

Attachment C: Response to Comments

DEQ received 10,135 comments by email, mail, and verbally by the close of the comment period. This includes 62 verbal comments received at the public hearing on August 21, 2024, and 72 verbal comments received at the public hearing on September 26, 2024, for a total of 134 verbal comments. DEQ received joint comments signed by multiple organizations and individuals. DEQ received one comment which included a petition of over 600 individuals. Some individuals commented multiple times in different formats. DEQ also received comments outside the scope of this rulemaking, though DEQ has provided a response for some of these comments.

DEQ created 13 comment categories in response to comment as listed in Table 3. Comments are on file with DEQ, including recordings of the public hearings. Written comments are posted on the [CPP 2024 rulemaking website](#).

Table 1 lists all comment ID numbers, and the comment categories attached to each commenter.

Table 1 List of Commenters

Commenter to Comment Category Cross-reference			
NOTE: Where possible DEQ noted the organization that the commenter was representing. DEQ only had email addresses to identify some commenters.			
Comment #	First Name	Last Name	Comment Categories
1	Email Campaign: Oregon Needs a Strong CPP	998 emails	2, 4, 6, 7
2	Email Campaign: Support for Restoring a Strong CPP	48 emails	2, 4, 6, 7
3	Email Campaign: I support a strong CPP for the State of Oregon	426 emails	9
4	Email Campaign: Restore the CPP	1336 emails	2, 4, 7
5	Email Campaign: CPP will punish family farms and ranches	17 emails	3
6	Email Campaign: CPP will make Oregon unaffordable	111 emails	3
7	Email Campaign: Please do not adopt the CPP	26 emails	3, 11
8	Email Campaign: Oregonians need an affordable, effective climate program	716 emails	2, 3, 4
9	Email Campaign: I can't afford the CPP	4,965 emails	1, 3

Commenter to Comment Category Cross-reference

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Comment #	First Name	Last Name	Comment Categories
10	Email Campaign: Oregonians Can't Afford the CPP	553 emails	3
11	Matt	Solak (Pacific Propane Gas Association)	11, 13
12	Jess	Grady-Benson (Rogue Climate)	2, 6, 7
13	Sharla	Moffett (Business Community Joint – 37 organizations)	3, 4, 7, 11
14	Sharla	Moffett (Oregon Business and Industry)	1, 3, 4, 6, 7, 8, 11, 13
15	Jessica	Spiegel (Western States Petroleum Association)	2, 3, 4, 7
16	Chuck	Wiese	1, 2, 3, 4
17	Chuck	Wiese	10, 3, 4
18	Amanda	Rapinchuk (Clatsop County Board of Commissioners)	3, 4
19	Pam	Barrow (Food Northwest)	3, 4, 6, 7, 13
20	Scott	Novak (Avista/NW Natural/ Cascade Joint)	3, 4, 5, 6, 7, 13
21	Rebecca	Curry (NGO Joint – 35 organizations)	2, 4, 6, 7, 8
22	Xitlali	Torres (Verde)	2, 4
23	Ira	Cuello-Martinez (Pineros y Campesinos del Noroeste)	9
24	Tim	Lynch (Multnomah County Office of Sustainability)	1, 4, 7, 8
25	Representative Boshart Davis	and Representative McLain	1, 2
26	Chris	Huiard (Space Age)	2
27	Jackson	Becce (NovoHydrogen)	4, 5, 7, 8
28	Blake	Woodbury (Carson's)	2, 4, 5
29	Tim	Miller (Business Community Joint – 32 organizations)	3, 4, 7
30	Joshua	Estes (Association of Western Pulp & Paper Workers)	3, 7
31	Annie	Stefanec (EVRAZ)	3, 7
32	Lauren	Kuenzi (Oregon Farm Bureau)	3, 4
33	Mary	Moerlins (NW Natural)	1, 3, 4, 5, 7
34	Miranda	Miller (Joint Petition of 600 individuals)	9
35	Amanda	Sullivan-Astor (Associated Oregon Loggers, Inc.)	3, 4, 7
36	Robin	Wang (Project implementers Joint Comment)	4

Commenter to Comment Category Cross-reference

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Comment #	First Name	Last Name	Comment Categories
37	Chad	Stokes (Alliance of Western Energy Consumers')	3, 4, 7
38	Sourabh	Pansare (Phillips 66)	2
39	Jackie	White (Northwest Pulp & Paper Association)	3, 4, 7, 11
40	Lisa	Arkin (Beyond Toxics)	1, 2, 4, 7
41	Dugan	David (Precision Castparts)	3, 7
42	Bill	Bold	1, 4, 7, 8, 13
43	Philip	Barnhart	13
44	Pat	Delaquil (Mobilizing Climate Action Together)	4
45	Brad	Staub (Ed Staub & Sons)	2, 4
46	John	Bird (Roseburg Forest Products Co.)	1, 3, 4, 7
47	Jarod	Cook (Lamb Weston)	1, 3, 4, 6, 7
48	Se-ah-dom	Edmo (Seeding Justice)	2, 4
49	Evan	Ramsey (Bonneville Environmental Foundation)	2, 4
50	Kristin	Marshall (Boeing)	3, 7
51	Mike	Riley (ATI Speciality Alloys & Components)	3, 4, 7
52	Debra	Higbee (Sierra Club)	2, 3, 4, 7
53	Robin	Wang	4
54	Paul	Vogel (Columbia County Economic Team)	1, 3, 4
55	Phillip	Teintze (Ash Grove)	3, 7, 8
56	Deborah	Meeks (Shell)	2, 3, 4, 5
57	Jeremy	Price (HF Sinclair)	1, 2, 3, 11, 13
58	Derek	Lund (Northwest Environmental Defense Center)	2, 4, 7, 8, 13
59	Randy	Cox (Klamath County Economic Development Assoc.)	3, 4, 7, 11
60	Thomas	Dooley	1, 3, 4, 7
61	Josh	Proudfoot (Parametrix)	4, 10
62	Carolina	Rook (Yamhill County Board of Commissioners)	1, 3, 4
63	Fran	Erickson (Dyno Nobel)	7
64	Audie	Huber (Confederated Tribes of Umatilla Indian Reservation)	2, 4, 6, 7
65	Kim	Medford (ENTEK)	3, 7
66	Danelle	Romain (Oregon Fuels Association)	2, 3, 5
67	Nora	Apter (Environmental justice Joint)	2, 3, 4, 6, 7, 8
68	Alan	Prouty (Simplot)	2, 7, 8
69	Alan	Journet (Southern Oregon Climate Action Now)	2, 4, 7
70	Caitlin	Q (Oregon Economic Development Association)	2, 3, 4, 6, 7, 13

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Comment #	First Name	Last Name	Comment Categories
71	Jeff	Blackwood (Eastern Oregon Climate Change Coalition)	4
72	Congressman	Bentz	1, 3, 7
73	Oregon	League of Women Voters	2, 3, 4, 6, 7, 8
74	Bradley	Trammell (American Waterways Operators)	1, 3
75	John	Perona (Mobilizing Climate Action Together)	2, 3, 4, 6, 7, 8
76	Mark	DeFrancisco (Heat Relief Heating and Cooling)	1, 3, 4, 7, 11
77	David	Claypool (Evergreen Gas Heating and Cooling)	1, 3, 4, 7, 11
78	Megan	Chuinard (Oregon Seed Council)	1, 3, 4
79	Tyler	Ernst (Oregon Forest Industries Council)	1, 3, 4, 7, 8
80	Representative	Owens	1, 3, 7
81	Senator	Findley	1, 4, 7, 11
82	Eric	Chambers (Central Lincoln Electric Utility)	10
83	Tiffany	Monroe (Eugene Area Chamber of Commerce)	1, 3, 4, 6, 7, 11
84	Deanna	Palm (Washington County Chamber of Commerce)	1, 4, 11, 13
85	Payton	Smith (Southport Lumber)	3
86	Alvin M.	Klausen (Marion County Board of Commissioners)	1, 3, 11
87	Jason	Grillo (Pacific Coast Emissions Action Network and Joint)	1, 4
88	Kate	Rivera (Our Future Oregon)	4
89	Kelley	Weigel	9
90	Rebecca	Dinwoodie	4
91	Amanda	Watson	4, 6
92	Adele	Thompson	9
93	Becky	Lipton	9
94	Tonya	Graham	9
95	Pamela	Fitzpatrick	2, 4, 7
96	Laurie	Dougherty	9
97	Santiago Nolasco	Galicia	2, 6
98	Amanda	Riley	9
99	Michael	Heumann	9
100	Jennifer	Krauel	9
101	Nancy	Harrison	2, 4, 6, 7
102	Peter	Fargo (Ecumenical Ministries of Oregon)	2, 4, 6, 7
103	Maria	Sipin	9
104	Shel	Harris	9
105	Eleanor	Ponomareff	2, 4

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Comment #	First Name	Last Name	Comment Categories
106	Keith	Jayawickrama	9
107	Alexander	Miller	9
108	Carolyn	Partridge	2, 4, 7
109	Cherice	Bock (350 PDX)	2, 4, 6, 7
110	Nolan R.	Ebner	9
111	Thomas	Karwaki (University Park Neighborhood Association)	9
112	Kristen	Sartor	9
113	Noah	Horst	9
114	Anna	Casady	9
115	Nancy	Gilbertz	9
116	Paige	Sipes-Metzler	9
117	Catherine	Bax	9
118	Brighton	West	9
119	Evelyn	Whitlock	9
120	Geert	Aerts	9
121	Elaine	Broskie	9
122	Albert	Kaufman	2, 6
123	Ilana	King	9
124	Virginia		6
125	Rotten	Sprout	9
126	Kathleen	Boylan	9
127	Angus	Duncan (Natural Resources Defense Council)	9
128	Darise	Weller	9
129	Greer	Klepacki (Community Energy Project)	9
130	Abe	Cohen	9
131	Jessica	Vaughan	2, 13
132	Ted	Ames	9
133	Sophie	Els (Oregon Climate and Agriculture Network)	9
134	Peter	Laughingwolf	4, 7
135	Polly	Jackson	2, 6, 7
136	Michael	Hall	2, 6, 7
137	Graham	Wright	9
138	Noelle	Studer-Spevak	9
139	Tom	Allnut	9
140	Nikki	Mandell	4, 6, 7
141	Margaret	Butler	2, 4, 6
142	Zondie	Zinke	9
143	Mark	Greenfield	9
144	warren	Kahn	9
145	Brian	Stewart	2, 4, 6

