



Clean Fuels Program 2024 Rulemaking Advisory Committee Charter

Rulemaking Contact: Bill Peters

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Objectives and scope

Policy objectives

The policy objective of the Clean Fuels Program 2024 Rulemaking is to keep key aspects of the program in alignment with California's Low Carbon Fuel Standard to enable efficient program implementation for DEQ and for companies registered with the program. To do that, this rulemaking will consider updates to the program's OR-GREET model, which is used to calculate the carbon intensity of fuels in the program. This model is at the core of the CFP. DEQ is considering updates to it as California is updating their own model this year in order to maintain the program's ability to recertify California pathways. This rulemaking will also consider updates to the Third Party Verification program rules to expand the scope of that program to fuel pathway applications and electric vehicle charging reporting. The agency is also considering possible other updates based on the agency's experience implementing both third party verification and this program since their last rulemakings.

Scope of the Rulemaking

This rulemaking will include modifications to the program that will support clearer or more streamlined implementation of the program and other modifications to improve the effectiveness of the Clean Fuels Program including but not limited to:

- Updating OR-GREET from version 3.0 to 4.0 in concert with changes to CA-GREET, which includes corresponding changes to values in the program's tables in OAR 340-253-8010 and modifying the fuel pathway application rules
- Clarifications to registration and reporting requirements
- Updates to the Third Party Verification Program for Clean Fuels
- Considering requiring additional data to be third party verified
- Considering a new energy economy ratio for electric farm tractors to add those vehicles to the program
- Updates to the enforcement provisions

This list of issues was informed by a workshop that was held with stakeholders on January 30th, 2024 in addition to suggestions made by DEQ staff.

Fiscal and Economic Impact

ORS 183.333 requires that DEQ ask the committee to consider the fiscal and economic impact of the proposed rules including:

- Whether the rules will have a fiscal impact, and if so, what the extent of that impact will be.

- Whether the rules will have a significant adverse impact on small businesses, and if so, how DEQ can reduce the rules' negative fiscal impact on small businesses.

Roles

Facilitator

The facilitator:

- Encourages open, candid and robust dialogue;
- Starts and ends the meetings and agenda items on time;
- Encourages innovation by listening to all ideas;
- Tries not to lose good ideas to the consensus process; and
- Recognizes when the discussion is outside the scope of the meeting and steers the discussion back to the focus of the meeting.

Committee Members

Advisory committee members must attend each meeting to ensure continuity throughout the process. An alternate may be assigned if needed. However, it is each committee member's responsibility to fully brief their alternate on all relevant issues and prior committee discussions in order to meet the meeting objectives and keep the project on schedule. The primary and alternate members of the committee cannot participate in the same meeting. If a member's absence is unavoidable, please notify the DEQ project manager.

Each committee member:

- Prepares for and sets aside time for the meetings;
- Provides DEQ staff with copies of relevant research and documentation cited during the meeting;
- Stays focused on the specific agenda topics for each meeting;
- Comments constructively and in good faith;
- Consults regularly with constituencies to inform them on the process and gather their input;
- Treats everyone and their opinions with respect;
- Allows one person to speak at a time;
- Is courteous by not engaging in sidebar discussions; and
- Avoids representing to the public or media the views of any other committee member or the committee as a whole.

Non-Committee Member Attendees

The public is welcome to attend all meetings. The facilitator will manage the meetings to accommodate both members and non-members who wish to provide input. If necessitated by the meeting agenda and time available, priority will be given to committee members. There will be time on the agenda dedicated to receiving input from the public.

DEQ Staff

DEQ is committed to making the most effective use of committee member's time by:

- Establishing clear committee goals, meeting objectives and agendas;
- Giving committee members reasonable access to staff;
- Encouraging all members to take part in discussions; and
- Providing a clear description of members' roles, the committee timeline, the level of agreement expected and feedback on how members' input is used.

