

Notice of Proposed Rulemaking

April 29, 2026

Landfill, Crematory & Non-Technical Rule Updates 2026

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Introduction

The Oregon Department of Environmental Quality invites public input on proposed permanent rule amendments to chapter 340 of the Oregon Administrative Rules.

Request for other options

During the public comment period, DEQ asks for public comment on whether there are other options for achieving the rules' substantive goals while reducing the rules' negative economic impact on business.

Overview

This rulemaking aims to align Oregon Administrative Rules with recent statutory changes, and secondarily, to make non-technical corrections to DEQ's air quality rules that are needed to clarify requirements for regulated entities. In 2025, the Oregon legislature enrolled two separate bills that require rulemaking by DEQ to implement. Specifically, HB 3729 addressed crematory incinerators and SB 726 addressed municipal solid waste landfills in Benton County.

Updates to air quality rules are needed to reflect statutory changes enacted by both bills. As part of this rulemaking, DEQ is also proposing non-technical revisions to clarify several air quality rules. These revisions are being packaged together in this rulemaking because they result in only minor changes and clarifications, with no substantive revisions to the content or structure of the rules.

Procedural summary

More information

Information about this rulemaking is on the [Landfill, Crematory & Non-Technical Updates 2026 web page](#).

Public hearings

DEQ plans to hold one virtual public hearing. Anyone can attend a hearing by virtual meeting.

Date: May 29, 2026

Start time: 5:15 P.M.

[Join via Zoom](#)

Join by phone: +12532050468,,86400650640# US

+12532158782,,86400650640# US (Tacoma)

Meeting ID: 864 0065 0640

[Instructions on how to join a virtual hearing](#).

How to comment on this rulemaking proposal

DEQ is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking. A person can submit comments by email, mail or at the public hearing.

- **Email:** Send comments by email to: AQRules.2026@DEQ.oregon.gov
- **Postal mail:** Oregon DEQ, Attn: Dan DeFehr, 700 NE Multnomah St., Suite 600, Portland, OR 97232-4100
- **At public hearing:** 5:15 P.M. Friday, May 29, 2026

Comment deadline

DEQ will only consider comments on the proposed rules that DEQ receives by **4 p.m., on June 1, 2026.**

Note for public university students:

ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student, notify DEQ that you wish to keep your email address confidential.

Sign up for rulemaking notices

Get email or text updates about this rulemaking by either:

- Signing up through [GovDelivery](#).
- Signing up on the rulemaking website [here](#).

What will happen next?

On March 12, 2026, the Environmental Quality Commission authorized delegation of this rulemaking to DEQ's Director, Leah Feldon. After the comment period is closed, DEQ will review all public comments received and provide a written response to the comments in a staff report. DEQ may modify the rule proposal based on the comments.

DEQ will present the staff report, including the final proposed rule changes and DEQ's response to comments, to the DEQ Director on or after June 18, 2026. If adopted by the Director, the rules will be filed with the Oregon Secretary of State and become effective.

Statement of need

This rulemaking is needed to align Oregon Administrative Rules with changed Oregon Revised Statute and to correct various typographical errors, incorrect cross references, and make various clarifications to air quality rules.

How would the proposed rule address the need?

The proposed rules address the need to align Oregon Administrative Rules with updated statutory language and directive in ORS chapter 468A enacted by HB 3729 and SB 726. The non-technical rule revisions address the need to clarify and correct issues that have been identified within various administrative rule divisions related to air quality requirements in Chapter 340.

Landfill Monitoring

What need would the proposed rule address?

The statutory change for SB 726 has an effective date of Jan. 1, 2027, providing explicitly that DEQ and the EQC may take action prior to that date as is necessary to implement the statutory change.

The statutory language conflicts with existing requirements within Oregon Administrative Rules [Division 239](#), the Landfill Gas Emission rules. A rulemaking is required to align Division 239 with the new statutory provision in 468A.885.

Specifically, Division 239 requires surface emissions monitoring that includes walking the surface of the landfill, while the statutory change requires municipal solid waste landfills in Benton County to use advanced methane detection technology and monitoring of all surfaces of the landfill. See [SB 726](#) and ORS [468A.885](#) regarding municipal solid waste landfills in Benton County and advanced methane detection technology.

How would the proposed rule address the need?

The rule language would provide rules that outline, more specifically, what an affected facility must do to comply with the advanced methane detection technology requirements enacted by the legislature. The rules would also ensure that a facility does not have to perform duplicative surface emission monitoring (e.g., performing EPA Method 21, walking the surface of the landfill, and also conducting advanced methane detection technology monitoring).

How will DEQ know the rule addressed the need?

DEQ will know the rules addressed the need when municipal solid waste landfills in Benton county begin advanced methane detection technology monitoring and report the information to DEQ without needing to separately perform EPA Method 21 to comply with other applicable landfill requirements.

Crematory Incinerator Temperatures

What need would the proposed rule address?

The statutory change for HB 3729 was effective starting in September 2025 and is in direct conflict with existing Oregon Administrative Rule language and issued air quality permits.

In [Division 230](#), owners and operators of crematory incinerators installed on or after March 13, 1993, are required to operate their units at 1,800°F or higher, while the statutory change requires that DEQ not enforce any rule or standard that requires operation above 1,600°F. See [HB 3729](#) and [ORS 468A.865](#) regarding crematory incinerator temperatures.

DEQ has documented a directive to staff to ensure agency actions are aligned with the new statutory language in the short term. However, this rulemaking is needed to align Division 230 incinerator rules with the statute.

How would the proposed rule address the need?

The rule language would establish temperature requirements that align, instead of conflict, with Oregon statute 468A.865.

How will DEQ know the rule addressed the need?

DEQ will know the rule addressed the need when Oregon Administrative Rule and Oregon Revised Statute do not conflict. DEQ will also know when revised Basic and General Air Contaminant Discharge Permits are issued by DEQ and assigned or issued to affected facilities, clearly establishing the new temperature requirement.

Non-Technical Updates

What need would the proposed rule address?

