State of Oregon
DEQ Department of Environmental Quality

Staff Report

Greenhouse Gas Reporting Program Fee Update 2026

Contents

DEQ recommendation to DEQ Director

DEQ recommends that DEQ Director Feldon, on behalf of the Environmental Quality Commission, adopt the proposed rules in Attachment A as part of Chapter 340 of the Oregon Administrative Rules.

Introduction

Oregon's Greenhouse Gas Reporting Program rules require reporting from major sources of greenhouse gas emissions in Oregon. This includes industrial facilities, suppliers of liquid fuels and natural gas, landfills and electricity suppliers. DEQ receives reports with a broad variety of data from more than 400 regulated entities annually, covering more than 120 distinct industry types. Reported data supports Oregon's statewide greenhouse gas inventory and implementation of emissions mitigation programs such as HB 2021 (2021) Clean Energy Targets for the electricity sector and DEQ's Climate Protection Program.

DEQ is proposing rule amendments to Oregon Administrative Rules Chapter 340, Divisions 216, and 220 to establish permanent changes to the fees assessed to air permitted facilities subject to greenhouse gas reporting requirements. These fees have not been adjusted since 2010. The current fee structure no longer covers the costs of the program. Oregon's legislature approved SB 5520 in 2025, authorizing the Environmental Quality Commission to adjust the fees to support the current costs to operate the program, effective for the 2025 fiscal year. A temporary rule adopting the adjusted fees was approved in July of 2025 to prevent the program from operating in excess of revenue for that year. DEQ is now conducting this rulemaking to seek permanent approval of the fee increase amendments identical to those adopted in July of 2025.

During the EQC meeting on July 10, 2025, the EQC delegated adoption authority to the DEQ Director for the GHG reporting program fee increase. After the public rulemaking process has been completed the final rules will be presented to the DEQ Director for possible approval under her delegated authority.

The agency is proposing that fees be raised permanently from 15% of a Title V permit with a $4,500 cap and 7.3% of an Air Contaminant Discharge Permit, to 20% of any annual air permit base fees, with a minimum of $500 and a maximum annual fee of $9,000 per source.

These proposed rule amendments do not propose any policy or reporting changes.

Statement of need

What need would the proposed rule address?

Program fees, established in 2010, have remained unchanged despite inflation, rising program costs and expanded program services. Program revenue cannot sustain the current reporting activities and level of services, particularly technical assistance for regulated entities and auditing of reported data. If fees are not adjusted the program faces a budget shortfall.

How would the proposed rule address the need?

The proposed fee adjustment would increase fees to support current levels of program operations such as providing technical assistance to the regulated community, auditing and verification of data, and maintaining online reporting systems. It would also raise revenue necessary to cover rising costs associated with the program, including staff benefits and cost-of-living adjustments.

How will DEQ know the rule addressed the need?

DEQ will know the rule amendments address the need if the increased fees address the budget shortfall projected for the GHG Reporting Program and the program is able to maintain the current operations and service levels without interruption.

Federal relationship

Relationship to federal requirements

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.

Oregon's existing GHG Reporting Program aligns with federal regulations to the extent possible but also includes additional requirements unique to Oregon that support state-specific climate regulations. The fees assessed under the GHG Reporting Program cover the direct costs of implementing GHG reporting requirements to the state. But this rulemaking process is not proposing any new substantive regulations that exceed applicable federal requirements, it is only proposing fee increases.

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

The additional state specific requirements of current rules are essential to support Oregon's specific climate mitigation rules and programs. The program is funded through reporting fees, which enable the state to implement and maintain these reporting obligations. Together, the additional requirements and associated fees ensure that Oregon has accurate, verifiable GHG emissions data needed to develop and enforce state specific climate regulations and accurately track progress towards Oregon's emission reduction goals.

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

DEQ considered the following alternatives:

- Delaying the fee increase, which would result in a revenue shortfall for the program. This would negatively impact program operations and staffing as well as the companies requiring technical assistance from the agency to properly comply with reporting regulations.
- Maintaining current fee rates for each permit type while removing the existing fee cap of $4,500. While this option would generate enough revenue for the program, it would result in disproportionate impacts to certain fee payers with significant increases to several individual sources while introducing no changes in fees for many other companies.

