

Climate Protection Program 2025 Temporary Rulemaking

Environmental Quality Commission

March 13, 2025

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EQC adopts Climate Protection Program 2024

November 21, 2024

- EQC adopts Climate Protection Program (CPP) 2024
 - OAR 340 Division 273
- EQC adopts minor corresponding amendments
 - OAR 340 Divisions 12, 215, 216, 253, 272

Distribution of 2025 compliance instruments

Generation of additional compliance instruments for 2025

Fuel suppliers made significant strides in reducing emissions under prior CPP, beyond that program's requirements

One time distribution of "early reduction" compliance instruments

Collectively recognize fuel suppliers for emission reductions from 2022-2024 beyond prior program's emission limits

Staff have identified **incorrect language for the calculation of this one-time distribution**

One-time distribution as intended

1. Totals the cap that would have been in place under prior CPP for 2022-2024
2. Subtracts covered emissions for 2022-2024 under prior CPP
3. Any excess is added to 2025 distribution to covered liquid fuels and propane suppliers

$$81,003,850 - (\sim 50,806,539 + X) = \# \text{ of additional compliance instruments}$$

What's incorrect in the adopted rule?

- Incorrectly identifies the emissions to include when calculating the total emissions from 2022-2024
 - Refers to emissions that would have been exempt from compliance instead of what would have been covered
 - Does not include emissions from all fuels suppliers that would have been covered
- Significantly reduces amount of 2022-2024 emissions that would be compared against the prior CPP cap
- Result in significantly more compliance instruments being distributed than intended

Justification for temporary rulemaking

Serious prejudice to public interest to reduce emissions

Erroneous generation and distribution of millions of excess compliance instruments to fuel suppliers

Covered entities may not make necessary plans in order to comply

Distribution of 2025 compliance instruments no later than June 30, 2025

Language for proposed EQC motion

"I move that the Environmental Quality Commission determine that failure to act promptly would result in serious prejudice to the public interest or the interests of the parties concerned, as described in the Justification section of the staff report for this item and adopt the temporary rule amendment as shown in Attachment A of the staff report for this item as part of Chapter 340 of the Oregon Administrative Rules to be effective upon filing with the Oregon Secretary of State."

Title VI and alternative formats

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