



DEQ Rulemaking Plan

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This document was prepared by
Oregon Department of Environmental Quality
Program Name
700 NE Multnomah Street, Suite 600
Portland Oregon, 97232

Contact: Emil Hnidey
hnidey.emil@deq.state.or.us
Phone: 503-568-0376
www.oregon.gov/deq



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800-452-4011 | TTY: 711 | deqinfo@deq.oregon.gov

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Information and contacts

If you have questions about a specific rulemaking, you may contact the subject matter expert listed for that rulemaking.

If you have other questions about DEQ rulemaking, contact the Rules Coordinator, Emil Hnidey, at emil.hnidey@deq.oregon.gov or 503-568-0376.

Summary

The Oregon Department of Environmental Quality uses Oregon Administrative Rules to implement Oregon laws. The Environmental Quality Commission has the legal authority to adopt rules that DEQ enforces.

A committee of DEQ's leadership team and the director review all proposed rulemaking concepts and considers how each concept aligns with DEQ priorities. They then determine whether to:

1. Add the concept to the DEQ Rulemaking Plan,
2. Postpone developing the rulemaking concept, or
3. Deny additional work on the concept.

2025 EQC Meeting Schedule:

- January 9-10
- March 13-14
- May 8-9
- July 10-11
- September 11-12
- November 13-14

Rules adopted since last report:

November 2024

Recycling Updates 2024

The Environmental Quality Commission adopted rules to clarify and implement the Plastic Pollution and Recycling Modernization Act of 2021. The Act requires producers of packaging, paper products and food service ware to support and expand recycling services in Oregon for their products. In this second rulemaking, the EQC adopted rules on multiple topics, including permitting standards and fees related to commingled recycling processing facilities; living wages and supportive benefits for commingled recycling processing facility workers; generator-facing contamination; covered product exemptions; standards for environmental impact evaluation and disclosure; and a waste prevention and reuse fee.

Wastewater Operator Certification 2024

The Environmental Quality Commission adopted rules to address the growing challenge of ensuring there is a sustainable, certifiable workforce to operate and maintain Oregon's wastewater utilities. This effort includes updating the qualification pathways to certification for wastewater system operators, facilitating operator certification reciprocity among states, modernizing and simplifying the way wastewater systems are classified, and expanding options for attaining compliance when a supervisory operator is not available.

Climate Protection Program 2024

The Environmental Quality Commission adopted rules to establish the Climate Protection Program 2024 in Oregon, as part of OAR Chapter 340, Division 273. The EQC also adopted corresponding rule amendments to chapter 340, Divisions 12, 215, 216, 253 and 272:

- Climate Protection Program 2024, Division 273
- Enforcement Procedure and Civil Penalties, Division 12
- Air Contaminant Discharge Program, Division 216

- Greenhouse Gas Reporting Program, Division 215
- Oregon Clean Fuels Program, Division 253
- Third-Party Verification, Division 272

The Climate Protection Program set an enforceable declining cap on greenhouse gas emissions from fossil fuels used throughout Oregon, including diesel, gasoline, and natural gas. The program is designed to reduce these emissions by 50% by 2035 and 90% by 2050.

In addition to significantly reducing climate pollution, the program:

- Supports reductions in other types of air pollution.
- Improves public health in Oregon communities, particularly environmental justice communities most impacted by pollution and climate change.
- Prioritizes equity by promoting benefits and alleviating burdens for these communities including communities of color, tribal communities, rural communities, and communities experiencing lower incomes.
- Provides regulated parties with compliance flexibility options to manage their costs.
- Supports a strong economy.

Pending rulemakings

There are 16 pending rulemakings in the current DEQ Rulemaking Plan. The table below provides the current schedule for each.

Dec. 23, 2024	2025											
	J	F	M	A	M	J	J	A	S	O	N	D
Legislative Session EQC Meeting												
	E		E		E		E		E		E	
1. Vehicle Inspection Program Updates 2024	E											
2. Clean Fuels Program Updates 2024	E											
3. E-Cycles 2024	E											
4. Willamette River Mainstem and Major Tributaries TMDL			E									
5. Underground Storage Tanks 2025	N	H			E							
6. Water Quality Fees 2025		A		N	H		E					
7. Air Quality Fees 2025		A		N	H		E					
8. Advanced Clean Truck Rules 2025 (Permanent)		A	N	H			E					
9. Onsite 2025	A			N					E			
10. Volatile Organic Compounds (VOCs) 2025				N	H				E			
11. PFAS 2025				N	H				E			
12. Cleaner Air Oregon TRV 2025				A	N	H					E	
13. Rogue River Basin temperature TMDL		A		A		N	H					
14. John Day River Basin temperature TMDL		A		A		N	H					
15. AQ Rules to Address Federal Regulations												
16. Coquille TMDL - TBD												
A – Advisory Committee N – Providing Notice (opening comment period) H – Public Hearing E – EQC Meeting D – Director Delegated Decision												

