

Variances for Air Quality Programs to Address Fuel Availability

Special Meeting of the Environmental Quality Commission
Nov. 24, 2025

Responding to Olympic pipeline closure

- Olympic pipeline shutdown Nov. 11 following discovery of a leak.
- Over half of gasoline, diesel and jet fuel used in Oregon typically arrives via the pipeline.
- There is no disruption to Oregon's fuel supply currently.
- DEQ/EQC can take proactive measures to support fuel delivery through alternative methods while pipeline is down.
 - **Temporarily pause certain requirements of CFP and CPP to incentivize imports of fuels through non-pipeline routes.**

EQC authority to grant variances

ORS 468A.075 (1)

The Environmental Quality Commission may grant specific variances which may be limited in time from the particular requirements of any rule or standard to such specific persons or class of persons or such specific air contamination source, upon such conditions as it may consider necessary to protect the public health and welfare. The commission shall grant such specific variance only if it finds that strict compliance with the rule or standard is inappropriate because:

- (a) Conditions exist that are beyond the control of the persons granted such variance; or**
- (b) Special circumstances render strict compliance unreasonable, burdensome or impractical due to special physical conditions or cause; or**
- (c) Strict compliance would result in substantial curtailment or closing down of a business, plant or operation;
or
- (d) No other alternative facility or method of handling is yet available.

Changes proposed in attached Order

Clean Fuels Program

- Avoid covering new companies resulting from their importation of fuels outside of the pipeline.
 - Higher threshold of 5M gallons
 - Up from 500,000 gallons
- Avoid deficit generation by regulated companies importing fuels outside of the pipeline.

Climate Protection Program

- Avoid covering new companies resulting from their importation of fuels outside of the pipeline.
- Avoid generation of compliance obligations by regulated companies importing fuels outside of the pipeline.

Proposed motion language

“I move that the Environmental Quality Commission vote to approve the attached Order granting the Director authority to approve variances under ORS 468A.075 as described in the attached Order.”

Title VI and alternative formats

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