposed Rules for Delegation

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## Permanent adoption of temporary rules

- Title V fee increase 2023
- Low-NOx delayed effective date and identity with the California Air Resources Board

# Proposed Rules for Delegation (Cont'd)

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- 2024 air quality fee adjustment
  - Asbestos abatement and certification fees
  - Cleaner Air Oregon fees
- High hazard rail tank fee 2023
- Air quality rules to address federal regulations 2023
- Noise 2024

# Proposed Motion Language

*"I move that the Oregon Environmental Quality Commission delegate the following 2024 rulemakings (described in attachment A to agenda item E) to DEQ Director Feldon for a decision:*

- 2024 air quality fee adjustments*
- High hazard rail tank fee 2023*
- Low-NOx delayed effective date and identity with the California Air Resources Board*
- Air quality rules to address federal regulations 2023*
- Noise 2024*
- Title V fee increase 2023"*