

# Landfill Gas Emissions 2021 Rulemaking

## Advisory Committee Charter

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DEQ is a leader in restoring, maintaining and enhancing the quality of Oregon's air, land and water.



State of Oregon  
Department of  
Environmental  
Quality

Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696; or email [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us).

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# Objectives and Scope

## Policy Objectives

On March 10, 2020, Governor Kate Brown issued executive order (EO) 20-04, directing state agencies to take actions to reduce greenhouse gas emissions, with the purpose of achieving reductions of at least 45 percent by 2035 and 80 percent by 2050. Section 4D directs the EQC and DEQ to:

“take actions necessary to reduce methane gas emissions from landfills, as defined in ORS 459.005(14), that are aligned with the most stringent standards and requirements for reducing methane gas emissions from landfills adopted among the states having a boundary with Oregon.”

States adjacent to Oregon are: Washington, Idaho, Nevada, and California. Of these, California has the most stringent landfill gas emission rules. Therefore, DEQ will use the California rules as a model. DEQ will also consider changes or additions to the regulation to meet EPA requirements, further reduce emissions of methane and other air pollutants to the environment, and adjust requirements to assist with implementation without increasing methane emissions.

Methane emissions from landfills represent an important element of Oregon’s overall greenhouse gas (GHG) emissions. Methane is natural byproduct of the decomposition of organic material in landfills. Methane is a potent greenhouse gas, far more effective than CO<sub>2</sub> at trapping heat in the atmosphere over a 100-year period. In 2017, six of the twenty-five largest stationary sources of GHG emissions in Oregon were landfills. Existing and new large landfills are required to have emissions controls under federal regulations; which were last updated in 2016.

Under the potential new Oregon rules, a larger set of landfills would be regulated by DEQ’s Air Quality Division and already regulated landfills would be subject to additional requirements. Larger landfills (over 2.5 million tons capacity) would have additional monitoring requirements. Mid-size landfills (450,000 to 2.5 million tons waste in place) would be required to model potential emissions. If modeled emissions exceed a threshold, they may be required to install a landfill gas collection and control system. Smaller landfills (under 450,000 tons) would be required to submit annual reports on the amount of waste received. These reports are already being sent to DEQ’s Materials Management Program.

DEQ is seeking input from the advisory committee on the following topics:

- Implementation – permitting and reporting.
- Optimization for Oregon – modifications to proposed rules that are as stringent but fit the needs of Oregon.
- Equity – Climate change disproportionately effects vulnerable populations. What other smaller scale or local equity factors should DEQ consider?
- Fiscal and Economic Impact

## 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 would have a fiscal impact, and if so, what the extent of that impact would be.
- Whether the rules would have a significant adverse impact on small businesses, and if so, how DEQ can reduce the rules' negative fiscal impact on small businesses.

## Roles

### DEQ 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.

The 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 his or her 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

Those who attend the committee meetings, but are not members of the committee are there only to observe and not to actively participate. If non-committee members are present at a meeting, DEQ may allow time during the meeting for their comments.

## 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 Support and Website

DEQ will post agenda and meeting materials on the advisory committee website at least one week in advance. DEQ administrative staff will provide meeting summaries that highlight committee discussions, different perspectives and input of committee members. DEQ will not prepare a formal committee report. DEQ will send draft meeting summaries to the advisory committee for review and input. Final meeting minutes 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 minutes, and background materials will all be located on the advisory committee webpage: [Landfill Gas Emissions 2021](#).

## Committee Meetings

1. All committee meetings will be:
  - open to the public, although the committee can choose whether the public can actively participate in committee meetings
  - advertised on DEQ's webpage calendar two weeks before the meeting at: [DEQ Event Calendar](#)
  - [noticed by email](#) to the following GovDelivery lists:
    - Landfill Gas Emissions Updates
    - Air Quality Permits,
    - Greenhouse Gas Programs,
    - New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants, and
    - Rulemaking GovDelivery lists
  - held remotely via a call-in number or webinar

2. The committee is expected to meet three times. The meeting duration times above may vary depending on topics and committee progress.
3. Meeting materials and agenda will be posted to the advisory committee webpage

## Decision Making

DEQ will not seek consensus from the committee, nor will the committee be asked to vote, on specific issues. The committee’s discussions will be used by DEQ in forming its draft rule, which will then be proposed for broader public review and comments as part of DEQ’s rulemaking process.

## 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.

| Name                      | Affiliation                                 | Representing                                 |
|---------------------------|---|--|
| Michael Guebert           | Metro                                       | Local municipality, landfill owner           |
| Patrick S. Sullivan       | SCS Engineers                               | Technical expert                             |
| Commissioner Steve Kramer | Association of Oregon Counties              | Counties                                     |
| Amelia Schlusser          | Green Energy Institute                      | Environmental                                |
| Jennifer Stuber           | Oregon Refuse & Recycling Association       | Industry                                     |
| Jesse Berger              | Lane County                                 | Counties and landfill owner – Western Oregon |
| Damon Motz-Storey         | Oregon Physicians for Social Responsibility | Environmental                                |
| Tori Cole                 | Neighbors for Clean Air                     | Environmental                                |

# 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 may 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 July 2021 meeting.

# DEQ Contacts

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