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Comment #	First Name	Last Name	Comment Categories
146	Charles	Turner	9
147	Tanya	Sanerib	2, 6
148	Mercedes	Elizalde	2
149	Roger	Vrilakas	13
150	Ava	Olson	9
151	Noah	Foley-Beining	9
152	Kristin	Guest	9
153	Carly Inez	Werdel	9
154	Bob	Powers	9
155	Emma	Bartlett	9
156	Doris	Cellarius	2, 6, 7
157	Mark	Montgomery	9
158	Richard	Plevin	4
159	Kiel	Johnson	9
160	Susan	Weinstein	9
161	Patricia	Kullberg	2, 4, 6, 7
162	Michael	Lilly	9
163	Laura	Rogers	9
164	Dale	Allen	9
165	Bonnie	McKinlay	2
166	Nickolas	Fotopoulos	9
167	Sean	Conrad	9
168	Diane	Meisenhelter (Extinction Rebellion)	2, 4, 6, 7
169	Tim	Crump	2, 4, 6, 7
170	Lenny	Dee	9
171	Kelly	O'Hanley	9
172	Alan	Journet (Southern Oregon Climate Action Now)	2
173	Kate	Ferrandino	2
174	Gary	Clarida	9
175	Denise	Holley	9
176	Susan	Barnes	2, 4
177	Thor	Hinckley (Third Act Oregon)	9
178	Stuart	Liebowitz	2, 4
179	Joel	Dippold	9
180	Flavia	Franco	10
181	Cienna	Simmons	9
182	Jacqueline	Mitchson	9
183	Kevin	Russell	9
184	Athena	Petty (New Seasons Market)	9
185	Cathy	Spofford	9
186	Janet	Lorenzen (350 Salem)	2, 4, 6, 7
187	Chris	Wille	9

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Comment #	First Name	Last Name	Comment Categories
188	Chéri	Smith (Alliance for Tribal Clean Energy)	2, 4, 6
189	Jonathan	Clark	2
190	Sally	Hollemon	9
191	Lindy	Rutherford	9
192	Anne	Bedney	9
193	Gail	Sabbadini	9
194	Joanne	Moss (League of Women Voters)	2, 4, 6, 7
195	Danny	Noonan (Breach Collective)	2, 4, 6, 7
196	Phoebe	Thums	9
197	Michaela	McCormick	2, 6
198	Christopher	Abbruzzese	2, 4, 6, 7
199	Representative Dembrow, Representative Gamba, Representative Neron, Representative Pham, Representative Andersen, Senator Golden, Representative Helm, Representative Hudson, Representative Marsh, Senator Patterson, Senator Taylor, and Representative Walters	(Oregon Legislature's Environmental Caucus)	2, 4
200	Eric	Brody	9
201	Carol	Clarke	9
202	Don	Caniparoli	9
203	Lisa	Batey (Milwaukie City Council)	2, 4, 6, 7
204	Diana	Pace	2
205	Tracy	Farwell (Better Energy LLC)	9
206	Robert and Jean	Pollock	9
207	David	Stone	13
208	Ferniesdad		9
209	Neal	Hadley	4
210	Craig	Zarling	9
211	Diane	Luck	4, 6
212	Kim	Wilbur	4
213	Janice	Letrault	4
214	Jemma	Crae	4
215	Robert	Jacobsonberg	2, 4
216	William	Johnson	2
217	Geertruida	Wilkinson	4
218	Polly	Stirling	2, 4

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Comment #	First Name	Last Name	Comment Categories
219	Nora	Lehmann (Families for Climate)	2, 6, 7
220	Donny	Jump	9
221	Andrew	Fletcher	9
222	Dick	Dolgonas	9
223	Stephen	Bachhuber	9
224		bbauer1942@yahoo.com	9
225	Jay	Hanson	9
226	Ann	Hushagen	9
227	Doug	Parrow	9
228	Taylor	Valdes	9
229	Holly G	Pence	4
230	Bryce	Campbell	4
231	Mark	Pezzoni	4
232	Chris	Nicholson	9
233	Paul	Steger	9
234	Peter	von Klargaard	9
235	Louise	Lopes	1, 2, 6
236	Tulley	Straub	9
237	Susan	Stedman	9, 10
238	Mike	Miller	3
239	Marshall	Kirkpatrick	9
240	Jennifer	Thompson	1, 2
241	Rosanne	Lewis	9
242	Kirsten	Potter	4
243	Climate Reality	PDX (Climate Reality Project)	2, 4, 6, 7
244	Justine	Triest	9
245	Jessica	Nischik-Long (Familias en Acción)	2, 4, 6, 7
246	Jennifer	Priest	9
247	Leslie	Kochan (Climate Jobs PDX)	2, 4, 6, 7
248		twobears@wvi.com	3
249	Holly	Nelson	9
250	Linore	Blackstone	9
251	Susie	Jenkins	3
252	Christine	Ogura	9
253	Stephan	Lashbrook	9
254	Babs	Vanelli	2, 4, 7
255	Sierra	Moon	9
256	Ken	Deveney	9
257	Ethan	Nelson (City of Eugene Mayor's Office)	4, 6
258	Nicole	Lawless	9
259	Dayle Ann	McLain	9
260	Anne	Buzzini (Metro Councilors Duncan Hwang and Juan Carlos Gonzalez)	2, 4, 6, 7

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Comment #	First Name	Last Name	Comment Categories
261	Shaili	Rajput (Oregon Pediatric Society)	2, 4, 6, 7
262	Helena	Birecki	1, 2, 4
263	Owen	Wozniak	2, 4, 6, 7
264	Tuck	Wilson	9
265	Greg	Flick	9
266	Juliyen	Bouknight	9
267	Joseph	Stenger (MCAT)	2, 4, 6, 7
268	Matt	Briggs	1, 2, 4, 6, 7
269	Steph	Hayes (Water Watch of Oregon)	9
270	Elliott	Benton	2, 4, 7
271	Dennis	Lutwen	9
272	Susan	Anderson	9
273	John	Seng (Spark Northwest)	2, 4, 6, 7
274	Julius	Pasay (The Climate Trust)	4
275	Don	Borjesson	9
276	Ben	Platt	2, 4, 6, 7
277	Dolores de la	Fuente	9
278	Keith	Wolf	13
279	Rachel	Slocum	2, 4, 6
280	Mike	Perham	9
281	David	Pedersen	2, 4, 6, 7
282	RF	tweet37@juno.com	3
283	Christine	Wisniewski	9
284	Sally & Ray	Hollemon	9
285	Bill	Harris	9
286	Maya	Jarrad	2, 4, 6, 7
287	Gretchen	Jones	9
288	Stewart	James	9
289	Representative	Pham	2, 4, 6, 7
290	Douglas County	Global Warming Coalition	2, 4, 6, 7
291	John	Aschin	9
292	Stuart	Liebowitz	2, 4, 6, 7
293	Linda S	Craig	6
294	Jill	Littlewood	9
295	Baruch	Bashan	9
296	Jess	Grady-Benson (Rogue Climate)	2, 4, 6, 7
297	Joel	Haugen	9
298	Debi	Ferrer (Protect Oregon's Progress)	9
299	Brian	Stewart (Electrify Now)	2, 4, 6, 7
300	Kim	Davis	2, 4, 6, 7
301	Juan Carlos	Lopez Baca	9
302	Mackenzie	Thomson	4
303	Linda	Perrine	4, 10

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304	Don	Miller	9
305	Ann	Dudley	2, 4, 6, 7
306	Kimberly	Jarvis	9
307	Annis	Henson	2, 4, 6, 7
308	Ali	Trueworthy	9
309	Lex	Rau	9
310	Byron	Rendar	9
311	Angela	Gusa	2, 6, 7
312	Diane	Bender	9
313	David	Mayfield	9
314	Dale	Engle	2
315	Ken	Jones	7
316	Mia	Goros	9
317	Geert	Aerts	9
318	Thomas	Jasso	9
319	Joshua	Kanagy	9
320	Allen	Hallmark	2, 4
321	Dennis	Fisher	4
322	Ruth	Kaser	9
323	Marilyn	Koenitzer	4, 7
324	Rich	Peppers	2, 4, 6, 7
325	Kari	Moore	9
326	Katherine	Bragg	2, 6, 7
327	Brett	Baylor	2, 4, 6
328	Tom	Swinford	9
329	Beny	Penaloza	4
330	Terry	Brandborg	9
331	Sue	Brandborg	9
332	Susan	Applegate	9
333	Jaime	Gustafson	9
334	Nancy	Ahnert	2, 4, 6, 7
335	Virginia	Feldman	9
336	Vie	Radek	9
337	Kris	Nelson	2, 4, 6, 7
338	Kelley	Platt	9
339	John	McLean	9
340	Jean	Quinsey	9
341	Inga Fisher	Williams	2, 6, 7
342	David	Harrison	4, 6
343	Michele	Pachoud	9
344	Alyce	Moore	9
345	Dan	Frye	2, 4, 6, 7
346	Howard	Wade	9

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Comment #	First Name	Last Name	Comment Categories
347	Angela	Zehava	9
348	Jim	Edelson	2, 4, 6
349	Rory	Cowal	9
350	Judy	Ringenson	4, 6, 7
351	Lynne	Espy	3
352	Rob	Kappa	9
353	Susan & Joe	Peter	9
354	Mulysa	Melco	9
355	Susan	Mates	4, 6, 7
356	Susan	Murbach	9
357	Karma	Clarke-Jung	9
358	Hap	Disney	9
359	Sandra & Randy	Turner/Medina	4
360	Larry	Wannebo	9
361	Keith	Olsen	9
362	Stephen	Kane	1, 2
363	Evelyn	Cole	9
364	Lisa	Adatto (Lake Oswego Sustainability Network)	2, 4, 7
365	Pat	McAleer	9
366	Catherine	Kordesch	4, 6
367	Kathleen	Mitchell	9
368	Elena	Villa	9
369	Ramsay	Weit	9
370	Gary	Duell	9
371	Raymond	Dukes	9
372	Jay	Panagos	9
373	Sandy	Ericson	10
374	Meredith	Tufts	9
375	Melissa	Rowe Soll	9
376	Kate	Miller	9
377	Doranne	Long	4
378	Mary	Addams	9
379	Chandra	Paetsch	4
380	Eliza	Murphy	1
381	John	Brennan	10
382	Zack	Hilgart	9
383	David	Stone	9
384	Albert	LePage	1, 2, 4
385	Bill	Hohensee	9
386	Sharon A	Thornagle	9
387	Hannah	Bubble	9
388	Arthur	Moss	1

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389	Charlene	Whiting	2, 4
390	Alan	Journet (Southern Oregon Climate Action	2, 4, 7
391	R.B.	Garden	3, 4
392	Karen	Jacobson	6, 7
393	Sandra	Ericson	10
394	Shawn	Looney	1
395	Neamhain	Virtue	9
396	Bonnie	Brainard	1, 3
397	Amy Karmazon	Porter	9
398	Brian	Benton	3
399	Angela	Varney	1
400	Kurt	Liebezeit	1, 4
401	Bill	Griggs	9
402	Sara	Luccock	9
403	Dorothy	Roholt	1
404	Alexander	Rolfe	3
405	Jared	Staub	2, 3, 4
406	Teah	Laviolette	9
407	Greg	Lukens	9
408	Celeste	Wessman	1, 3
409	Gordon	Fulks	12
410	Daniel	Bantz	1
411	Steve	Ingham	1, 3
412	James	Lyle	3
413	Daniel	Johnson	3
414	Ronald	Warnecke	1, 3, 4
415	Carolyn	Polzel	9
416	Lucretia	Smit	9
417	Frank and Nancy	Captener	1, 3
418	Mary	Potterf	9
419	Jeff	Voigt	1, 3
420		Vickie	9
421	April	Bailey	1, 3
422	Curt	Ankerberg	9
423	Carrie	Welch	9
424	Kevin	Goodrich	9
425	April	Bailey	1, 3, 11
426	Joan	Fustos	9
427	Kent	Zerr	9
428	DJ	Builta (Ed Staub & Sons)	1, 2, 3, 4
429	Nelson	Osorio	3
430	Debbie	Doran	3
431	Gordon	Fulks	1