In addition to rule changes to address statutory changes described above, this rulemaking proposes clarifications and minor corrections to errors and omissions that have been identified in Divisions 200, 209, 210, 212, 216, 226, 230, 232, 236, 239, and 244. Incorrect cross references, for example, increase risk of inaccurate permit conditions, requests for contested case hearings after permit issuance, and complex compliance issues.

How would the proposed rule address the need?

The proposed rules would address the need by correcting or updating each of the issues that have been identified.

How will DEQ know the rule addressed the need?

DEQ will know the rule addressed the need when the changes are adopted and effective Oregon Administrative Rules.

Federal relationship

ORS 183.332, 468A.327 and OAR 340-011-0029 require DEQ to attempt to adopt rules that correspond with existing equivalent federal laws and rules unless there are reasons not to do so.

The proposed rules will impose requirements that will be different from or in addition to federal requirements.

Landfills

There are federal air quality regulations that apply to landfills. Rules implementing SB726 would be more stringent or different from what is federally required by 40 CFR parts 60 and 63 for municipal solid waste landfills in Benton County. DEQ is imposing requirements different from or in addition to federal requirements to implement a change to Oregon Revised Statutes.

Crematory Incinerators

The US EPA does not regulate crematory incinerators from an air quality perspective. All applicable crematory incinerator rules are specific to Oregon, so all changes to crematory requirements in Division 230 are more stringent or different from what is federally required. DEQ is imposing requirements different from or in addition to federal requirements to align Oregon Administrative Rules with the applicable Oregon Revised Statutes.

Non-Technical Revisions to Oregon Administrative Rules

None of the proposed rules impose requirements that are different from or in addition to federal requirements unless the existing rule was already different from or in addition to federal requirements. Various rules in Division 239 will continue to be different from or in addition to federal requirements.

Submission to EPA

State Implementation Plan: Concurrent with this rulemaking, DEQ is submitting a development plan and will submit a copy of any relevant proposed rule changes to EPA Region 10 for consideration and approval in Oregon's State Implementation Plan.

State Plan for Emission Guidelines: After adoption, DEQ will revise the current pending Landfill State Plan (for landfill emission guidelines) and submit to EPA for review and approval.

Equivalency Request for landfill NSPS/NESHAP: After adoption, DEQ will revise the current equivalency determination request letters (for landfill NSPS and NESHAP regulations) and submit to EPA for review and approval.

What are the scientific, economic, technological, administrative and other reasons for exceeding applicable federal requirements?

Landfill

DEQ is proposing changes to Division 239, exceeding applicable federal requirements for primarily administrative purposes, aligning administrative rules with Oregon Revised Statutes. Specifically, the statutory language authorizes DEQ and the EQC to take action necessary to implement Senate Bill 726 and ORS 468A.885. As described in this notice, the statutory language is not robust enough to accomplish implementation without further rulemaking by DEQ.

DEQ is also proposing specific rule language in exceedance of applicable federal requirements for economic and technological reasons. Specifically, DEQ could have proposed requiring the use of satellite or airflight monitoring to conform with the statutory change. These technologies, however, would have required municipal solid waste landfills in Benton County to perform the federally required Method 21 (walking the surface of the landfill) and then also conduct the advanced methane detection technology monitoring separately. DEQ is proposing to require the use of drones, as this is the one technology that accomplishes the substantive purpose of the rulemaking that can also be used to satisfy existing federally required monitoring. See EPA's approved [Alternative Test Method 150](#) and [Other Test Method 51](#) documentation.

Crematory Incinerators

As described above, there are no federal requirements applicable to crematory incinerator operations. DEQ is proposing changes to this rule for administrative purposes to align administrative rule language with applicable statutory provisions.

Non-Technical Revisions to Oregon Administrative Rules

DEQ does not believe that any of the non-technical revisions to Oregon Administrative Rules exceed applicable federal requirements except for the existing adopted rules that were already exceeding applicable federal requirements.

What alternatives did DEQ consider and why are you not pursuing them?

DEQ considered the following alternatives:

Landfill

- (1) DEQ considered not proposing the adoption of rules to implement SB 726.
 - DEQ considered requiring airflight, satellite, or other non-drone remote direct monitoring of landfills.

Crematory Incinerators

- DEQ considered not changing any Oregon Administrative Rule language.
- DEQ considered proposing a lower temperature for crematory incinerators.

Non-Technical Revisions to Oregon Administrative Rules

- (1) DEQ considered not making technical revisions to Oregon Administrative Rules.
- (2) DEQ considered holding a separate rulemaking to make technical revisions to Oregon Administrative Rules.

DEQ did not pursue these alternatives because:

Landfill

- (1) DEQ did not pursue this alternative because the legislative action does not include enough language to fully and practically implement the advanced methane detection technology monitoring requirements. Rather, the statutory change states that “the commission shall establish by rule requirements for surface emissions monitoring and mitigation of methane gas emissions from municipal solid waste landfills.” Without rulemaking, municipal solid waste landfills in Benton County would have continued to comply with existing Division 239 monitoring requirements until a rulemaking was completed.
- (2) DEQ did not pursue this alternative because the agency determined it would be the most economical to use an existing approved federal alternative to monitoring that also satisfies the requirements of the legislative change. Establishing the rules to require drone monitoring following EPA’s approved Other Test Method (OTM-51) means that municipal solid waste landfills in Benton County do not have to perform duplicative monitoring and can still monitor in conformance with the legislative change. DEQ did, however, include a provision that allows a landfill owner or operator to request approval of an alternative technology on a case-by-case basis. This is expected to accommodate, within reason, developments and advancements in monitoring technology.

