



Memorandum

Date: Feb. 26, 2026
To: Environmental Quality Commission
From: Leah Feldon, Director
Subject: Agenda item B, action item: Director Delegation Package
March 12, 2026, EQC meeting

Purpose of item

DEQ will propose the delegation of specific rulemaking authorities from the commission to the DEQ director.

DEQ recommendation and proposed EQC motion

DEQ recommends the Oregon Environmental Quality Commission delegate five 2026 rulemakings (described in Attachment A) to DEQ Director Leah Feldon for a final decision.

Proposed EQC motion: *I move that the Environmental Quality Commission delegate the following 2026 rulemakings (described in attachment A) to DEQ Director Leah Feldon for a decision:*

- *Air Contaminant Discharge Permit Fees 2026*
- *Air Quality Fees 2026*
- *Greenhouse Gas Reporting Fees 2026*
- *Landfills and Crematory Incinerators 2026*
- *Water Quality Fees 2026*

Background

Under ORS 468.015 and .020, the Environmental Quality Commission has the authority to make rules and policy decisions for the Department of Environmental Quality. However, ORS 183.325 allows the commission to delegate certain authorities, including rulemaking authority, to named DEQ employees, provided specific protocols are followed to formalize the written delegation.

In previous years, the commission has delegated final rulemaking authority to the director for specific rulemakings. Delegating final decision-making authority to the director streamlines the approval process for actions that are largely procedural in nature. This saves valuable commission time for more substantive rule and policy issues.

Delegation of a final decision does not alter the other stages of rulemaking, and DEQ must adhere to all elements of Oregon's administrative procedure requirements (ORS Chapter 183), such as providing public notice of proposed rules, providing for public comment, responding to public comment, and evaluating fiscal impacts of proposed rules.

When evaluating rulemakings for potential delegation, DEQ prioritizes rulemakings that are administrative or procedural in nature, rulemakings that implement explicit legislative direction, and permanently adopting rules the commission has previously adopted temporarily.

2026 rulemakings proposed for director delegation

Specific information about each of the rulemakings DEQ proposes to delegate final approval to Director Leah Feldon is detailed below. Additional information for each rulemaking is available in DEQ's Rulemaking Plan (Attachment A).

Memorandum

Air Contaminant Discharge Permit Fees 2026

This rulemaking finalizes a 20% fee increase in the Air Contaminant Discharge Permit program, as authorized in Policy Option Package 110 of the agency's 2025-2027 Legislatively Adopted Budget. The increase is proposed to take effect before the annual invoice cycle in the fall of 2026.

Air Quality Fees 2026

This rulemaking proposes annual and routine increases of up to 3%, as provided in ORS 468A.315 and 468A.750, to maintain current service levels. Per statute, the amount of the increase may not exceed the anticipated increase in program administrative costs or 3%, whichever is lower. Programs included in this fee increase include Title V permitting and Asbestos.

This rulemaking implements increases already authorized by the legislature for the agency's 2025-2027 Legislatively Adopted Budget.

Greenhouse Gas Reporting Fees 2026

This rulemaking proposes to permanently adopt a fee increase that the commission temporarily adopted in the summer of 2025. The increase was authorized in Policy Option Package 111 of the agency's 2025-2027 Legislatively Adopted Budget.

Landfills and Crematory Incinerators 2026

This omnibus rulemaking proposes a package of changes to air quality rules based on specific statutory changes made during the 2025 legislative session and various non-substantive errors found in permitting-related divisions of the rules. Specifically, the proposal includes:

- Implementing HB 3729 (2025), which lowered the minimum required operating temperature for certain cremation options from 1,800 degrees Fahrenheit to 1,600 degrees Fahrenheit.
- Implementing SB 726 (2025), which specified the allowable use, and in some cases requires the use, of methane monitoring by drone at landfills.
- A variety of clerical and typographical errors in permitting-related divisions of the administrative rule. Proposed language results in only minor changes and clarifications, with no substantive revisions to the content or structure of the rules.

Water Quality Fees 2026

The Water Quality program proposes to increase fees as provided in ORS 468B.051 and as authorized in the agency's 2025 Legislatively Adopted Budget. Per statute, the amount of the increase may not exceed the anticipated increase in program administrative costs or 3%, whichever is lower. In addition, the 2025 Oregon Legislature adopted Policy Option Package 120, authorizing DEQ to increase certain water quality fees by more than 3%. The proposed fees will cover the costs of maintaining current service levels for Water Quality programs.

Supporting materials

- A. [DEQ Rulemaking Plan](#)

Report prepared by Matthew Davis

Office of the Director, Policy and External Affairs Administrator

Memorandum

Non-discrimination statement

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