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432	Gordon	Fulks	12
433	Amy	Rasouli	3
434	Michael	Kinkade	3
435	Cindy	Epifanio	9
436	Nick	Staub (Ed Staub & Sons)	2, 4
437	Laura	Scheele	1, 3, 4
438	Gary	Bray	1, 3
439	Cathy	Burka	1, 3
440	Robin	Shelton-Day	9
441	Sean	Farmer	1, 3
442	Donna	Bleiler	9
443	Kevin	Christman	9
444	Shawn	Zimmerman	3, 4
445	Bill & Jasmine	Sherman	9
446	Lorraine	Bailey	1, 3
447	Jack	Peterson	9
448	Rob	Taylor	1, 3
449	Ralph	Edwards	9
450	Jeffrey	Kelder	3, 4
451	Dan	Desbiens	1, 3
452	Cindy	Edwards	3
453	Jeff	Kropf	1, 3
454	Salem	Norvac	1, 3
455	Gene	Arnett	9
456	Dianna	Lamb	3
457	Ronnie	Daniels	1, 3
458	Greg	Peterson	1, 3
459	John	Cochran	9
460	Deborah	Knapp	11
461	Alicia	Zinni	1, 3, 4
462	Susie	Tedlund	9
463	Richard	Block	9
464	Tom & Lori	Schaafsma	9
465	Janet	Johnson	9
466	Russ	Kautz	9
467	Tina	Eilers	1, 3
468	Gil	Henderson	1
469	John	Lottis	3
470	Timothy	Baker	3, 7
471	Stephen	Joncus	1
472	Barbara	Sprout	3
473	Jenny	Kamprath	9
474	Paul	Fooks	9

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475	Andrew	Jansky	9
476	Debby	Rariden	9
477	Gregory	Dasso	3
478	Robert	Nevue	1, 3
479	Jonathan	Gould	3
480	Brooks	Gladow (Salem Heating and Sheet Metal)	3, 4, 7, 11
481	Greg	Howell	9
482	Schilling	Michael	3, 7, 11
483	Daniel	Scharbach	1, 3
484	Ian	Giammanco	3
485	Bruce	Sussman	3, 4
486	Steve	Vaught	1, 3
487	Chuck	La Rue	9
488	Gloria	Montes	3
489	Anthony	Fox	9
490	Hedie	Schulte	3, 4
491	J	Manley	3
492	Michael	Heisler	1
493	Jerry	Hansen	3
494	Ron	Beard	9
495	Teresa	Fairchild	9
496	Kirk		9
497	Bob	Builder	9
498	David	Mazik	1
499	Robert	Boyd	9
500	Mike	Hickey	9
501	Candy	StClair	9
502	Walt	Ryder	1
503	Beth	Jameson	9
504	Justin	Callistini	3
505	Gregory	Williams	3, 4
506	Roger	Vrilakas	4
507	Bonnie	Bobbitt	3
508	Glenn Le	Vernois	1, 3
509	Sui	Pritchard.Moa	3
510	Lorna	Pelcha	1, 3
511	Sara	Imlah	1, 3
512	Gary	Bauer	9
513	Philip	Johnson	1, 3
514	Chris	Lattanzi	3
515	Gerald	Blucher	3
516	Teresa	Toren	3
517	Cheryl	Eby	3

Commenter to Comment Category Cross-reference

NOTE: Where possible DEQ noted the organization that the commenter was representing. DEQ only had email addresses to identify some commenters.

Comment #	First Name	Last Name	Comment Categories
518	Ray	Martens	3
519	Ron	Servine	3
520	James	Baucom	1
521	Chris	Figura	1, 3
522	Linda	Pauly	10
523	Joel	Peterson	4
524	Sharon	Fox	1
525	Jennifer	White	1, 3, 4
526	Claudia	Bray	1, 3
527	Dennis	Ortega	9
528	Joanne	Bigman	9
529	Eugene	Brown	9
530	Owen	Bacon	3
531	Candice	Hathaway	1
532	Brian	Dirks	9
533	Erik	Lukens	1, 3, 11
534	Matt	Grubbs	9
535	Will	Burge	3
536	Steven	Seiwald	3, 4
537	Don	Wirth	9
538	Richard	Myers	9
539	Sam	Sanders	3, 4
540	Richard	Hiatt	9
541	Lynn	Barton	1, 3
542	Robert	Budz	3
543	Peter	Schuller	10
544	Willard	Grimes	9
545	Missy	Sandgren	3
546	Brent	Brelje	9
547	Sherry	Cantu	1, 3
548	John	Goodyear	1
549	Rob	Taylor	1
550	Lauri	Anderson	3
551	Ruben & Heather	Monreal	3
552	Joseph	Faber	1
553	Jared	Wright	3
554	James	Thorusen	3, 4
555	Barbara	Pietz	3, 4
556	Terry	Coates	1, 3
557	David	Klaus	3
558	Louis	Premazzi	3
559	Hal	Smith	1, 3
560	Jeffrey	Friend	3

Commenter to Comment Category Cross-reference

NOTE: Where possible DEQ noted the organization that the commenter was representing. DEQ only had email addresses to identify some commenters.

Comment #	First Name	Last Name	Comment Categories
561	William	Hinkly	4
562	Andrew	Vandervelde	1, 4
563	Dion	Morehouse	3, 4
564	Dave	V	1, 3
565	John	Aho	9
566	Ray	Martens	3
567	Jeff	Nighbert	1, 4
568	Mark	Phillips	4
569	Steve	Ziegler	3
570	John	Fuller	1
571	Mike	Follis	1, 4
572	John	Bakkensen	3
573	Chris	Nicholson	1, 3
574	Michael	Ouhl	3
575	Anne	Brown	3
576	James	Webster	9
577	Martin	Ludwig	3
578	Nate	Strteitmatter	9
579	Diana	Harger	3, 4
580	Carl	Mendenhall	1
581	John	Wanner	9
582	David	Bergman	1, 3
583	Suzy	Brander	1, 3
584	Ken	Baldwin	9
585	Brian	Kern	3, 4
586	Harold	Rust	9
587	Heather&Kobly	Kabli	3, 4
588	Paul	Donheffner	1, 3
589	Teresa	Toren	3
590	Paul	Kroger	3
591	Rob	Putman	10
592	Susie	Schriever	4
593	Rudy	Vanderzanden	1, 3
594		moffisquita	1
595	Krystof	Zmudzinski	9
596		erohde_76@yahoo.com	9
597	Jon	Andrews	1
598	Carrie	Phillips	9
599	David	Bowman	1, 3
600	Halina	Kowalski	3
601	Isaac	Engel	3
602	Tanya	Bond	3
603	P	Cook	9

Commenter to Comment Category Cross-reference

NOTE: Where possible DEQ noted the organization that the commenter was representing. DEQ only had email addresses to identify some commenters.

Comment #	First Name	Last Name	Comment Categories
604	Maryjane	Hildreth	9
605	Eric	Olson	3
606	Bill	Mason	9
607	Dan	Martin	3, 4
608	Jeanne	Verboort	10
609	Bruce	Williams	3
610	David	Reid (Astoria Warrenton Chamber of Commerce)	3, 4
611	James	Niece	9
612	Terri and Allen	Vandecoevering	4
613	Megan	Stuck	3
614		mark@theroses.me	3
615	Sean	Hinckley	9
616	Nicky	Tenney	3
617	Nancy	Pickett	2
618	Kevin	Robertson	1
619	Andrew	Rodgers	1, 3, 4
620	Sean	Nygaard	3, 10
621	Dolores	Ward	3
622	Kelly	Mackin	9
623	Ken	Dodson	9
624	L.	Campbell	3
625	Joel	Mason	9
626	Mark	Holt	3
627	Bruce	Taylor	9
628	Rick	Hood	3
629	Dawn DI	GREGORIO	3
630	Michael	King	1, 3, 4
631	Craig	Danielson	3
632	Anne	Norris	1, 3, 4
633	Jerry	Allen	9
634	Heather	Tourville	3
635	Emily	Sargent-Walker	3
636	Dave	bigdave@gmail.com	3, 4
637	Mediha	Nes	9
638	Patrick	Vanderhout	3
639	JoAnne	Bantz	3
640	Keri	Wetzel	10
641	Donna	Nesbitt	3
642	Susan	McCalib	3
643	Trish	Hogervorst	3
644	Lyle	Beach	4
645	Robert	Brandt	9

Commenter to Comment Category Cross-reference

NOTE: Where possible DEQ noted the organization that the commenter was representing. DEQ only had email addresses to identify some commenters.

Comment #	First Name	Last Name	Comment Categories
646	Nicole	Jung	3
647	Debra L	Fromdahl (Roseburg Area Chamber of Commerce)	3
648	Britt	Stupfel	1
649	Mike	Louk	1, 3
650	Rebecca	Hendrickson	3
651	MIke	Navratil	1, 3
652	Tarena	Beckham	3
653	Dorothy	Davidson	9
654	Melissa	Emmert	3
655	Tamra	Burleson	3
656	Theresa	Manning	9
657	Jody	Newland	3
658	Juergen	Bevard	9
659	Philip	Ratcliff	4
660	Burke	Wood	10
661	Rob	Putman	9
662	Tim	timothy@jenniferbakerfund.org	10
663	Shannon	Curtis	4, 6, 7
664	Patricia	Ogle	9
665	Craig	Penniman	9
666	Chris	Eastburn	9
667	Dan	Molyneux	9
668	Ross	Tovey	9
669	Jerry	May	9
670	Mike	Danielle	1, 3
671	Kurt	Liebezeit	10
672	Scott	Rattay	3
673	Elizabeth	Hunnicutt	1, 3
674		kendickman@juno.com	3
675	Keith	Horton	3
676	Walter	Bruhn	9
677	Rebecca	Hamilton	3
678	Carol	Forsberg	3
679	Debbie	Smith	1, 10
680	Jim	Huddleston	9
681	Kate & Peter Loomis &	Moon	1
682	Mary	Landrus	9
683	David	Stone	9
684	Jason	Young	3, 7
685	Brian	Earls	10
686	Cindy	Koffler	1, 4
687	Rick	Andriesiana	3, 4

Commenter to Comment Category Cross-reference

NOTE: Where possible DEQ noted the organization that the commenter was representing. DEQ only had email addresses to identify some commenters.

Comment #	First Name	Last Name	Comment Categories
688	John	Kendall	1
689	Keith	Moes	9
690	Cliff	Stephens	9
691		shogg1982@q.com	10
692	Jeff	Oerding	9
693	Elizabeth	Moncrief	9
694	Ron	Wiggins	9
695	Ray	G	3
696	Bruce	Wood	9
697	Lori	Holmes	3
698	Walt	Ryder	9
699	Jeff	Burnell	3, 4
700	Jim	Purcell	3
701	Susan	Gunn	3, 4
702	Dave	Volpp	9
703	Karmen	Strader	9
704	Art	Sprague	9
705	Kody	Boggs	9
706	Ladd	McKittrick	9
707	Sue	Kalt	10
708	Louanne	Miles	9
709	Janice	Healy	3
710	Barbara	Chatfield	3
711	Don	Rondema	3
712	Melissa	Acheson	1, 3
713	John	Frederick	9
714	Bob & Judy	Malin	9
715	Anthony	Fox	9
716	Joan	Sumpter	3
717	Mayra	Gonzalez	3
718	Kyle	Sherman	9
719	Bob	Munyon	10
720	Todd	Aschoff	9
721	Giovanni	Lorenz	9
722	Jay	Gambee	9
723	Kyle	Shroy	9
724	Greg	Driscoll	3, 9
725	John	Bakkensen	3
726	Dave	Beatty	10
727	Jennifer	Martin	3
728	James	Erickson	3
729	William	Reed	10
730	D	M	9

Commenter to Comment Category Cross-reference

NOTE: Where possible DEQ noted the organization that the commenter was representing. DEQ only had email addresses to identify some commenters.