Crematory Incinerators

- DEQ did not pursue this alternative because misalignment of the temperature requirement in Oregon Administrative Rule and Oregon Revised Statute will result in confusion among internal and external parties. The legislative action establishes that DEQ will not enforce any standard, rule, or requirement of higher than 1,600°F. Without changing the rule, there is a significantly increased chance that DEQ staff, at some point in time, will attempt to enforce or apply the rule.
- DEQ did not pursue this alternative because the agency does not have sufficient information to ensure that lower operating temperatures will result in the same or less air pollutant emissions. The industry standard across the United States is operation of crematory incinerators at 1,600°F and DEQ does not have sufficient information to deviate from what was enacted by the Oregon legislature. Almost all crematory incinerators are regulated by DEQ’s General Air Contaminant Discharge Permits, meaning temperature variability and case-by-case approvals of lower temperatures would be difficult to track, regulate, implement, and enforce upon appropriately over time.

Non-Technical Revisions to Oregon Administrative Rules

- (1) DEQ did not pursue alternative because it would have left these minor errors in rule. While many of the issues addressed are minor, they have the potential to significantly complicate or delay permitting actions, cost the agency additional time and money, and cause confusion among internal and external parties.
- (2) DEQ did not hold a separate rulemaking for these changes because it would have taken substantially more agency resources.

Rules affected, authorities, supporting documents

Lead division

Air Quality Planning

Program or activity

Air Contaminant Discharge Permitting and Title V Operating Permit programs

Chapter 340 action

Adopt

- 340-239-0610

Amend

340-200-0020	340-200-0040	340-200-0050	340-208-0110	340-209-0080
340-210-0225	340-210-0240	340-212-0230	340-216-0040	340-216-0060
340-216-0064	340-216-0082	340-216-8010	340-216-8020	340-226-0130
340-230-0210	340-230-0220	340-232-0150	340-236-0500	340-236-8010
340-239-0010	340-239-0015	340-239-0100	340-239-0105	340-239-0110
340-239-0200	340-239-0400	340-239-0600	340-239-0700	340-239-0800
340-244-0234	340-244-0237	340-244-0241	340-244-0246	340-244-0249
340-244-0251				

Statutory authority - ORS

468	468.020	468.065	468A	468A.025
468A.040	468A.050	468A.055	468.065	468A.070
468A.105	468A.135	468A.310	468A.315	468A.865
468A.885				

Statutes implemented - ORS

183.413	183.415	183.468	468	468.020
468.065	468A	468A.025	468A.035	468A.040
468A.050	468A.055	468A.070	468A.075	468A.085
468A.105	468A.135	468A.140	468A.155	468A.280
468A.310	468A.315	468A.360	468A.363	468A.380
468A.385	468A.420	468A.495	468A.500	468A.505
468A.515	468A.575	468A.595	468A.600	468A.610
468A.612	468A.620	468A.635	468A.707	468A.740

468A.745	468A.750	468A.775	468A.780	468A.797
468A.799	468A.803	468A.820	468A.865	468A.885
Or. Laws 2009, chapter 754				

Legislation

This rulemaking is the result of recent legislation.
 HB 3729 sponsor: Representative Emily McIntire,
 SB 726 sponsor: Senator Sara Gelser Blouin.

Documents relied on for rulemaking

- [Other Test Method 51 \(OTM-51\) - UAS Application of Method 21 for Surface Emission Monitoring of Landfills](#)
- [2023 Broadly Applicable Alt Test Method.pdf](#)

Rules summary

As OAR 166-500-0030(1)(e) requires, the following are included to provide a brief summary of the proposed new rules and existing rules affected by this rulemaking.

OAR chapter 340, divisions 200, 208, 209, 210, 212, 216, 226, 230, 232, 236, 239, and 244

For more information about these changes, please refer to the '[Rule Change Description Report](#)'. In addition to the changes listed below, various rule divisions also include the following two changes:

1. "C.F.R." changed to "CFR"
2. "Part" changed to "part" where the word is referring to US EPA regulations under Title 40, Chapter I, Subchapter C.

Rule Number	Rule Title	Explanation
OAR 340-200-0020	General Air Quality Definitions	<ol style="list-style-type: none"> 1. Update applicable timeline regarding use of categorically insignificant activity. 2. Revise definition of 'emergency' 3. Add inadvertently omitted compound to the list. 4. Remove tables listed in rule that are already included within the rule text itself.
OAR 340-200-0040	State of Oregon Clean Air Act Implementation Plan	<ol style="list-style-type: none"> 1. Update the date in rule listing when the SIP was last modified based on the final adoption date of these rules.

Rule Number	Rule Title	Explanation
OAR 340-200-0050	Compliance Schedules	2. Change 'his' to 'their'.
OAR 340-208-0110	Visible Air Contaminant Limitations	1. Add veneer dryers to the list of activities that are not subject to statewide opacity, rather the specific standards for this in Division 234.
OAR 340-209-0080	Issuance or Denial of a Permit	1. Add due date for applicants to request to provide DEQ responses to public comments.
OAR 340-210-0225	Notice of Construction and Approval of Plans: Types of Construction/Modification Changes	1. Include activities/processes covered by a General ACDP in the Type 1 NC 'notice and go' list. 2. Revise 'tier 4' to 'tier 4 certified'
OAR 340-210-0240	Notice of Construction and Approval of Plans: Construction Approval	1. Update an incorrect cross reference.
OAR 340-212-0230	Compliance Assurance Monitoring: Deadlines for Submittal	1. Update an incorrect cross reference.
OAR 340-216-0040	Application Requirements	1. Revise requirements for an air permit applicant's legal name.
OAR 340-216-0060	General Air Contaminant Discharge Permits	1. Remove old General ACDP categories that are no longer available from the list. 2. Update an incorrect cross reference. 3. Revise fee classification (lower) for emergency engines.
OAR 340-216-0064	Simple ACDP	1. Clarify applicability of 'low fee' 2. Update incorrect cross reference.
OAR 340-216-0082	Expiration, Termination, Reinstatement or Revocation of an ACDP	1. Update incorrect statutory reference at the bottom of the rule (no rule text changed)
OAR 340-216-8010	Table 1 – Activities and Sources	1. Add 'reserved' text to a currently blank listing. 2. Update incorrect cross reference. 3. Add 'tire retreading' to the 'tire manufacturing' listing. 4. Update language for various listings to use "more than" instead of 'equal to or more than'.