Planned EQC January 2025

1) Vehicle Inspection Program Updates 2024

Subject Matter Expert: Brett Schneider

Brett.Schneider@deq.oregon.gov

971-673-1652

This rulemaking is for non-fee program-wide rule updates for the Vehicle Inspection Program. Topics under consideration for this rulemaking include:

- Codifying the DEQ Too test method in rule
- Updating reciprocity provisions for vehicles that are temporally operating less than 150 miles outside of the Oregon border

DEQ plans to:

- Begin holding advisory committee meetings in April 2024
- Publish the notice of rulemaking and open the public comment period in September 2024
- Hold a public hearing in early October 2024

2) Clean Fuels Program Updates 2024

Subject Matter Expert: Bill Peters

Bill.N.PETERS@deq.oregon.gov

503-863-6259

Some of the items contained in this rulemaking were topics identified in the scoping of the CFP 2022 Expansion Rulemaking but were delayed due to the need to harmonize those changes with the California Low Carbon Fuel Standard program. California has begun their rulemaking process and the proposed timeline of our rulemaking aligns with theirs. Both jurisdictions will implement the changes in a parallel timeframe.

This rulemaking proposes the following:

- Regulatory changes to Division 253 are expected to:
 - Update the OR-GREET model used to calculate carbon intensity values in Oregon, in alignment with model updates occurring in California
 - Add new requirements for high-risk fuel pathways
 - Require third party verification for additional types of reports
 - Require validation for some fuel pathway applications
 - Clarify miscellaneous pathways and reporting requirements
- Regulatory changes to Division 272 are expected to:
 - Require third party verification for additional types of reports
 - Require validation for some fuel pathway applications

- Regulatory changes to Division 012 are expected to clarify violations associated with transferring illegitimate credits.

DEQ plans to:

- Hold advisory committee meetings between April and August 2024
- Publish the notice of rulemaking and open the public comment period in September 2024
- Hold a public hearing in October 2024

3) E-Cycles 2024

Subject Matter Expert: Rachel Harding

Rachel.Harding@deq.oregon.gov

503-929-7125

Rulemaking is required to clarify and implement [House Bill 3220 \(2023\)](#), which updates and makes necessary changes to the Oregon E-Cycles program. Potential instability in the program's collection network resulted in the passage of HB 3220. In addition to addressing the potential instability, HB 3220:

- expands the type of electronic devices that the program covers;
- increases the minimum number of collection sites the program must provide by statute;
- requires the program to provide equitable service throughout the state, including to rural areas and historically underserved populations; and
- streamlines program administration.

DEQ plans to:

- Hold advisory committee meetings between February and June 2024
- Publish the notice of rulemaking and open the public comment period in August 2024
- Hold a public hearing in September 2024

Planned EQC March 2025

4) Willamette River Mainstem and Major Tributaries TMDL

Subject Matter Expert: Michele Martin

Michele.Martin@deq.oregon.gov

503-880-7737

In 2013, the United States Environmental Protection Agency disapproved the Natural Conditions Criterion contained in Oregon's water quality standard for temperature due to the 2012 U.S. District Court decision for NWEA v. EPA, 855 F. Supp. 2d 1199 (D. Or., 2012). This portion of the temperature water quality standard was used in most temperature TMDLs issued from 2003 through 2012. On Oct. 4, 2019, the U.S. District Court issued a judgment for NWEA v. EPA, No.

Rulemaking Plan 2024

3:12-cv-01751-HZ (D. Or., Oct. 4, 2019) and required DEQ and USEPA to replace 15 Oregon temperature TMDLs that were based on the Natural Conditions Criterion and to reissue the temperature TMDLs based on the remaining elements of the temperature water quality standard.

This proposed rulemaking is to develop the **Willamette River mainstem and major tributaries** Total Maximum Daily Load (TMDL) for temperature for the Temperature TMDL Replacements under court order.

DEQ plans to:

- Hold advisory committee meetings between March and May 2024
- Publish the notice of rulemaking and open the public comment period in June 2024
- Hold a public hearing in July 2024

Planned EQC May 2025

5) Underground Storage Tanks 2025

Subject Matter Expert: Diana Foss

Diana.FOSS@deq.oregon.gov

503-869-0770

The intent of this rulemaking is to improve the safety of underground storage tank (UST) systems by increasing DEQ oversight of the work that UST service providers and supervisors perform on UST systems, and by ensuring that those who work on UST equipment demonstrate a minimum competency in performing that work. The rules governing UST service providers were updated in 2003, and do not reflect the newer requirements for testing of UST equipment that were updated in Oregon in 2018 and implemented in 2020.