Comment #	First Name	Last Name	Comment Categories
731	Glade	Diviney	9
732	Terry	Evert	9
733	Lisa	Thompson	3
734	Phil & Connie	Brothers	3
735	Larry	Glassock	3, 4
736	Bruce	Webb	1, 2, 3, 4, 7
737	Doug & Linda	Detering	9
738	Jody	Bringhurst	3
739	Jay	jayvincent@comcast.net	1, 3
740	Amorette	Gent	9
741	Daryl	Walker	1, 3, 4
742	Trux	Dole	3
743	Tom	Drew	3
744	Candace	McMunn	3
745	Kristen	Albers	9
746		lasr12@aol.com	3
747	Lynne	Page	1, 3
748	Tim	Larson	9
749	Laurens	laurensjohansen@mac.com	10
750	Cat	Tanzer	3
751	P	Cook	9
752	Rickie	Place	3
753	Jennifer	Senn	3, 9
754	Gordon	Fulks	1
755		kclewis@charter.net	9
756	Sally	Babcock	9
757	Mac	Jackson	10
758	Ross	Williams	10
759	Jim	Karlock	10
760	Harold	Johnson	9
761	Gordon	Fulks	10
762	Pat	Krikorian	9
763	Stephen	Smith	9
764	Jean	Denis	10
765	Ritch & Marlynn	Hanneman	9
766	Mark	Cosby	10
767	Everett J	Gollaher	9
768	Jeffry	Havlin	9
769	Michael	Nelson	9
770	Angela	Epperson	9
771	Debi	Byrd	9
772	Sandy	Pace	9
773	Brian & Valerie	Calley	9

Commenter to Comment Category Cross-reference

NOTE: Where possible DEQ noted the organization that the commenter was representing. DEQ only had email addresses to identify some commenters.

Comment #	First Name	Last Name	Comment Categories
774	Lorie	Young	9
775	John	Woods	9
776	David	Tooze	9
777	Minden	Tooze	9
778	Craig	Stephens	9
779	Melody	Spiker	10
780	Cory	Pinckard	10
781	Brenda	Epp	10
782	350EUG	Coordinator	10
783	Rebecca	Baldwin	9
784	Dave	White	9
785	Jefferson	Johnston	9
786	Cory	Pinckard	10
787	Blaze	Bault	10
788	Dennis	Muscato	9
789	Bud	Feules	10
790	Cory	Pinckard	10
791	Art	Lewellan	10
792	Cory	Pinckard	10
793	Albert	Kaufman	10
794	Michael De	Blasi	10
795	Mary	Poss	10
796	Greg	Driscoll	9
797	Joshua	Shooman	9
798	Jerry	Wolcott	9
799	Erin	Lamb	9
800	Roy	Webster	9
801	Katherin	Stone	9
802	Ana	Molina (Oregon Just Transition Alliance)	2, 4
803	Jennifer	Hill-Hart (Citizen Utility Board)	3, 4
804	Joanna	Zeigler (Our Children's Trust)	2, 4, 7, 8
805	John	Charles (Cascade Policy Institute)	2, 3
806-867	Public Hearing 1	62 Commenters	categories listed within response to comment
868-939	Public Hearing 2	72 Commenters	categories listed within response to comment
940-10,135	Email campaign comments	9,196 Commenters	categories listed for each form above in

Commenter to Comment Category Cross-reference			
NOTE: Where possible DEQ noted the organization that the commenter was representing. DEQ only had email addresses to identify some commenters.			
Comment #	First Name	Last Name	Comment Categories
			comments 1-10

Verbal comments were received at two public hearings on August 21, 2024 (62 comments) and September 26, 2024 (72 comments). Table 2 below lists all commenters at public hearings and the comment categories attached to each commenter. Where possible, DEQ noted the organization that the commenter was representing.

Table 2 List of Public Hearing Commenters

Hearing #	Name	Comment #	Comment Categories
1	Representative Pham	806	1,2
1	Senator Dembrow	807	2
1	Kathryn Williams (NW Natural)	808	3,4
1	Debi Ferrer (Protect Oregon's Progress)	809	1,9
1	Meredith Connolly (Climate Solutions)	810	1,2,3
1	Alicia Bermes (Beaverton Chamber of Commerce)	811	3
1	Nora Lehman (Families for Climate)	812	1,2,3
1	Audrey Leonard (Columbia Riverkeeper)	813	4,11
1	Ana Molina (Oregon Just Transition Alliance)	814	4
1	John Seng (Spark NW)	815	1,2,4
1	Rev. Richenda Fairhurst (Ecumenical Ministries of Oregon)	816	9
1	Je Amaechi (Unite Oregon)	817	1,2,4
1	Xitlali Torres (Verde)	818	2,3,9
1	Nora Apter (Oregon Environmental Council)	819	1,3,7
1	Natasha Jackson (NW Gas Association)	820	3,4
1	Linda Lu (350 PDX)	821	4
1	Melanie Plaut (Oregon Physicians for Social Responsibility)	822	2,3,4
1	Rebecca Goldcrump (B Local PDX)	823	9
1	Pat DeLaquil (MCAT)	824	2,4
1	Beny Penalosa	825	4
1	Jeff Hammarlund (COIN)	826	3,4
1	Metzin Rodriguez (Unite Oregon)	827	4
1	Sandy Polishuck	828	9
1	Hailey Watson (Oregon Building Trades Council)	829	11
1	John Stark (EDCO & OEDA)	830	3,7,11
1	Michaela McCormick (Extinction Rebellion)	831	2,3,4
1	Joe Stenger (MCAT)	832	5,9
1	Eliza Garcia	833	9
1	Alan Journet (SOCAN)	834	2,3
1	Pat Ketchmarek (350 PDX)	835	1,2,3,4,6
1	Commissioner Danielle Bethel (Marion County)	836	3,11
1	Tom Hoffert (Salem Chamber of Commerce)	837	3,4,11
1	Linn Handlin	838	2,4
1	Maleek Mckenzie (Sierra Club)	839	1,2,4

1	Greer Klepacki (Community Energy Project)	840	1,2,3,4
1	Brian Stuart (Electrify Now)	841	1,2,6
1	Matchu Williams (SE Uplift Neighborhood Association)	842	1,2,3,6,9
1	Stephanie Tidwell (Water Climate Trust)	843	4,9
1	Alan Spector (Cascade Natural Gas)	844	3,4,6,7,11
1	KB Mercer	845	1,2,4,6
1	Douglas Bove	846	1,6,13
1	Jane Stackhouse	847	1,2,4
1	Stuart Liebowitz (Douglas County Global Warming Commission)	848	2,4
1	Jess Grady Benson (Rogue Climate)	849	1,2,4,6
1	Juan Carlos Lopez	850	4
1	Casper Muiur	851	9
1	Carra Sahler (Green Energy Institute)	852	2,3,11
1	Janet Lorenzen (350 Salem)	853	4
1	Diana Meizenhelter (Extinction Rebellion)	854	1,2,4,6
1	Lauren Link (The Nature Conservancy)	855	2,4,6
1	Cherice Brock (350 PDX)	856	1,6
1	Sam Pardue (Endo)	857	1,2,4
1	Phillip Barnhart	858	9
1	Helena Birecki (Climate Reality Project)	859	4
1	Josh Proudfoot (Parametrix)	860	4
1	Tim Miller (Oregon Business for Climate)	861	2,4,5,6
1	Lynn Snodgrass (Gresham Area Chamber of Commerce)	862	3,4
1	Nakisha Nathan (Neighbors for Clean Air)	863	4
1	Angela Guse	864	6,9
1	Mark Quade	865	2
1	Ruth Dallas	866	6
1	Miranda Miller (Coalition for Climate and Economic Justice)	867	2,11
2	Representative Marsh	868	2,3,4
2	Senator Campos	869	2,7
2	Councilor Khosroabadi	870	9
2	Nate McCoy (National Association of Minority Contractors)	871	4
2	Tom Kelly (Neil Kelly)	872	4
2	Tim Miller (Oregon Business for Climate)	873	3,4
2	Andy Lorillo (350 PDX)	874	2,6,7
2	Eliza Walton (Oregon League of Conservation Voters)	875	1,2,4,11
2	Jan Mason (Mackenzie Architectural Firm)	876	4
2	Jennifer Crawl (Scientists and Extinction Rebellion)	877	1,2,6
2	Santiago Nolasco Galicia	878	2

2	Representative Evans	879	11
2	Dylan Plummer (Sierra Club)	880	9
2	Karen Harrington (Climate Reality Portland)	881	9
2	Brian Stewart (Electrify Now)	882	1,2,6
2	Rachel Roskelley (JR Simplot)	883	3,7
2	Jan Zuckerman	884	2,4
2	Athena Petty (New Seasons Market)	885	9
2	Greer Klepacki (Community Energy Project)	886	3,4
2	Kaleb Lay (Oregon Rural Action)	887	4,9
2	Wesley Allen (350 PDX)	888	1
2	Nora Apter (Oregon Environmental Council)	889	1,3,4
2	Harlan Schober (Extinction Rebellion)	890	1,2,3
2	Brad Reed	891	2,6
2	Annabelle Rousseau (Verde)	892	3,4
2	Sahalee McFarland (Northwest Native Chamber)	893	4
2	Matt Hanley (350 PDX)	894	9
2	Ruben Lancaster (350 PDX)	895	1,2,6
2	Jay Ward (Stellar Strategies)	896	3,4,7
2	Samantha Hernandez (Oregon Physicians for Social Responsibility)	897	2,6,7
2	Rob Foster (ATI Components)	898	7
2	Senator Woods	899	1,3,11
2	Phillip Barnhart	900	9
2	Pat Delaquil (MCAT)	901	3,4
2	Lisa Arkin (Beyond Toxics)	902	1,2,4,6
2	Meredith Connolly (Climate Solutions)	903	1,2,7,11
2	Raven Thompson (NAACP Lane County)	904	2,4,9
2	Laura Iwanaga (Third Act Oregon)	905	1,2,6
2	Alan Journet (Southern Oregon Climate Action Now)	906	9
2	Brent Baglein (Lamb Weston)	907	7
2	Zach Mulholland	908	4
2	Miranda Miller (Coalition for Climate and Economic Justice)	909	4
2	Ethan Scarl	910	2
2	Sophie Els (Oregon Climate and Agriculture Network)	911	9
2	Trevor Beltz (Tillamook Cremery)	912	4,7
2	Sharla Moffett (Oregon Business and Industry)	913	3
2	Donny Neil (Western States Petroleum Association)	914	4,7,11
2	Jeremy Price (HF Sinclair)	915	2,5
2	Dineen O'Rourke (350 PDX)	916	1,2,6
2	David Reed (Astoria Chamber of Commerce)	917	3,4