Rule Number	Rule Title	Explanation
OAR 340-216-8020	Table 2 – Air Contaminant Discharge Permits	1. Update the header to remove the reference to 'in addition to first annual fees'
OAR 340-226-0130	Highest and Best Practicable Treatment and Control: Typically Achievable Control Technology (TACT)	1. Relocate the text "for the regulated pollutant emitted" to an earlier place in the same sentence.
OAR 340-230-0210	Crematory Incinerators: Design and Operation	1. Update incorrect cross reference. 2. Update temperature requirements in alignment with HB 3729
OAR 340-230-0220	Crematory Incinerators: Monitoring and Reporting	1. Add a missing period "." 2. Update crematory incinerator recordkeeping from two to five years.
OAR 340-232-0150	VOC Liquid Storage	1. Remove incorrect cross reference.
OAR 340-236-0500	Solid Waste Landfills: Emission Standards for Municipal Solid Waste Landfills	1. Add language allowing an owner or operator to elect to comply with NESHAP AAAA.
OAR 340-236-8010	Hot Mix Asphalt Plants: Table-Process Weight Table	1. Add commas throughout the table. 2. Update typographical error: "600000" to be "60,000".
OAR 340-239-0010	Applicability	1. Rephrase exemptions to be more clear. 2. Refer to 'owner or operator' instead of 'landfill' 3. Add a missing space. 4. Add a missing comma.
OAR 340-239-0015	Definitions	1. Add definition of 'advanced methane detection technology' (SB 726) 2. Add definition of 'beneficial use' 3. Update definition of 'component leak' to clearly state that 500 ppmv is an exceedance. 4. Add a definition for 'integrated surface monitoring' 5. Add a definition for 'instantaneous surface monitoring' 6. Update definition of 'nondecomposable solid waste' to remove 'containing' from the

Rule Number	Rule Title	Explanation
		<p>reference to 'asbestos-containing waste'</p> <ol style="list-style-type: none"> 7. Remove 'or shroud' within the definition of 'open flare'. 8. Update definition of 'operator' to include those who contract to receive or purchase landfill gas. 9. Update definition of 'owner' to include those who contract to receive or purchase landfill gas. 10. Update definition of 'root cause analysis'
OAR 340-239-0100	Landfills with Greater Than or Equal to 200,000 Tons of Waste-in-Place	<ol style="list-style-type: none"> 1. Clarify when a permit application is not required. 2. Replace 'may not' with 'must not'. 3. Change 'shall' to 'will' 4. Clarify requirements apply to 'owners and operators' instead of 'landfills' 5. Revise when a reduced testing frequency can be started. 6. Revise the initiation of quarterly surface emissions monitoring from 90 days later to 'next calendar quarter' 7. Remove duplicative text where the rule refers to itself. 8. Remove the text 'landfill' when it is immediately followed by 'owner or operator' 9. Remove self-reference within the rule. 10. Delete typographical error. 11. Update incorrect cross reference.
OAR 340-239-0105	Title V Operating Permit Requirement	<ol style="list-style-type: none"> 1. Remove the text "to which this division applies"
OAR 340-239-0110	Gas Collection and Control System Requirements	<ol style="list-style-type: none"> 1. Remove text requiring installation of new wells within 60 days where the requirement to do so within 120 days is already in another rule. 2. Update incorrect cross reference. 3. Delete erroneous inclusion of "or". 4. Remove the text 'landfill' when it is immediately followed by 'owner or operator' 5. Include parameter ranges that apply prior to a permit issuance that includes them.

Rule Number	Rule Title	Explanation
		<ol style="list-style-type: none"> 6. Clarify text surrounding the 'boiler or process heater'. 7. Clarify applicability of the 99% methane reduction requirement to lean burn internal combustion engines. 8. Revise and correct when a reduced testing frequency can be started. 9. Change "may not" to "must not". 10. Clarify that 500ppmv is an exceedance instead of 501 ppmv.
OAR 340-239-0200	Compliance Standards	<ol style="list-style-type: none"> 1. Correct typographical error.
OAR 340-239-0400	Permanent Shutdown and Removal of the Gas Collection and Control Systems	<ol style="list-style-type: none"> 1. Remove the text 'landfill' when it is immediately followed by 'owner or operator' 2. Remove unnecessary word "of"
OAR 340-239-0600	Monitoring Requirements	<ol style="list-style-type: none"> 1. Delete typographical error. 2. Clarify requirements by adding subparagraphs (I) and (II). 3. Correct reference to 'third exceedance' to 'initial exceedance' 4. Add requirement to new well to be installed in an area that will address the location identified by an exceedance. 5. Remove reference to 'alternative approvals'. 6. Update incorrect cross reference. 7. Clarify text surrounding the 'boiler or process heater'. 8. Clarify that 500ppmv is an exceedance instead of 501 ppmv. 9. Spell out "five" instead of "5". 10. Replace "shall" with "must"
OAR 340-239-0610	Advanced Methane Detection Monitoring	New rule proposed to implement SB 726.
OAR 340-239-0700	Recordkeeping and Reporting Requirements	<ol style="list-style-type: none"> 1. Remove the text 'landfill' when it is immediately followed by 'owner or operator' 2. Remove the text "subject to this division" 3. Add reference to the 'walking pattern' map as a recordkeeping requirement