DEQ plans to:

- Hold advisory committee meetings between August and October 2024
- Publish the notice of rulemaking and open the public comment period in January 2025
- Hold a public hearing in February 2025

Planned EQC July 2025

6) Water Quality Fees 2025

Subject Matter Expert: Jason Siimpson

Jason.Simpson@deq.oregon.gov

503-995-4054

The Water Quality program needs to increase fees by 3% in 2025 for fiscal year 2026, as provided in ORS 468B.051. Per statute, the amount of the increase may not exceed the anticipated increase in the cost of administering the program or 3%, whichever is lower. The

proposed fees will cover costs associated with sustaining current service levels for water quality programs. Without this increase, DEQ may need to reduce staff. In 2015, the Oregon Legislature commissioned an independent third-party consultant to evaluate the permitting program's backlog of permits (19% of permits were current in 2018). Since the incorporation of the recommendations, the backlog of permits has decreased significantly with 50% being current. A reduction of staff will hinder additional progress and could cause the backlog to grow again. Therefore, DEQ proposes amending rules to increase water quality fees by 3% above 2025 fees.

DEQ plans to:

- Hold an advisory committee meeting February 2025
- Publish the notice of rulemaking and open the public comment period in April 2025
- Hold a public hearing in May 2025

7) Air Quality Fees 2025

Subject Matter Expert: Tim Wollerman

Tim.WOLLERMAN@deq.oregon.gov

503-875-4965

The Air Quality program needs to increase fees, as provided in ORS 468A.315, 468A.345 and 468A.750, to maintain current service levels. Per statute, the amount of the increase may not exceed the anticipated increase in the cost of administering the program or 3%, whichever is lower. Programs included in this fee increase include:

- Title V
- Cleaner Air Oregon
- Asbestos

This rulemaking implements increases already authorized by the legislature for the agency's 2023-2025 biennial budget. The rulemaking does not include any proposed fees under consideration during the 2025 legislative session.

DEQ plans to:

- Hold an advisory committee meeting February 2025
- Publish the notice of rulemaking and open the public comment period in April 2025
- Hold a public hearing in May 2025

8) Advanced Clean Truck Rules 2025 (Permanent)

Subject Matter Expert: Eric Feeley

Eric.FEELEY@deq.oregon.gov

503-915-2798

The proposed rules makes revisions to both the Advanced Clean Trucks Rule and the Heavy Duty Low Nox Omnibus rule. The Advanced Clean Trucks Rule requires manufacturers of medium and heavy duty trucks to produce and deliver for sale an increasing percentage of zero

emission vehicles, starting with the 2025 model year in Oregon. The Heavy Duty Low Nox Omnibus rule requires manufacturers of heavy-duty engines to meet more stringent emissions requirements. Oregon adopted both of these California rules by reference back in 2021. The proposed rule would incorporate minor amendments to California's Advanced Clean Truck Rule which include additional compliance flexibilities for truck manufacturers. The rule would also delay the start of the Low Nox Omnibus rule from 2025 to 2026. This one-year delay would make the temporary rules previously adopted by the EQC permanent.

DEQ plans to:

- Hold an advisory committee meeting February 2025
- Publish the notice of rulemaking and open the public comment period in March 2025
- Hold a public hearing in April 2025

Planned EQC September 2025

9) Onsite 2025

Subject Matter Expert: Kyle Nelson

kyle.nelson@deq.oregon.gov

503-781-7376

The intent of this rulemaking is to address sewer availability and ADU issues prompted by bills enacted by the 2023 Legislature, and to generally modernize, clarify and improve program rule language, including enhancing environmental protection in high-risk areas. The last substantial onsite program rule changes occurred in 2014.

DEQ plans to:

- Hold advisory committee meetings between November 2024 and January 2025
- Publish the notice of rulemaking and open the public comment period in April 2025
- Hold a public hearing in May 2025

10) Volatile Organic Compounds (VOCs) 2025

Subject Matter Expert: Farrah Fatemi

Farrah.Fatemi@deq.oregon.gov

503-915-5671

This rulemaking will reduce emissions of volatile organic compounds (VOCs) from consumer products and architectural and industrial maintenance (AIM) coatings. This rulemaking is part of efforts in the Air Quality Division to reduce key pollutants that impact public health, and impact the State's ability to meet federal Air Quality standards.