2	Jessica McBride	918	9
2	Nick Staub (Ed Staub and Sons)	919	2
2	Katie Schneer (Environmental Defense Fund)	920	1,2
2	Brad Archuleta (Oregon Association of Plumbers and Pipefitters)	921	3
2	Lauren Kuenzi (Oregon Farm Bureau)	922	3
2	Angus Duncan (Natural Resource Defense Council)	923	9
2	Leon Araiza (Advanced Tribal Contracting)	924	9
2	Mark Dirienzo	925	9
2	Peter Fargo (Ecumenical Ministries of Oregon)	926	9
2	Tova Woyciechowicz	927	4
2	Joel Iboa (Oregon Just Transition Alliance)	928	9
2	Maria Sipin	929	9
2	Nora Harren (350 Deschutes)	930	9
2	Jacob Barlow (Future Awareness)	931	9
2	Evan Goss-Lemelle (Black American Chamber of Commerce)	932	9
2	Diana Miesenhelter (Timothy Crump)	933	2,4
2	Ira Cuello Martinez (PCUN)	934	4
2	Michaela May	935	9
2	Chuck Weise	936	9
2	Mary Moerlins (NW Natural)	937	3,4
2	Paul Vogel (Columbia Economic Team)	938	3,4
2	Jess Grady Benson (Rogue Climate)	939	1,2,6

Table 3 Comment Categories

Category #	Category	Description
1	Program scope and purposes	DEQ received comments on the scope of the proposed program. These included comments requesting clarification on the scope of covered emissions, comments requesting additional exemptions from covered emissions, comments requesting the inclusion of additional sectors, comments on DEQ authority to implement the proposed CPP 2024, and comments on program purposes.
2	Emissions cap	DEQ received comments on the proposed emissions cap. This included clarification questions and comments on the emissions cap baseline, cap reduction trajectory, and distribution of early reduction instruments in 2025.
3	Fiscal impact statement and program costs	DEQ received comments on the fiscal impact statement and projected costs of the proposed program. This included comments on compliance flexibility and cost containment mechanisms, the fiscal impact statement and modeling, mitigation of potential leakage of emissions and businesses, impacts to fossil fuel prices and customer bills, and overall impacts on businesses and individuals in Oregon.
4	Community Climate Investments (CCI)	DEQ received comments on the Community Climate Investments component of the proposed program. This included comments on the overall CCI design, the CCI credit contribution amount, the fee on third-party CCI entities for administration and oversight, the relationship between the CCI entities and covered entities, eligible projects and prioritization for CCI funds, the prioritization of environmental justice communities, the requirements, eligibility, and reporting of third-party CCI entities, banking and trading of CCI credits, the allowable usage of CCI credits to demonstrate compliance, and the potential for offsets and other credits as an additional flexibility mechanism.
5	Compliance instruments	DEQ received comments on compliance instruments, including comments on the compliance instrument distribution methodology for each covered entity, the free distribution of compliance instruments, and the banking and trading of compliance instruments.

6	Compliance period and enforcement	DEQ received comments on the length of compliance periods and enforcement provisions for the proposed program.
7	Covered entities- EITE sources	DEQ received comments on treatment of energy intensive trade exposed (EITE) industries in the proposed regulation of these sources. This included comments on inclusion of EITEs as covered entities, applicability threshold for EITEs and EITE eligibility, emission reduction targets for EITEs, and compliance instrument distribution methodology (calculation of carbon emission intensity targets).
8	Covered entities- BAER sources	DEQ received comments on the best available emissions reduction (BAER) approach to regulating industrial facilities' emissions. These comments included topics such as the BAER process, and approach to address industrial emissions.
9	General comments and inquiries	DEQ received general comments, both supportive and critical of the proposed program. These comments did not call out specific suggestions related to the proposed program.
10	Out of scope	DEQ received comments that were out of scope of this rulemaking. These comments included topics such as complementary programs and policies, the science behind climate change, and ways to address emissions outside of Oregon.
11	Rulemaking process	DEQ received comments on the CPP 2024 rulemaking process. This included comments on the rulemaking timeline, process, and advisory committee.
12	Definitions	DEQ received comments on the proposed program definitions.
13	Program implementation	DEQ received on program review, evaluation, and resources for implementation.

Comment category responses

1. Program scope and purposes

Covered emissions, exemptions from covered emissions, applicability: DEQ received comments requesting clarification on exemptions from the proposed program's covered emissions and requests to add additional emissions sources to the proposed program, including:

Point of regulation: DEQ received comment on why natural gas delivered to an EITE source is not included in a natural gas utility's covered emissions. DEQ's intention in the

design of the proposed CPP 2024 is to clearly identify one point of regulation, that is one covered entity, for emission covered by the program's declining emissions caps. While many complementary programs at DEQ and across the state support the transition to cleaner fuels and significant reductions in emission from fossil fuels, DEQ doesn't intend to double-regulate emissions.

Landfills: In responding to comments on why emissions from landfills are exempted in the proposed program, DEQ notes that emissions from landfills are separately regulated under OAR chapter 340, division 239. As noted above, DEQ does not intend to double-regulate emissions.

Aviation fuels: DEQ received comment that emissions from aviation fuels, such as jet fuel, should be regulated under the proposed rules. DEQ notes that the federal government has jurisdiction to regulate pollutant emissions from aircraft and the Clean Air Act prohibits states from adopting any other standards for emissions from aircraft.

Electricity sector: DEQ received comments that the proposed program should include emissions from the electricity sector and should regulate natural gas power plants. DEQ notes that emissions from the electricity sector are regulated under the separate, Clean Energy Targets program, also known as HB 2021 (2021 legislative session). DEQ acknowledges that this complementary program is critical in ensuring the ongoing decarbonization of electricity used in Oregon and that the program does not address all emissions associated with electricity generation as detailed in comment.

Biologic carbon sequestration: DEQ received comments requesting the incorporation of biologic carbon sequestration into the proposed program. DEQ acknowledges that biologic carbon sequestration is an important tool in addressing climate pollution but is not a focus of the proposed CPP 2024. Primary objectives of the proposed CPP 2024 include:

- Establishing an enforceable, declining limit, on greenhouse gas emissions from fossil fuels used in Oregon
- Prioritizing equity by promoting benefits and alleviating burdens for environmental justice communities.
- Including tools to support the transition to cleaner fuels in environmental justice communities least able to benefit from clean energy alternatives
- Providing for considerable compliance flexibility to minimize potential costs to business and support a strong economy.

Emissions from pollution control devices: DEQ received comment recommending that emission from air pollution devices required at stationary sources be exempted. DEQ does not believe these emissions should be exempted as they are part of the overall emission from of the operation of the facility and the emissions are released into the atmosphere. DEQ also notes that DEQ will develop carbon emissions intensity targets to regulate EITE sources and other stationary sources that use natural gas that

is not provided by the local distribution companies (“direct natural gas” or “DNG” sources).

DEQ authority to implement CPP 2024: DEQ received comments that questioned DEQ’s authority to implement the proposed CPP 2024. DEQ has concluded that EQC has the authority to adopt CPP 2024 as proposed in these rules.

Program purposes: DEQ received comments on the purposes of the proposed CPP 2024 which were to reduce greenhouse gas emissions from sources in Oregon, achieve co-benefits from reduced emissions of other air contaminants and enhance public welfare for Oregon communities, particularly environmental justice communities disproportionately burdened by the effects of climate change and air contamination.

To support these purposes; the program in part (OAR-340-273-0010):

- Requires that covered entities reduce greenhouse gas emissions.
- Supports reduction of emissions of other air contaminants that are not greenhouse gases.
- Prioritizes reduction of greenhouse gases and other air contaminants in environmental justice communities.
- Provides covered entities with compliance options to minimize disproportionate business and consumer economic impacts associated with meeting requirements.
- Allows covered entities to comply in part through contributing community climate investment funds to support projects that reduce greenhouse gas emissions and prioritize benefits for environmental justice communities in Oregon.

DEQ did receive comments that DEQ should only prioritize one or some of these program purposes. DEQ notes that these goals were developed and supported not only in the CPP 2024 rulemaking, but also during the over eighteen-month development of CPP 2021 and the two years of program implementation and engagement that followed. DEQ believes these purposes need to be jointly pursued so communities across Oregon can benefit from emission reductions and transition to cleaner fuels.

In response to comment, these final proposed rules include updates to OAR-340-273-0010 to add:

- Incentivizes the reduction of emissions from industries in Oregon, while allowing trade-exposed industries to remain competitive and supporting the state’s economy.

2. Emissions cap

Emission cap and reduction trajectory: DEQ received many comments supportive of reinstating the emission reduction caps as soon as possible, keeping Oregon on track to

achieve meaningful emission reductions, and maintaining the ambitious emission reduction targets from CPP 2021.

Other commenters felt the cap should be strengthened because covered entities were able to reduce emissions faster than required prior to the invalidation of CPP 2021 and the latest science indicates that more emission reductions are needed to protect future generations from the worst and most catastrophic impacts of climate change. DEQ also received comments that emission reduction targets were too ambitious and DEQ should either reset the starting baseline for a new cap in 2025 and/or reduce the rate of decline in the emission caps.

DEQ has proposed some adjustment to the annual caps, as compared with CPP 2021, to reflect other changes in the final proposed rules, such as the exemption from compliance obligations for EITE and DNG sources for the first compliance period and the inclusion of all covered emissions under the declining caps. However, DEQ has not made changes to overall emission reduction targets and believes the proposed program can significantly reduce emissions by accelerating the transition from fossil fuels to cleaner alternatives and supporting investments in industrial decarbonization strategies, minimize costs to business and consumers, support a strong economy, avoid the potential leakage of emissions and relocation of regulated facilities to other jurisdictions without climate pollution policies, and promote an equitable transition across Oregon.

Emission caps calculations: DEQ received clarification questions on how the annual emissions caps were calculated. DEQ has also released a spreadsheet with supplemental information about the emission caps and potentially covered entities.

The starting point for the 2025 emissions cap was the 2025 emissions cap from the CPP 2021 rules, which was based on the 2017 – 2019 average covered emissions from all local distribution companies and other fuel suppliers covered under the cap. The cap was then adjusted by removing emissions from natural gas use from EITE and DNG sources that were previously covered at the local distribution company level because these emissions are exempt during the first compliance period. The annual declining emissions caps were determined to achieve a 50% emissions reduction by 2035 and a 90% reduction by 2050. The emissions cap is adjusted upwards in 2028 both for the re-addition of natural gas emissions from EITE and DNG sources and other process emissions from these sources, as well as for the lowered fuel supplier threshold of 50,000 MT CO₂e. The cap is again adjusted upwards in 2030 to include new fuel suppliers entering the program when the fuel supplier threshold decreases to 25,000 MT CO₂e.

Early reduction instruments: DEQ received comments in support of recognizing early action by fuel suppliers on emission reduction prior to 2025. These comments assert that it is important to reward these reductions, recognize the actions taken by fuel suppliers in achieving these reductions and incentivize continued near-term emissions reductions under CPP 2024.