Rule Number	Rule Title	Explanation
		<p>to match the data required under - 0600(1)(a)(A).</p> <ol style="list-style-type: none"> 4. Add text “including all results” regarding recordkeeping of instantaneous monitoring results 5. Clarify that approval of a higher well temperature is the monitoring parameter for that well. 6. Spell out “five” instead of “5”. 7. Replace the location of “and” to the 2nd to last item in the list. 8. Clarify the recordkeeping requirement associated with monthly cover. 9. Update the incorrect Celsius to Fahrenheit conversion. 10. Clarify text surrounding the ‘boiler or process heater’. 11. Clarify recordkeeping also applies to ‘component leak standards’ 12. Clarify that 500ppmv is an exceedance instead of 501 ppmv. 13. Update reporting requirement of ‘location’ of exceedances to be reported on a map. 14. Add additional flexibility in reporting due dates. 15. Clarify when annual waste in place reports can cease. 16. Clarify applicable requirements when a ‘closure notification’ has been submitted to DEQ. 17. Correct typographical error. 18. Extend timeline for submission of test reports to DEQ from 30 days to 60 days. 19. Remove a rule’s self reference.
OAR 340-239-0800	Test Methods and Procedures	<ol style="list-style-type: none"> 1. Replace “shall” with “must”. 2. Correct typographical errors. 3. Revise 100-foot intervals to 30 meter intervals to align with NESHAP AAAA. 4. Clarify that 500ppmv is an exceedance instead of 501 ppmv. 5. Remove the text ‘landfill’ when it is immediately followed by ‘owner or operator’

Rule Number	Rule Title	Explanation
		<ul style="list-style-type: none"> 6. Clarify applicability of the 99% methane reduction requirement to lean burn internal combustion engines. 7. Add federally approved alternative method for analyzing carbon monoxide samples.
OAR 340-244-0234	Gasoline Dispensing Facilities: Affected Equipment and Sources	<ul style="list-style-type: none"> 1. Clarify requirements are applicable to 'owners and operators' instead of facilities.
OAR 340-244-0237	Gasoline Dispensing Facilities: GDF 1	<ul style="list-style-type: none"> 1. Add text 'as applicable' to distinguish the name of the rule from the applicable requirements.
OAR 340-244-0241	Gasoline Dispensing Facilities: GDF 3	<ul style="list-style-type: none"> 1. Revise language requirement for clarity.
OAR 340-244-0246	Gasoline Dispensing Facilities: Enhanced Vapor Recovery Requirements	<ul style="list-style-type: none"> 1. Clarify requirements are applicable to 'owners and operators' instead of facilities.
OAR 340-244-0249	Gasoline Dispensing Facilities: Testing and Monitoring Requirements	<ul style="list-style-type: none"> 1. Clarify requirements are applicable to 'owners and operators' instead of facilities. 2. Change 'initial' to 'most recent passing' regarding testing due dates for clarity. 3. Revise test requirements to ensure only facilities with necessary equipment are required to conduct a Leak Rate of Drop Tube test. 4. Add clarification regarding owners and operators who have never conducted required testing. 5. Correct typographical error.
OAR 340-244-0251	Gasoline Dispensing Facilities: Reporting	<ul style="list-style-type: none"> 1. Revise 'initial notification' requirements to remove applicability of GDF 2 facilities.

Fee analysis

This rulemaking does not involve fees.

Statement of fiscal and economic impact

Fiscal and economic impact

There are two main fiscal impacts of the proposed rules.

First, the proposed rules addressing SB726 requiring advanced methane detection technology to be used at municipal solid waste landfills in Benton County will have a fiscal impact on the one source that will be required to perform this monitoring. The source will be required to pay for staff, consultants, or third-party contractors to perform monitoring in accordance with the proposed rules. This fiscal impact is reduced by the cost savings associated with no longer paying for, or conducting, monitoring that includes walking the landfill surface with a portable gas detector (EPA Method 21), resulting in a net savings or positive fiscal impact. DEQ also proposes to allow landfills outside of Benton County to use this advanced methane detection technology. If a landfill owner or operator chooses to use this advanced technology, it would be on a voluntary basis and at their discretion.

Second, the proposed rules addressing HB 3729 which establish an upper limit on the required operating temperature for crematory incinerators may have a positive fiscal impact on crematory incinerators owners and operators who have installed an incinerator on or after March 13, 1993. These owners and operators will burn less fuel operating at a lower temperature and are expected to see an overall reduction in their operational costs. Owners and operators of crematory incinerators that were installed prior to this date remain subject to the same temperature limit of 1,600° F and are not expected to have a fiscal impact.

The non-technical updates are not expected to have a fiscal impact.

Statement of cost of compliance

State agencies

There are no impacts expected for state agencies as a result of this rulemaking.

Local governments

Landfills

The proposed landfill advanced methane detection technology monitoring rules do not apply to any local governments directly. A local government that owns or operates a landfill may elect to utilize advanced methane detection technology monitoring as a result of these rules.

Crematory Temperatures: For any local governments that own or operate a crematory incinerator, the municipal government should expect their operational costs to either remain the same or be reduced based on the date the crematory incinerator was installed.

Non-technical updates are not expected to have a fiscal impact on local governments.

Public

The public is not directly regulated by the proposed rules. However, owners and operators of facilities affected by this rulemaking could pass costs or savings on to the public by changing the costs of goods or services. DEQ does not have available data or information to estimate the public impacts further. In addition, for each landfill that uses advanced methane detection technology monitoring, DEQ expects the public will experience benefits from reduced methane emissions from landfill operations.

Large businesses - businesses with more than 50 employees

Landfills: For large businesses, the cost to comply with the proposed landfill rules is generally the same as the costs described under local governments, with one exception: The one municipal solid waste landfill in Benton County that will be subject to the proposed enhanced monitoring rules will need to pay for monitoring services or staff to perform monitoring according to the proposed rules. The proposed rules, however, establish this enhanced monitoring in a way that allows the landfill owner or operator the ability to stop performing the currently required surface monitoring which includes walking the surface of the landfill with a handheld detector.

As such, the costs associated with advanced monitoring are mitigated by the reduction of cost from the cessation of the currently required monitoring that includes walking the landfill surface.

Cost of Advanced Methane Detection Technology Monitoring

DEQ obtained a cost estimate from [Sniffer Robotics, Inc.](#), a company who performs landfill surface monitoring that would be compliant with the proposed rules. For a landfill that is approximately 150 acres, the cost for an initial visit is \$10,000. The initial visit cost includes getting the monitoring staff to the site and performing monitoring of the landfill surface. The rules require surface emissions monitoring quarterly, meaning this initial visit cost would be incurred four times per year. The total annual cost for four visits would be approximately \$40,000.