DEQ Staff		
Name	Position	Role
Colin McConnaha	Manager, Office of GHG Programs	Project sponsor
Bill Peters	Interim Clean Fuels Program Manager	Project manager; CFP team lead
Chintan Trivedi	CFP Reporting Specialist	CFP subject matter expert
Elizabeth Hardee	Third Party Verification Program Administrator	Verification subject matter expert
Emil Hnidey	Agency Rules Coordinator	Rulemaking process subject matter expert
Lauren Wirtis	Communications Manager	Media relations

DEQ Support and Website

DEQ will post agenda and meeting materials on the advisory committee website in advance of each meeting and will do so at least a week in advance whenever possible. The facilitator will provide meeting summaries that highlight committee discussions, different perspectives and input of committee members. Meeting summaries will be posted to the advisory committee website and will be part of the public record.

The advisory committee charter, a full roster of the committee, meeting agendas and summaries, and background materials will all be located on the advisory committee webpage:

<https://www.oregon.gov/deq/rulemaking/Pages/cfp2024.aspx>

Committee Meetings

1. All committee meetings will be:
 - open to the public
 - advertised on DEQ’s webpage calendar two weeks before the meeting at: DEQ Event Calendar
 - noticed by email to the Clean Fuels Program and Rulemaking GovDelivery lists
 - noticed on DEQ’s Facebook/Twitter/LinkedIn account
2. The committee is expected to meet 4-5 times via Zoom. The meeting duration times may vary depending on topics and committee progress.
3. There might also be 1-3 workgroups to focus on targeted issues.
4. Meeting materials and agenda will be posted to the advisory committee webpage.

Decision Making

The committee’s discussions will be used by DEQ in forming its draft rule, which will then be proposed for broader public review and comment as part of DEQ’s rulemaking process.

When DEQ shares information with the group, DEQ will allow a reasonable timeframe for comments.

Membership

In convening this committee, DEQ selected members that reflect the range of stakeholders the proposed rules affect, both directly and indirectly. Representatives should be able to consider the policy, fiscal and economic impact of the proposed standard on the business or organization they represent.

Rulemaking Advisory Committee Membership		
Primary Representative	Affiliation	Alternate
Mark Bunch	BP	Brent Pace
John Thornton	Clean Future	
Bascomb Grecian	Ed Staub	Nick Staub
Tad Hepner	Renewable Fuels Association	
Antonio Machado	Western States Petroleum Association	Sophia Steele
Jeff Earl	Clean Fuels Alliance of America	Floyd Vergara
Nick Facciola	3Degrees	
Jacqui Treiger	Oregon Environmental Council	Jana Gastellum

Danelle Romain	Oregon Fuels Association	Mike Freese
Kari Buitenhoff	Christianson PLLP	Danielle Anderson
Zhichao Wang	Eco Engineers	
John Sens	Chevron REG	Curtis Powers
Sam Wade	RNG Coalition	
Jessica Hoffman	RPMG	Jon Costantino
Gonca Seber Olcay	International Council on Clean Transportation	Jane O'Malley

Travel Expenses

DEQ is able to reimburse any in state, out-of-town committee members for travel expenses, if DEQ approves them in advance.

Public Records and Confidentiality

Committee communications and records, such as formal documents, discussion drafts, meeting summaries and exhibits are public records and are available for public inspection and copying. DEQ does not assume responsibility for protecting proprietary or confidential business information shared during committee or subcommittee meetings. However, the private documents of individual committee members generally are not considered public records if DEQ does not have copies.

Information Exchange

Committee members will provide information as much in advance as possible of the meeting at which such information is used. The members will also share all relevant information with each other to the maximum extent possible. If a member believes the relevant information is proprietary in nature, the member will provide a general description of the information and the reason for not providing it.

Public Involvement

All meetings will be open to the public. The committee can choose whether to allow public input during a committee meeting. DEQ will set aside time for the public to speak.

Once the committee process is complete, DEQ will develop draft rules and conduct a public rulemaking process. That process will include a specified period during which the public can submit comments on the proposed rules. DEQ will also hold a public hearing during which any member of the public can submit written or verbal comments. Individual committee members may provide comments to DEQ on the full draft rule at this time. DEQ may modify the final proposed rules based on public comment. DEQ intends to take a final proposed rule to the EQC for consideration at its meeting.

DEQ Contacts

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