DEQ also received comments critical of distributing any early reduction compliance instruments, proposals to distribute any early reduction compliance instruments gradually, or to limit their use by restricting trading. These comments were generally concerned that recognition of early action would delay near-term emissions reductions, either directly by covered entities or via reduced contributions made to a CCI entity for investment in eligible emission reduction projects.

In response, DEQ notes that the proposed formula for calculating any early reduction instruments for 2025 is to ensure that the proposed CPP 2024 reaches a 50 percent reduction from average 2017-2019 emissions by 2035 and 90% reduction by 2050.

DEQ notes that many fuel suppliers made significant strides in reducing emissions in 2022 and 2023. By recognizing early action DEQ can reward fuel suppliers who reduced emissions in 2022 and 2023, can incent emission reductions prior to the start of CPP 2024, and provide additional cost containment for all fuel suppliers while maintaining significant emission reductions. DEQ also believes that distributing any early reduction instruments in 2025 could potentially support market liquidity, that is the availability of instruments when needed, market efficiency and provide price discovery for regulated entities in the initial years of the program. Therefore, DEQ continues to believe a one-time distribution in 2025 without any such limits is appropriate but has made changes to the racial impact statement to reflect the concerns expressed in some of these comments.

DEQ also received comments that would increase the number of 2025 compliance instruments that would be distributed. As noted above DEQ's proposed formula for calculating any early reduction instruments for 2025 is to ensure that the proposed CPP 2024 reaches a 50 percent reduction from average 2017-2019 emissions by 2035 and 90% reduction by 2050.

DEQ receive comments that proposed changes to how DEQ would distribute any early reduction compliance instruments among fuel suppliers. DEQ is making a change in response to comments that all covered fuel suppliers in 2025 (i.e., including those with overall annual emissions under 200,000 MT CO₂e who would not have been covered entities under CPP 2021) should be included in the distribution of 2025 early reduction instruments since all covered fuel suppliers should be treated in the same manner at the beginning of the program. DEQ agrees with these comments.

Another comment requested that DEQ consider trading for compliance instruments in determining the distribution of early reduction instruments. DEQ was unsure how trading for compliance instruments was not already accounted for in DEQ's proposed calculation of early reduction instruments available for distribution in 2025. DEQ elected to continue to base the distribution of the early reduction instruments among fuel suppliers on the amount of biofuels provided by each fuel supplier because that was a primary emission reduction strategy available to fuel suppliers- shifting supply from fossil fuels to biofuels and represents actions that DEQ wants to continue to incent.

DEQ was also asked to consider reinstatement of CPP 2021 compliance instrument accounts. The invalidation of CPP 2021 has resulted in entities that were subject to those rules not having any compliance obligations for emissions from 2022 through 2024. Except for the one-time distribution of early reduction compliance instruments in 2025, DEQ is not proposing to distribute compliance instruments in addition to the annual caps in the proposed CPP 2024. To do so would render the declining and enforceable caps meaningless and would result in an overwhelming excess of compliance instruments as compared with compliance obligations under CPP 2024. This would significantly delay achievement of the 50% reduction of emissions by 2035 and 90% by 2050.

DEQ does not believe this will create any uncertainty for fuel suppliers subject to CPP 2024 who may wish to trade compliance instruments. Such fuel suppliers operate sophisticated businesses that are fully capable of performing due diligence and risk assessment, and drafting contract provisions to protect themselves from uncertainties and future contingencies.

DEQ also received comment that a two-year compliance period may increase uncertainty for regulated entities and any emission reduction investments would be wasted if CPP 2024 is invalidated. In response to these comments and other comments, DEQ is proposing to use three-years for the first compliance period, in part to provide more flexibility to all regulated entities at program start. As stated in response #1 DEQ believes these rules as proposed are within EQC authority to adopt.

3. Fiscal impact statement and program costs

DEQ received multiple comments on the fiscal impact statement included in the Notice of Proposed Rulemaking and program costs. DEQ received comments acknowledging the breadth of the fiscal impact statement, comments that the fiscal impact statement was not sufficient, comments requesting additional information on impacts to regulated entities, comments that the modeling or analysis conducted by DEQ in CPP 2021 rulemaking was not complete or no longer useful, and comments requesting that DEQ conduct additional modeling to include in the fiscal impact statement, requests for additional material and analysis of the cost of inaction on climate pollution and additional federal investments available for reducing emissions from fossil fuels and for industrial decarbonization.

DEQ received comments from natural gas utilities and EITE sources that there were limited technical or economically feasible options for them to reduce emissions, while other commenters felt that the compliance options available to covered entities under the proposed rules were sufficient. Some comments drew attention to challenges with current electricity availability and grid reliability when considering electrification as an emissions reduction tool.

DEQ also received many comments concerned about potential impacts to natural gas rates and customer energy bills due to the proposed CPP 2024, with some comments

requesting that DEQ include a cost cap on natural gas rates or cost cap on CPP 2024 compliance costs for natural gas utilities. DEQ also received comments that included analysis of potential costs of CPP 2024. This included analysis submitted by regulated entities that participated on the rulemaking advisory committee. This included a study prepared by MW Analytics on behalf of the Alliance of Western Energy Consumers, Food Northwest, the Northwest Pulp and Paper Association, Oregon Business and Industry, and the Oregon Forest Industries Council. As described by the author, the study was prepared to evaluate potential cost impacts to customers served by Oregon's three local distribution companies—as well as analysis of the cost impacts to EITE sources. As described by the author, the study focuses solely on the impact of the proposed regulations on the effective cost of natural gas and does not consider other macroeconomic impacts or examine other fossil fuels, such as gasoline or diesel.

General: DEQ has updated the Fiscal Impact Statement with the information provided in comments to show the range of potential impacts. DEQ has also updated the Fiscal Impact Statement for changes to the proposed CPP 2024 as included in the staff report to the EQC. DEQ has analyzed the fiscal impacts of the proposed CPP 2024 to the best of DEQ's ability and as required for a rulemaking like this.

The CPP 2024 proposed rules offer various options and flexibility for covered entities to comply such that a given covered entity may reduce its emissions in a way that aligns with its circumstance, perspective, and business needs. The CPP 2024 proposed rules provide compliance flexibility to regulated entities in the form of multi-year compliance periods, the ability to bank and trade compliance instruments, and covered entities can also choose to earn CCI credits by contributing funds to approved CCI entities.

Natural gas rates: Demand response, increased electrification, increased biomethane, hydrogen, and future technologies can all drive down demand for natural gas over time, but DEQ acknowledges that the limited availability of biomethane (relative to other biofuels) means that there is a greater potential for impacts to natural gas rates.

DEQ notes that moving the point of regulation for emissions from natural gas supplied by utilities to EITEs, the exemption of EITEs and DNGs from compliance obligations in the first compliance period, along with extension of the first compliance period, reduces potential impact to natural gas rates.

In response to these comments, DEQ has made changes to the requirement that DEQ request information from the Oregon Public Utility Commission (PUC) on changes to customer rates that may be attributable to a utility's compliance costs for CPP 2024. DEQ has added the requirement that DEQ request this information at least once per compliance period. Based on information provided to DEQ from PUC, DEQ is directed to consider both existing and projected natural gas rates to determine what is attributable to a utility's costs to comply with CPP 2024. This assessment is forward looking as DEQ would now have to consider a utility's current and projected costs to comply with CPP. If DEQ were to determine that the rates would significantly increase,

when compared over a similar timeframe to neighboring states with enforceable and declining limits on greenhouse gas emissions from natural gas, DEQ could recommend and implement changes.

DEQ also received comments that the proposed changes to the compliance instrument distribution to include EITEs had unbalanced the distribution to natural gas utilities, so only two of three utilities received the benefit of moving the point of regulation to EITEs. In response, DEQ has proposed to reallocate the share of instruments to the local distribution companies to more evenly spread the benefits of removing EITE sources from their compliance obligations.

Impacts to regulated stationary sources/industrial leakage

In proposing these rules, DEQ aims to significantly reduce emissions by accelerating the transition from fossil fuels to cleaner alternatives and supporting investments in industrial decarbonization strategies. Key program considerations include minimizing costs to business and consumers by supporting sustainable economic health, avoiding the potential leakage of emissions and relocation of regulated facilities to other jurisdictions without climate pollution policies, and promoting an equitable transition across Oregon.

Placing the point of regulation for natural gas at covered EITE sources gives these large stationary sources direct control and options for reducing emissions, providing them with the flexibility to lower compliance costs. Direct regulation of EITE sources allows for DEQ to assign a slower and reduced emissions reduction trajectory than the trajectory for other covered entities, which DEQ believes will alleviate potential business and emissions leakage, the relocation of business outside of Oregon to jurisdictions without comparable emission reduction programs.

In response to comment, DEQ is also proposing to exempt both EITE and DNG sources from compliance obligations for the first compliance period to allow time to develop declining carbon emissions intensity values for these sources. In the Notice of Proposed Rulemaking, DEQ proposed a simplified approach to distribute compliance instruments to each EITE source in the first compliance period, equivalent to 100% of recent emissions until DEQ could develop the carbon emissions intensity baselines. DEQ is proposing this change in response to comments received, including a study that indicated EITE compliance costs declined materially once carbon emission intensity baselines were implemented.

As noted elsewhere, DEQ is also proposing to add one year to the first compliance period to allow more time to develop the carbon emission intensity baselines and reduction targets for EITEs and DNGs.

Commenters suggested DEQ proactively forecast the expected feasibility of compliance into the next compliance period to make program changes before covered entities are unable to comply with the program. DEQ did not make any proposed program changes

in response to these comments, but the proposed rules contain sufficient flexibility to make program adjustments as needed.

4. Community Climate Investments:

Commenters provided input on many aspects of the Community Climate Investments (CCI) aspects of the proposed rules including the CCI contribution amount, eligible projects for the CCI funds, the Equity Advisory Committee, the third-party CCI entities, the CCI fee, and banking and trading of CCI credits. DEQ also received comments that were both generally supportive and critical of the CCI program. CCIs are included in the proposed rules after extensive engagement and feedback from communities most impacted by climate change and are designed to meet multiple program goals. CCIs are an optional compliance pathway for regulated entities and add flexibility to the program.

Some comments requested the immediate implementation of the CCI program so investments and programs can provide benefits sooner rather than later to communities most impacted by climate change. Some comments requested that the state set up a holding account to receive, disburse, and track CCI funds before a CCI entity is in place. DEQ has determined that the EQC does not have the authority to collect these funds. DEQ will work efficiently to set up the Equity Advisory Committee and request applications for third-party CCI entities, so this optional compliance pathway is available to regulated entities as soon as possible after program adoption if approved by EQC.

CCI contribution amount: DEQ received supportive and critical comments on the CCI contribution amount. Commenters compared the contribution amount to offset costs, the cost of auction credits from neighboring states, and the social cost of carbon. The contribution amount for a CCI credit was determined using multiple sources of information including the review of costs associated with implementing similarly eligible projects. The amount reflects the anticipated costs of needed oversight and accountability, building capacity for organizations to achieve the target GHG reductions in Oregon, and tracking all reductions and metrics, among other implementation needs. DEQ did not make any changes to the CCI contribution amount in response to these comments. Some commenters suggested linking to other regional climate markets. DEQ is not proposing to link the proposed program to any other program or other jurisdiction.