Landfill rules in Division 239 require owners and operators to take corrective actions when the monitoring identifies a surface leak, then remonitor the locations where leaks were identified to ensure they have been fixed. The proposed rules follow this same procedure for addressing leaks when using advanced methane detection technology. The estimate DEQ received lists this remonitoring at \$3,000 each but can increase in cost if there are a significant number of locations to remonitor (in excess of 50 surface leaks detected). For this fiscal estimate, DEQ assumed that each quarter the owner or operator will have two remonitoring events. In any quarter where there is an additional remonitoring event, the overall cost will go up \$3,000 per occurrence.

As remonitoring events are required based on exceedances of allowable surface emissions, DEQ only included two remonitoring events per quarter. The owner or operator's existing maintenance and operation of the landfill directly dictates how many exceedances need to be paid for, remedied, and remonitored. Though maintenance and operation of the landfill is the owner or operator's responsibility and remonitoring is not inherently a cost associated with the monitoring method used, DEQ elected to consider two remonitoring events as part of this fiscal impact because it will provide a fiscal estimate more comparable with existing monitoring performed at the municipal solid waste landfill in Benton County.

The cost estimate also includes initial regulatory preparations to be conducted by Sniffer Robotics, Inc. with a cost of \$2,000. This includes a monitoring design plan, notification letter to Oregon DEQ regarding the use of OTM-51, and an alternative request letter related to potential weather events.

Sniffer Robotics, Inc. also has an array of additional services and data available for purchase. As the proposed rules include various data elements to be submitted, it is possible that the owner or operator would need to pay additional fees for services to fully comply with the proposed rules' recordkeeping and reporting provisions (e.g., meteorological data, latitude/longitude coordinates, anemometer readings, maps). To address this possible fiscal impact, DEQ accounted for an additional \$10,000 expense by the owner or operator.

- Initial regulatory preparation = \$2,000
- \$10,000 per quarter for initial monitoring, 4 Quarters = \$40,000
 - \$3,000 per remonitor, two remonitoring each quarter, 4 Quarters = \$24,000.
- Miscellaneous data needed to comply with the proposed rules: \$10,000
- Total expected annual fiscal impact: \$76,000

Cost of Current Surface Emissions Monitoring

A Fiscal Advisory Committee member, a representative of Valley Landfills, Inc., stated during the Fiscal Advisory Committee Meeting that the company currently spends approximately \$100,000 on monitoring to comply with federal requirements and Oregon's Division 239 landfill gas emissions rules.

Net Fiscal Impact

Advanced Methane Detection Technology Monitoring: ~\$76,000
Method 21 Methane Monitoring: ~\$100,000

The net fiscal impact associated with requiring advanced methane detection technology monitoring in accordance with the proposed rules in lieu of performing Method 21, on a quarterly basis, is a net savings of approximately \$24,000 per year.

Crematory Temperatures: For large businesses, the cost to comply with the proposed crematory incinerator rules is identical to costs described under local governments.

Non-technical updates: For large businesses, these rule changes are not expected to have a fiscal impact.

Small businesses – businesses with 50 or fewer employees

No small businesses are expected to be affected by the proposed landfill advanced methane detection monitoring rules.

For small businesses, the cost to comply with the crematory incinerator proposed rules is the same as the costs described under local governments.

Non-technical updates are not expected to have a fiscal impact on small businesses.

ORS 183.336 - Cost of Compliance for Small Businesses

a. Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule.

There are no small businesses subject to the proposed landfill advanced methane detection rules.

DEQ has issued 15 Basic Air Contaminant Discharge Permits to crematory incinerator owners and operators who incinerate less than 20 tons per year.

DEQ has assigned 73 facilities to the General Air Contaminant Discharge Permit for crematory incinerator operations with 20 or more tons per year incinerated.

Assuming all Basic and General ACDP holders are small businesses, these proposed rules could affect 88 small businesses.

b. Projected reporting, recordkeeping and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule.

The proposed crematory incinerator rules do not require any additional activities.

c. Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule.

The proposed crematory incinerator rules will not require any additional resources.

d. Describe how DEQ involved small businesses in developing this proposed rule.

DEQ included small business representatives on the Advisory Committee that advised DEQ on the cost of compliance for small businesses, including the owner of a crematory incinerator and funeral home.

As the fiscal impact is expected to save facilities money or have no impact, DEQ will communicate with current permit holders when their permit is proposed to be revised, reissued, or reassigned to reflect the temperature changes.

Documents relied on for fiscal and economic impact

- [Sniffer Cost Estimate 2026 for OTM-51 at Coffin Butte Proposal](#)

Advisory committee fiscal review

DEQ appointed an advisory committee.

As ORS 183.333 requires, DEQ asked for the committee's recommendations on:

- Whether the proposed rules would have a fiscal impact,
- The extent of the impact, and

- Whether the proposed rules would have a significant adverse impact on small businesses; if so, then how DEQ can comply with ORS 183.540 reduce that impact.

The committee reviewed the draft fiscal and economic impact statement, and its findings are summarized below. Additional information related to the committee's discussion can be found in the 'Advisory Committee' section later in this notice.

The committee determined the proposed rules would not have a significant adverse impact on small businesses in Oregon.

Committee Final Assessment:

- Would there be a fiscal impact?
 - Landfills: Yes.
 - Crematory: no comments or information provided from the FAC that there will be a fiscal impact. Implied agreement (lack of raising hands and providing alternative feedback or information) with DEQ's proposed FIS that there will be no fiscal impact.
 - Non-technical: no comments or information provided from the FAC that there will be a fiscal impact. Implied agreement (lack of raising hands and providing alternative feedback or information) with DEQ's proposed FIS that there will be no fiscal impact.
- What is the extent of the impact?
 - Landfills: \$60,000 initial estimate but presumed low and not showing 'net' changes appropriately. (Revised estimate obtained and proposed FIS revised as a result).
 - Crematory: N/A, see above.
 - Non-technical: N/A, see above.
- Would there be a significant impact to small businesses?
 - Landfills: No significant impact to small businesses.
 - Crematory: N/A, see above.
 - Non-technical: N/A, see above.