DEQ plans to:

- Hold advisory committee meetings between August and December 2024

- Publish the notice of rulemaking and open the public comment period in April 2025
- Hold a public hearing in May 2025

11) PFAS 2025

Subject Matter Expert: Sarah Van Glubt

Sarah.VanGlubt@deq.oregon.gov

503-709-8253

This rulemaking proposes to include two per- and polyfluoroalkyl substances (PFAS), perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), including their salts and structural isomers, in the definition of hazardous substances in Oregon Administrative Rule (OAR) 340-122-0115 (30) which would give the Department authority to require investigation and removal and remedial actions of PFOA and PFOS releases and align with the US Environmental Protection Agency's (EPA) approach. PFOA and PFOS are among the most commonly detected PFAS, are known or suspected carcinogens, and have been shown to exhibit toxicity effects to humans and wildlife even at low levels of exposure.

DEQ plans to:

- Hold advisory committee meetings between November 2024 and January 2025
- Publish the notice of rulemaking and open the public comment period in April 2025
- Hold a public hearing in May 2025

Planned EQC November 2025

12) Clean Air Oregon Toxic Air Contaminant Review 2025

Subject Matter Expert: Megan Duenas

megan.duenas@deq.oregon.gov

503-887-7934

Every three years DEQ and OHA must review the Priority Air Contaminant List and Toxicity Reference Values found in OAR 340-247-8010 and 340-247-8020 and update if needed. This is the first time this rule is being implemented under the new rules approved by EQC in November 2021, the Air Toxics Alignment Rulemaking. In the Air Toxics Alignment Rulemaking, the TRVs were split from the Risk Based Concentrations (RBCs), with the TRVs existing in Chapter 340 Division 247. CAO has worked with the same TRVs since its creation and have not been updated since 2018. Currently, the agencies are finalizing the review process and asking for feedback from the ATSAC before making determinations on TRV values.

DEQ plans to:

- Hold an advisory committee meeting in April 2025
- Publish the notice of rulemaking and open the public comment period in May 2025
- Hold a public hearing in June 2025

Planned EQC January 2026

13) Rogue River Basin temperature TMDL

Subject Matter Expert: Michele Martin

Michele.Martin@deq.oregon.gov

503-880-7737

This proposed rulemaking is to develop the Rogue River Basin Total Maximum Daily Load (TMDL) for temperature for the Temperature TMDL Replacements under court order.

DEQ plans to:

- Hold advisory committee meetings between February and April 2025
- Publish the notice of rulemaking and open the public comment period in June 2025
- Hold a public hearing in July 2025

14) John Day River Basin temperature TMDL

Subject Matter Expert: Michele Martin

Michele.Martin@deq.oregon.gov

503-880-7737

This proposed rulemaking is to develop the John Day River Basin Total Maximum Daily Load (TMDL) for temperature for the Temperature TMDL Replacements under court order.

DEQ plans to:

- Hold advisory committee meetings between February and April 2025
- Publish the notice of rulemaking and open the public comment period in June 2025
- Hold a public hearing in July 2025

Rulemakings delegated to the DEQ Director:

15) Air Quality Rules to Address Federal Regulations 2024

Subject Matter Expert: Dan DeFehr

Daniel.Defehr@deq.oregon.gov

503-875-5520

This rulemaking is to meet DEQ's obligations to U.S. EPA under the Clean Air Act and Performance Partnership Agreement by adopting rules every two years which implement amended and updated federal regulations in Oregon that have been promulgated by EPA. The

purpose of this rulemaking is to ensure that Oregon's rules are updated to align with the most recently updated federal regulations.

Rulemakings with no EQC date

16) Coquille Subbasin Bacteria, Dissolved Oxygen and Temperature TMDLs

Subject Matter Expert: Bryan Duggan

Bryan.DUGGAN@deq.oregon.gov

503-367-3400

DEQ is conducting a rulemaking to establish Total Maximum Daily Loads to address the impairments to water quality standards and beneficial uses in surface waters in the Coquille Subbasin (South Coast Basin). These impairments are caused by excess bacteria and temperature and inadequate dissolved oxygen and are addressed by identifying and quantifying sources of pollutants affecting these parameters. This rule will also establish a water quality management plan that includes pollutant management strategies, a list of parties responsible for developing management plans and implementing strategies, and a timeline to reduce pollutant loads and attain water quality standards.

DEQ plans to:

- Hold advisory committee meetings 2023
- Publish the notice of rulemaking and open the public comment period in late 2023
- Hold a public hearing in early 2024

Links

Proposed and Filed Rules

DEQ's rules web page lists proposed and adopted rules.

[DEQ Rulemakings](#)

EQC Meetings

EQC meeting dates, locations and agendas are on the commission web page.

Meeting agendas include rulemaking staff reports that describe DEQ's rulemaking proposal, the process used to develop the proposed rules and the draft rules showing the proposed changes.

[EQC Meetings](#)