Eligible uses of funds: DEQ received comments regarding eligible uses of CCI funds and the importance of the 1 to 1 reduction requirement for the CCI credits. DEQ believes that the 1 to 1 reduction requirement is important for meeting the program goals to reduce emissions by 90% by 2050. For every CCI credit, 1 ton of emissions must be reduced. However, if a contribution of CCI funds does not result in 1 MT CO₂e of emission reduction, the covered entity is not required to make up the difference. CCI entities are responsible for spending CCI funds according to program rules and their written agreement with DEQ. DEQ will track program success in collaboration with the approved third-party CCI entity or entities. DEQ has proposed a program review every

two years of the CCI program and will use that as an opportunity to track progress towards achieving the purposes of CCIs, including evaluation of the efficacy of CCI entities and whether they should continue in that role, and will be an opportunity for DEQ and the EQC to consider changes to the program to better meet goals, if and as needed. DEQ received many comments in support of the eligible uses of funds and the prioritization of environmental justice communities in Oregon. DEQ also received comments requesting additional eligible projects including tree planting, soil health practices, wetland protection, and other natural climate solutions. While sequestration is an important tool for addressing climate change, the CPP is designed to drive reductions of anthropogenic greenhouse gas emissions, primarily those from fossil fuel combustion. DEQ believes CCI-funded projects should support the transition from fossil fuels, focusing on mitigating costs and reinforcing equity. One of the CCI priorities is supporting the transition of residential, commercial, industrial, and transportation-related uses of fossil fuels in and near environmental justice communities.

DEQ received several comments requesting clarification that EITEs and other stationary industrial sources could benefit from CCI funds to help fund decarbonization projects. Industrial projects were included as an eligible project type in CPP 2021 and DEQ has not proposed to remove them in these proposed rules. To provide further clarity, DEQ has included additional language stating that industrial decarbonization is an eligible project category for the use of CCI funds. Others suggested it is unlikely industrial decarbonization projects would be funded under the proposed CCI model and requested a direct funding pathway for such projects. DEQ acknowledges this concern and in response has added language that more explicitly notes industrial decarbonization as a project area for CCI funds and that prioritizes the inclusion of EAC members with experience in reducing greenhouse gas emissions, including industrial decarbonization expertise, which may encourage the flow of CCI investments in industrial projects.

DEQ received comments highlighting the need for rural communities to receive CCI projects and funds due to the many challenges faced by rural communities today. Rural communities fall within the definition of environmental justice communities used in the proposed rule and CCIs are to be prioritized for environmental justice communities.

Other comments suggested that CCI funds be specifically earmarked for the decarbonization of the industries that funded the credits. DEQ does not believe that this siloed approach matches the goals of the CCI program and is not proposing to apply additional restrictions to CCI projects.

DEQ received comments in support of the proposed requirement that a CCI entity must use a minimum of 15% of CCI funds that are used for implementing eligible projects for projects that benefit federally recognized tribes and tribal communities in Oregon.

CCI entities: The proposed rules require that CCI entities must be a 501c3 non-profit organization. This requirement was supported by many commenters who believed that

a non-profit organization would provide a more mission driven focus and result in more meaningful community partnerships. Other commenters disagreed and believed that CCI entities should not be restricted to non-profit organizations to increase the pool of possible CCI entities and improve the efficiency of CCI funding. DEQ does not believe EQC has the appropriate authority to assess a fee on an approved CCI entity, if the CCI entity is not a non-profit. The CCI entity fee supports DEQ's capacity to properly administer and oversee the CCI program.

Some comments questioned the ability of DEQ to audit the third-party CCI entity and audit the emission reductions. The proposed rules include specific requirements for auditing of the CCI entities and emission reductions. The legislatively adopted CCI fee will also support these activities for thorough oversight and accountability of the CCI program.

Offsets: DEQ received supportive and critical comments on the inclusion of offsets as an additional pathway to demonstrate compliance. Many comments emphasized that DEQ heard it was important that the proposed CPP 2024 provide benefits directly to Oregon communities. The proposed CPP 2024 program, including the CCI component is a unique model developed specifically for Oregon. It is a voluntary program feature that provides covered entities with additional compliance flexibilities. The funds will be invested to project that will result in increased, health, economic, and welfare benefits for environmental justice communities, and federally recognized tribes and tribal communities in Oregon. CCI credits use a single contribution amount, providing certainty to regulated entities. This single price supports an equitable distribution of projects by allowing for a variety of projects to be equally supported by CCI funds. With the CCI program, covered entities can receive CCI credits once they have contributed funds, while third-party entities work with communities on project implementation. DEQ received comments during the rulemaking process that the inclusion of offsets would undermine CCIs and that offsets would not improve benefits for environmental justice communities in Oregon. DEQ also received comments that advocated for the inclusion of offsets as another path to demonstrate compliance. DEQ does not believe that offsets or other alternatives compliance options should be included in the proposed CPP 2024 at this time.

CCI fee: DEQ received comments about the legislatively approved fee on CCI entities that would support program administration and oversight. DEQ received comments that administration and oversight of the CCI program are critical to success. Comments also advocated for additional accountability for the CCI entities and public review of materials. DEQ agrees that implementing a transparent and accountable CCI program is required for program success. DEQ believes the CCI fee addresses these concerns as it will allow for the proper resources for oversight and administration of the CCI program. Commenters noted that the proposed CCI fee could raise a large amount of money and should be capped at reasonable administrative costs so that more funds are directed toward emission reduction projects. DEQ agrees and notes that the fee is the

maximum amount that may be collected and DEQ may reduce or suspend the fee if the legislatively approved administration and oversight activities are fully funded.

EAC: DEQ received a comment that advocated for the Equity Advisory Committee (EAC) to review and provide feedback on DEQ's work plan and anticipated budget from the CCI fee. DEQ recognizes that the amount of available resources for administration and oversight of the CCI program from this fee is unknown. DEQ intends to review the anticipated CCI fee amount, and the activities supported by the fee with the EAC regularly.

DEQ also received comment that advocated for industry seats on the EAC. While DEQ believes that the EAC membership should be prioritized for those communities, organizations, and individuals who have been historically underrepresented in public processes and who are disproportionately impacted by the adverse effects of climate change, DEQ believes that there is room to add additional expertise within the framework of the EAC. DEQ made a change to the proposed rules to add clarity that expertise in emission reductions in transportation, residential, industrial, and commercial sectors would also be of interest for representation on the committee. DEQ believes that it would be limiting to add a requirement where each seat represents a different interest or region in Oregon and will continue to seek diverse representation of relevant expertise, lived experience, and environmental justice communities on the EAC.

CCI credit banking and trading: DEQ received comments that requested the ability to bank and trade CCI credits. Allowing for the banking of CCI credits would give regulated entities certainty that the credits could be used for future compliance if they were not needed to demonstrate compliance in the period in which the CCI credits were received. DEQ notes that as proposed, covered entities can choose to earn CCI credits up to the demonstration of compliance for each compliance period but has changed the proposed rules to allow for the banking of CCI credits for the compliance period they are received in and one additional compliance period. CCI credits still cannot be traded.

Allowable usage of CCI credits: DEQ received comments that requested changes to the allowable usage percentage for demonstrating compliance with CCI credits, including no limit, increasing the limit and decreasing ability to use CCI credits to demonstrate compliance. The proposed rules include 15% allowable usage of CCIs in the first compliance period and 20% allowable usage for the second period and beyond. DEQ believes that 15% is appropriate percentage to provide compliance flexibility and did not make changes to this proposed percentage.

5. Compliance Instruments

Compliance instruments distribution methodology: Several comments requested that DEQ clarify the order of operations for the distribution of compliance instruments from the cap. DEQ has amended the proposed language for compliance instrument distribution to match the intent, which was that, starting with the second compliance period, compliance instruments are first distributed to directly regulated stationary

sources (EITE sources and DNG sources). Following this distribution, natural gas utilities would receive the share of the remaining compliance instruments proposed in Table 4 (and would be the first to be distributed compliance instruments in the first compliance period). Finally, all remaining instruments would be distributed to other covered fuel suppliers as outlined in OAR 340-273-0420. DEQ received comments that the proposed changes to the compliance instrument distribution to include EITEs had unbalanced the distribution to natural gas utilities, so only two of three utilities receive the benefit of moving the point of regulate to EITEs. In response to comment, DEQ has reallocated the share of instruments to the local distribution companies to more evenly spread the benefits of removing EITE sources from their compliance obligations, while maintaining the overall share of the cap set aside for these three covered entities.

DEQ received comments that opposed this formula and requested that the distribution for liquid fuel suppliers be done first so that the new EITE distribution was only taken from the share that would have gone to the natural gas utilities, rather than from all fuel suppliers. DEQ notes the multiple compliance flexibility options in the proposed rules, comments on the proposed CPP 2024 rule's impacts on natural gas rates, and the relative lack of available biomethane supply in relation to biofuels for gasoline and diesel. DEQ believes the proposed distribution can best support the overall goals and purpose of the program.

Trading: One commenter requested amendments to the proposed rules to allow all covered entities to trade compliance instruments. The proposed rules allow all covered entities to trade compliance instruments. Another commenter suggested that compliance instruments should not be tradable because this could allow a covered entity to avoid reducing their emissions and instead continue to pollute if they traded for compliance instruments. Compliance instrument trading is an important flexibility mechanism under the program that allows for emissions reductions to take place as efficiently as possible and offers benefits to entities that reduce their emissions. A commenter suggested that expanding the number of entities that could hold compliance instruments by allowing noncovered entities to participate in trading may increase liquidity. DEQ agrees that creating liquidity may be helpful but is not proposing this change at this time.

Alternative distribution options: DEQ received comments that DEQ not freely distribute compliance instruments, suggesting that DEQ auction or consign compliance instruments for sale. DEQ has concluded that DEQ does not have statutory authority to sell, auction, or consign compliance instruments.

Holding limit: One commenter observed that the compliance instrument holding limit in the proposed rules could inadvertently punish biofuel suppliers who receive compliance instruments but do not have large compliance obligations. DEQ agrees and has changed the holding limit calculation to include biofuels supplied in the state to the overall holding limit ceiling.

6. Compliance periods, demonstration, and enforcement

DEQ received comments both supportive and critical of the 2-year compliance period. Some comments advocated for longer compliance periods to allow regulated entities more flexibility with variable covered emissions and provide sufficient time to implement emissions reduction strategies. Other commenters advocated for a one-time, 1-year compliance period for 2025. Comments also provided comments on having partial compliance every year with full compliance at the end of the compliance period as used in other cap and reduce programs in other states.

DEQ has considered different lengths for the compliance periods and continues to believe that multi-year compliance periods are an important compliance flexibility and cost containment option. DEQ also notes that shorter compliance periods provide better incentives for, and more regulatory certainty to achieve, emission reductions and will aid in establishing a more robust and navigable market for compliance instruments. For these reasons, DEQ proposed a two-year compliance period in the Notice of Proposed Rulemaking.

DEQ continues to support these positions but recognizes that developing carbon intensity emission values for dozens of EITE and DNG sources is a complex process that will require considerable time and effort by DEQ along with considerable engagement with these sources, and other stakeholders. In response to comments, DEQ is proposing to add one year to the first compliance period to allow more time to develop the carbon emission intensity baselines and reduction targets. DEQ notes that if DEQ is unable to develop these targets before the beginning of 2028, all covered entities would have compliance obligations for each two-year compliance period thereafter.