Housing cost

As ORS 183.534 requires, DEQ evaluated whether the proposed rules would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel.

DEQ determined the proposed rules would have no effect on the development costs.

The landfill monitoring changes are unlikely to have an effect on housing costs. DEQ does not have further information on whether this will occur and will not further speculate regarding how business owners may pass along costs to consumers.

For the crematory incinerator changes, owners and operators will have no impact or a positive impact, but these changes are unlikely to impact housing costs.

Racial equity

Staff anticipate limited to no impacts on racial equity in the state resulting from the proposed rules. Adoption of the proposed rules would affect crematory incinerator owners and operators across the state and one municipal solid waste landfill in Benton County. Since the proposed rules will apply equally across all crematory incinerators and to one specific facility in Benton County, there is no expected impact on racial equity in the state. Establishing these requirements, as proposed, will align Oregon Administrative Rules with Oregon Revised Statutes as necessary to protect public health.

Environmental justice considerations

Environmental justice analysis

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, culture, education or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies. DEQ is committed to incorporating environmental justice best practices into its programs and decision-making, to ensure all people in Oregon have equitable environmental and public health protections.

DEQ is committed to incorporating environmental justice best practices into its programs and decision-making, to ensure all people in Oregon have equitable environmental and public health protections. The DEQ Air Contaminant Discharge Permit and Title V Operating Permit programs are designed to regulate and reduce emissions from facilities in Oregon. Environmental justice communities are often fence-line communities that are disproportionately affected by pollution. Adopting the proposed rules includes statutory updates required of the air program that are expected to reduce emissions from crematory incinerators and more effective surface emissions monitoring at the Benton County landfill. Overburdened communities may see environmental benefits from these changes.

Land use

Land-use considerations

In adopting new or amended rules, ORS 197.180 and OAR 340-018-0070 require DEQ to determine whether the proposed rules significantly affect land use. If so, DEQ must explain how the proposed rules comply with statewide land-use planning goals and local acknowledged comprehensive plans.

Under OAR 660-030-0005 and OAR 340 Division 18, DEQ considers that rules affect land use if:

- The statewide land use planning goals specifically refer to the rule or program, or
- The rule or program is reasonably expected to have significant effects on:
- Resources, objects, or areas identified in the statewide planning goals, or
- Present or future land uses identified in acknowledge comprehensive plans

DEQ determined whether the proposed rules involve programs or actions that affect land use by reviewing its Statewide Agency Coordination plan. The plan describes the programs that DEQ determined significantly affect land use. DEQ considers that its programs specifically relate to the following statewide goals:

Goal	Title
5	Natural Resources, Scenic and Historic Areas, and Open Spaces
6	Air, Water and Land Resources Quality
11	Public Facilities and Services
16	Estuarine Resources
19	Ocean Resources

Statewide goals also specifically reference the following DEQ programs:

- Nonpoint source discharge water quality program – Goal 16
- Water quality and sewage disposal systems – Goal 16
- Water quality permits and oil spill regulations – Goal 19

Determination

DEQ determined that these proposed rules do not affect land use under OAR 340-018-0030 or DEQ's State Agency Coordination Program.

EQC prior involvement

The EQC met on March 12, 2026 and authorized delegation to Director Leah Feldon for this rulemaking.

Advisory committee

Background

DEQ convened the Landfill, Crematory and Non-Technical Updates advisory committee. The committee included representatives from environmental advocacy, state and county government, consultants and industry and met one time. The committee's web page is located at: [Landfill, Crematory and Non-Technical Updates 2026](#)

The committee members were:

Name	Representing
Mason Leavitt	Beyond Toxics
Paul Koster	Valley Landfills, Inc.
Marc Lund	Smith Lund Mills Funeral Chapel & Crematorium
Bailey Payne	Benton County
Sarah Gelser Blouin	Oregon State Legislature
Emily McIntire	Oregon State Legislature
David Barron	Sniffer Robotics, Inc.
Chad Darby	Maul Foster & Alongi, Inc.
Becky Kim	Microchip Technology Incorporated

Meeting notifications

To notify people about the advisory committee's activities, DEQ:

- Sent GovDelivery bulletins, a free e-mail subscription service, to the following lists:
 - Rulemaking
 - Air Quality Permits
 - DEQ Public Notices
 - Title V Permit Program
- Added advisory committee announcements to DEQ's calendar of public meetings at [DEQ Calendar](#).

Committee discussions

In addition to the recommendations described under the Statement of Fiscal and Economic Impact section above, the committee discussed several items related to the proposed rules:

- Consider allowing a lower crematory incinerator temperature on a case-by-case basis if the owner or operator can demonstrate sufficient pollutant destruction to allow for a further reduction in fuel use, especially relevant as fuel costs are expected to increase due to the Climate Protection Program.
 - Crematory owners and operators who are experts in the use of their machines should be allowed to operate them as efficiently as possible. The industry standard is 1,600°F. When the incinerator temperatures were established, there was no consideration of greenhouse gas emissions.
- The definition of 'advanced methane detection technology' includes subsections which specifically include criteria applicable to drone monitoring. The current structure of this

rule language will prohibit DEQ from approving non-drone alternative monitoring methods in the future.