Enforcement: DEQ received a comment that the rules' proposed enforcement mechanisms are overly punitive and should be less stringent. DEQ believes that the enforcement provisions are appropriate for the program to deter non-compliance.

7. Emission-intensive, trade-exposed facilities

Throughout the rulemaking process, DEQ received comments that emission-intensive, trade-exposed facilities (EITEs) operate within industry sectors that use significant amounts of energy, such as natural gas, in their operations, which exposes them to potentially significant compliance costs under an emissions reduction program like the proposed CPP 2024. These costs could put EITEs at a competitive disadvantage to facilities in other jurisdictions without similar emission reduction programs, forcing these facilities to potentially curtail production within Oregon or even move production outside of the state. This is known as leakage since business activity, and associated emissions, moves to jurisdictions without comparable emission reductions programs.

Feedback received from our rule advisory committee and the public during the rulemaking process expressed broad support for directly regulating natural gas emissions from EITEs. The CPP 2024 proposed rules move the point of regulation for these emissions from natural gas suppliers to the EITE end user, allowing EITEs to better control their own compliance costs and emissions reduction strategies according to their unique circumstances. Direct regulation of EITEs also allows for nearly one million metric tons of additional emissions to be brought under the declining emissions cap, rather than regulated as part of the BAER program.

Many commenters felt that the EITE regulations, as proposed in the Notice of Proposed Rulemaking, would have failed to avoid potential leakage and would create much higher costs for EITEs. Specifically, commenters mentioned the use of a mass-based emissions baselines for the first compliance period, higher cost of alternative compliance pathways, such as CCIs, a rapid emissions reduction trajectory, and the lack of flexibility in reduction trajectories.

Emissions reduction baseline: DEQ agrees with commenters that using carbon emissions intensity targets is the preferred option for regulating EITE sources. In response to these comments, DEQ is proposing to exempt both EITE and DNG sources from compliance obligations for the first compliance period to allow time to develop declining carbon emission intensity values for these sources. As stated in the proposed rules, DEQ intends to complete a subsequent rulemaking prior to the start of the second compliance period to establish intensity-based emissions targets for EITE and DNG sources. However, DEQ does not agree with many commenters' request to defer the introduction of mass-based emissions targets in the second compliance period if the EQC has not adopted intensity-based targets; EITE sources are a source of emissions, and it is important to provide certainty that emissions from EITE sources will be regulated under CPP 2024 by the second compliance period. DEQ considers a number of other concerns raised by commenters to be best addressed during the subsequent EITE rulemaking on developing carbon emission intensity targets, including comments on adjustments to the EITE emissions reduction trajectory.

Emissions reduction trajectory: Commenters generally requested that the EITE emissions reduction trajectory (Table 8 of the proposed rules) be reduced. These comments state that that the emission reduction trajectory was more significant than reductions proposed in comparable emissions reduction programs in neighboring states. DEQ notes that Table 8 is based on using a mass-based emissions approach for EITE sources and is therefore not comparable to a reduction trajectory in other programs that use carbon emissions intensity targets. DEQ also notes that the reduction trajectory in Table 8 is a much less significant reduction than the overall emissions targets of 50% by 2035 and 90% by 2050 for the overall program cap. Therefore, DEQ is not making any changes to Table 8 in response to these comments but notes that that emissions reduction schedule in Table 8 would only to be followed in the event the EQC does not adopt new EITE intensity-based regulations by the second

compliance period. DEQ has exempted EITE and DNG sources from compliance in the first compliance period.

EITE applicability: DEQ also received comments on the threshold used for EITE applicability, with some comments saying that the threshold was too low and allowed for too many facilities to be designated as EITE sources. Other comments requested that the inclusion of an opt-in provision to allow facilities within EITE sectors with emissions below the threshold to become directly regulated as EITE sources, pointing to similar provisions in neighboring programs. DEQ has considering these comments but is not proposing to change the 15,000 MT CO₂e emissions threshold for EITE regulation, which is both lower than the 25,000 MT CO₂e emissions threshold used for fuel suppliers (at the final threshold level) and in the BAER approach from CPP 2021 at this time, or and an opt-inclusion. A suggestion was also made to exempt EITE sources below this threshold either directly or by issuing free compliance instruments to local distribution companies to cover the emissions from EITE facilities below the 15,000 MT CO₂e threshold. DEQ does not agree that decreasing the overall emission reductions of the program align with program purposes and notes the EITE and DNG sources will be exempt from compliance obligations in the first compliance period. Commenters also suggested that EITE applicability could be based on aggregate emissions for smaller sources with a single owner, but DEQ has determined that maintaining alignment with our Greenhouse Gas Reporting Program data was preferred.

A request was made to include NAICS code 3253 in the list of EITE classified sectors. DEQ agrees with this change and has included the code in Table 7. The change does not have any effect on the EITE sources covered by the rule at this time.

Permitting: Commenters brought up the current permitting backlog at DEQ and raised concerns that sources would not be able to receive CPP permits quickly enough to receive compliance instruments. The permits issued under the proposed rules are very simple, stand-alone CPP permits that will be issued by CPP staff with no fee for covered entities. Fuel suppliers were required to obtain permits under CPP 2021 and there were no problems with permitting this group of entities.

Cessation requirements: It was suggested that DEQ amend the proposed rules to make it easier for a regulated entity to cease being covered under the program. DEQ considers the cessation timelines necessary to ensure covered entities have ceased operations or consistently fallen below the program threshold and wishes to avoid situations where covered entities exit and return to the program.

8. Best available emission reduction program

Many commenters suggested that DEQ should remove the Best Available Emission Reduction (BAER) program as a separate regulatory approach outside of the cap, and instead include all process emissions covered by this program under the emissions cap alongside fuel suppliers and EITE facilities. Other commenters continue to believe that the unique decarbonization pathways available to the industrial facilities covered by

BAER make this subset of regulated entities less suitable for inclusion under the emissions cap and better suited to the site-specific BAER approach.

In response to comments, DEQ made changes to the proposed rules by removing the BAER approach and is instead regulating these emissions under the cap. The establishment of EITEs and DNGs as categories of covered entities in the proposed CPP 2024 rules allows for a consideration of sector and facility specific processes in developing an emissions intensity baseline that makes the flexibility imagined by the BAER program less critical. DEQ is proposing to remove the separate BAER regulation in CPP 2024. Most of the entities that would have been covered would now have all of their combustion and process emissions covered as EITE or DNG sources under the declining emissions cap. This proposed change removes the differential treatment of different emission types and provides certainty that the wider scope of emissions now covered under the cap will decline over time. DEQ is now also proposing to exempt DNG and EITE sources from compliance in the first compliance period, in part to allow time to develop carbon emissions intensity values. While some commenters recommended keeping the BAER program in place until intensity-based targets could be adopted for the second compliance period, DEQ does not believe that undertaking a BAER approach for this limited timeframe is an effective strategy.

9. General comments

DEQ received generally supportive and generally critical comments on the proposed program that did not identify specific recommended changes to the proposed rules. DEQ thanks commenters for their engagement and comments.

10. Out of scope

DEQ received a wide array of comments that were out of the scope of the CPP2024 rulemaking. Some example topics include required climate education, urban and traditional forestry practices, land use and planning policies, public transportation options, plastic pollution, the science behind climate change, and others. DEQ acknowledges that many policies and programs could be implemented and are being implemented in Oregon to tackle climate pollution, build climate resiliency and reduce emissions. DEQ notes many programs are being developed or are currently being implemented to reduce climate pollution and support Oregonians in the transition to clean energy.

11. Rulemaking process

Rulemaking timeline and scope: DEQ received comments that appreciated the rulemaking process as well as comments that rulemaking process was not thorough enough or needed to be longer.

In February 2024 DEQ convened pre-rulemaking in-person listening sessions with groups of regulated entities and public stakeholder. DEQ appointed a 26-member rulemaking advisory committee with diverse perspectives, lived experience, and expertise. The rulemaking advisory committee met three times between April – June. These were all-day, in-person meetings in response to input provided at the listening sessions, and each included opportunities for public comment.

Following the third rules advisory meeting, DEQ issued a Notice of Proposed Rulemaking on July 30. The public comment period was announced at that time to conclude in Aug. 30, with a public hearing on Aug. 21. However, in response to a request for extension of the comment period, DEQ announced an extension through Sept. 27. DEQ also held second public hearing on Sept. 26, convened by the EQC. As noted above, DEQ received over 10,000 comments during this public comment period.

The CPP 2024 proposed rules are also informed by the CPP 2021 rulemaking, an over 18-month process, and two years of DEQ staff, regulated companies, other interested parties, and the public's experience implementing that program prior to invalidation. DEQ believes the CPP 2024 rulemaking process has been robust and several improvements have been made on based on comments submitted throughout this rulemaking process.

Utility provided information on proposed CPP 2024: Some commenters noted that they had received information from their natural gas utility, NW Natural, on the proposed CPP 2024. Some commenters were appreciative of the notification, others inquired if this information was accurate, and other comments asked what role DEQ had in the preparation of these materials. DEQ did not approve, review, or request that any regulated entity solicit comments on the CPP rulemaking. DEQ has no authority or role in reviewing or regulating these communications with customers.

12. Definitions

DEQ received comments on the definition of environmental justice communities. DEQ is not proposing change to the definition of environmental justice communities. DEQ notes that this definition was developed through extensive engagement with the public and communities in Oregon during CPP 2021 and was consistent with the definition used in the Clean Energy Targets. The definition has now been updated for consistency with the definition for environmental justice communities in House Bill 4077, which includes provisions related to Oregon's Environmental Justice Council.

DEQ is not proposing to make any changes to program definitions in response to comment but notes that changes have been made to the definitions due to changes in the proposed program.

13. Program implementation

DEQ received comments on the importance of effective program implementation, review, evaluation, monitoring, and public engagement. Some comments reflected the need for regular public engagement opportunities, clear and concise information on the program for improved public awareness and incorporating environmental justice considerations throughout the program. DEQ agrees with these comments.

DEQ has included specific program design elements in the proposed CPP 2024 to contain costs to businesses and consumers. For more discussion on potential costs of the proposed CPP, please see the Fiscal Impact Statement and responses to comment to category 3, “fiscal impact statement and program costs”.

DEQ intends to conduct regular program reviews and continue to analyze impacts and benefits. The proposed CPP 2024 includes specific program review provisions on tracking fossil fuel prices. If the average annual statewide retail cost of gasoline, diesel, or propane in Oregon increases year-over-year by an amount that is more than 20 percent higher than the average change in cost for the same fuel over the same period in Washington, Idaho, and Nevada, DEQ will investigate the cause of the increase and report to the EQC regarding whether changes should be made that would ameliorate a relative increase in costs in Oregon.

DEQ will also at least once per compliance period, request information from PUC to determine what changes in each utility’s proposed or current rates for different customer classes may be attributable to a utility’s projected or actual costs of compliance with CPP. If DEQ determines that the rates will significantly increase, when compared over a similar timeframe to neighboring states with limits on greenhouse gas emissions from natural gas, due to a utility’s actual costs to comply with CPP, DEQ will recommend to the EQC changes intended to moderate impacts to the affordability of the utility rates.