- Request clarification on DEQ's change associated with OAR 340-216-8010 Table 1 and whether there were any known sources that would 'drop out' of permitting based on the proposed changes.
- Request clarification on DEQ's proposed change to the definition of 'emergency' in Division 200.
- Concern with requiring a technology by rule that only one company can accommodate.
- Did DEQ consider other technologies that could be used to detect methane emissions in addition to drones?
- Sniffer Robotics is listed in OTM-51, but does license the technology to other parties across the country. OTM-51 is not specific to Sniffer Robotics, as any other entity may submit data to EPA for approval in the use of OTM-51.
- DEQ should consider removing the specific required use of OTM-51 to allow the use of other technologies and companies- namely if Sniffer Robotics goes out of business or is too busy to be scheduled timely for compliance purposes.
- Legislative intent was not to create winners and losers, rather to create winners in Oregon via better safety and monitoring of landfills. SB726 was written in a way that did not restrict or limit DEQ's ability to further require this technology across the state if the agency decides to do that.
- Requiring additional advanced monitoring instead of replacing existing monitoring methods is encouraged, though it is acknowledged that this would be an increased cost. Different monitoring methods can show different or more leaks. It would be expected that these costs would be passed on to users and consumers, though the wide body of consumers would likely mean a very minimal impact to each consumer. There would be significant positive effects to the surrounding community.
- Valley Landfills, Inc. is not opposed to using different technologies, rather wants to apply the best available technology at any point in time. The financial impacts can't all be passed on to consumers based on existing contracts and agreements in place.
- OTM-51 (drones) would be used in lieu of walking the surface performing Method 21 under the proposed rules. Though walking the surface would still be required to verify increased meter readings and confirm repairs have been completed to address leaks. The point of using OTM-51 would be to replace the bulk of the walking, not all of it.
- Specifically related to the proposed Fiscal Impact Statement, the committee engaged in the following discussion and considerations:
 - Chad and Paul noted that the cost estimate included in the FIS appears to be significantly lower than what it is expected to be and posits that it may not include the entirety of the fiscal impacts, possibly excluding 'data processing' or 'additional rechecks'. Another FAC member, David Barron, clarified that the estimate provided to DEQ does include data processing and various information being provided to the owner/operator who contracts with Sniffer Robotics, Inc. for these services. David Barron confirmed that an updated and site-specific cost estimate would be provided. [A site-specific estimate was provided on 4/17/2026, which is reflected in the Fiscal Impact Statement earlier in this document; of note, the original estimate was substantially similar to the site-specific revised estimate]
 - One FAC member, Paul, stated that Valley Landfills, Inc. spends "just under \$100,000 per year" for current monitoring. Other FAC members, David & Mason, stated that the FIS presented by DEQ should also consider the cost of current monitoring that will no longer be conducted (walking the surface Method 21) as a

cost savings to show the net expense required by the proposed rules. DEQ asked the FAC whether Valley Landfills, Inc. currently uses employees to perform Method 21 surface emissions monitoring or contracts for these services. Valley Landfills, Inc. contracts for Method 21 to be performed.

- The FAC discussed whether remonitoring events (or 'rechecks') should be included in the cost estimates. While they are costs incurred to comply with existing and proposed rules, they are also expenses that are fully within the control of the landfill owner or operator. One FAC member, David, stated that these costs are not from the rule change because current rules require these remonitoring events anyway, rather these costs are variable and can also be significantly less for well-controlled landfills. The recommendation was for DEQ to compare the methods of OTM-51 and EPA Method 21 specifically and not consider follow-up events as part of the FIS. Another FAC member stated that their company implemented a Leak Detection And Repair (LDAR) program and found many leaks at their facility, noting that these leak repairs were a substantive expense but one that the company needed to bear as their equipment was what was leaking and repairs of this type are expected to be necessary.
- One FAC member, Mason, stated that DEQ should consider the positive effects on the community and nearby residential health due to the expected reduction of methane emissions in addition to the financial impacts. Even if costs for monitoring are passed on to consumers, there are many consumers using Valley Landfills, Inc. so the costs passed on to consumers will be minor, arguably outweighed by the positive impacts of reduced methane emissions.

Public engagement

Public notice

DEQ provided notice of the proposed rulemaking and rulemaking hearing by:

- On April 29, 2026, filing notice with the Oregon Secretary of State for publication in the May 2026 Oregon Bulletin;
- Notifying the EPA by email;
- Posting the notice, invitation to comment and draft rules on the [rulemaking web page](#).
- Emailing approximately 19,000 interested parties on the following DEQ lists through GovDelivery:
 - Rulemaking
 - Air Quality Permits
 - DEQ Public Notices
 - Title V Permit Program
- Emailing the following key legislators required under [ORS 183.335](#):
 - Senator Janeen Sollman, Chair, Energy and Environment
 - Senator Sara Gelsler Blouin (Primary Sponsor SB 726)
 - Representative John Lively, Chair, Climate, Energy and Environment
 - Representative Emily McIntire (Primary Sponsor HB 3729)
- Emailing advisory committee members,
- Posting on the [DEQ event calendar](#)

How to comment on this rulemaking proposal

DEQ is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking. A person can submit comments by email, mail or at the public hearing.

- **Email:** Send comments by email to: AQRules.2026@deq.oregon.gov
- **Postal mail:** Oregon DEQ, Attn: Dan DeFehr, 700 NE Multnomah St., Room 600, Portland, OR 97232-4100
- **At public hearing:** 5:15 P.M. June 1, 2026

Comment deadline

DEQ will only consider comments on the proposed rules that DEQ receives by **4 p.m., on June 1, 2026**

Note for public university students:

ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student, notify DEQ that you wish to keep your email address confidential.

Public hearing

DEQ plans to hold one virtual public hearing. Anyone can attend a hearing by virtual meeting.

Date: May 29, 2026

Start time: 5:15 P.M.

[Join via Zoom](#)

Join by phone: +12532050468,,86400650640# US

+12532158782,,86400650640# US (Tacoma)

Meeting ID:864 0065 0640

[Instructions on how to join a virtual hearing.](#)

DEQ will consider all comments and testimony received before the closing date. DEQ will summarize all comments and respond to comments in the Environmental Quality Commission staff report.

Non-discrimination statement

DEQ does not discriminate on the basis of race, color, national origin, disability, age, sex, religion, sexual orientation, gender identity, or marital status in the administration of its programs and activities. Visit DEQ's [Civil Rights and Environmental Justice page.](#)

Supporting documents

- [Draft Rules](#)
- [Rule Change Description Report](#)