DEQ did not pursue these alternatives because the program would face an immediate revenue shortfall impacting program implementation and preventing DEQ from implementing the rules as intended. DEQ consulted with impacted fee payers on these alternatives and the final proposal.

Rules affected, authorities, supporting documents

Lead division

Office of Greenhouse Gas Programs

Program or activity

Greenhouse Gas Reporting Program

Chapter 340 action

Amend

340-216-8020

340-220-0050

Statutory authority - ORS

468.020468.065

468A.040

468A.050

468A.315

Statutes implemented - ORS

468.065

468A.040

468A.050

468A.315

Legislation

SB 5520 (2025)

Documents relied on for rulemaking

Document title	Document location
GHG Reporting Program Draft Revenue Scenarios	DEQ HQ, 700 NE Multnomah St #600, Portland, OR 97232
Greenhouse Gas Sources 2024.xlsx	DEQ HQ, 700 NE Multnomah St #600, Portland, OR 97232

2025-2027 SB 5520 Budget Report and Measure Summary	Online
Temporary Rulemaking Action Item C: Greenhouse Gas Reporting Fee Adjustment	Online
GHG Fees 2025 YDO Report_11_13_2025	DEQ HQ, 700 NE Multnomah St #600, Portland, OR 97232
Air Contaminant Discharge Permit Fees 2026: Draft Fee Tables	Online
Employment Data: Employment Department	Employment Department, 875 Union Street NE, Salem OR 97311
Your DEQ Online Frequently Asked Questions	Online

Rules summary

OAR chapter 340, division 216

Rule Number	Rule Title	Explanation
OAR 340-216-8020 Table 2	Table 2 – Air Contaminant Discharge Permits	Amends Table 2 to increase fees from 7.31% of the applicable ACDP annual fee to $500.00 or 20% of the applicable ACDP annual fee in Part 2 of the table, whichever is greater and not to exceed $9000.00

OAR chapter 340, division 220

Rule Number	Rule Title	Explanation
OAR 340-220-0050(3)	Specific Activity Fees	Amends the greenhouse gas reporting activity fee. Increases the percentage to 20% and the cap to $9,000.00

Fee analysis

These proposed rules would increase existing GHG reporting fees. The Environmental Quality Commission authority to act on the proposed fees is in ORS 468A.050, 468.065 and 468A.315. In 2025, the legislatively approved budget, SB 5520, authorized the agency to increase the GHG RP fees. On July 10, 2025, the EQC approved temporary rules increasing the GHG reporting fees and delegated authority to DEQ Director Feldon to adopt a permanent fee increase.

Brief description of proposed fees

GHG reporting fees are calculated as a percentage of a stationary source's annual air permit fees. Currently, Title V air permit holders pay GHG reporting fees of 15% of annual fees, while ACDP holders pay 7.31%. All GHG reporting fees are currently capped at $4,500. Under the adopted temporary rules, the GHG reporting fee for both Title V and ACDP permit types is 20%, with a minimum fee of $500 and a maximum annual cap of $9,000 per source. This fee increase rulemaking is proposing to adopt fee rules identical to those adopted by EQC during the temporary rulemaking.

Reasons

The proposed fees are necessary to maintain current service levels for implementing the GHG reporting and to support regulated companies in understanding the requirements and how they apply to each company. Program costs have increased due to inflation, annual cost of living increases, rising benefit expenses and program implementation costs. Although current fees have sustained the program for the past 10 years, they are no longer sufficient to cover staff costs and technology upgrades, necessary for ongoing programmatic activities and services to the public and regulated communities.

For example, the table below illustrates one factor contributing to cost increases, program staffing expenditures. The table compares the 2015-17 Legislatively Approved Budget for the GHG reporting to the 2025-27 Legislatively Approved Budget. The comparison is of program limitation and indirect costs divided by the number of approved full-time equivalent (FTE) to determine a per FTE cost.

Budget Years	Legislatively Approved Limitation and Indirect Costs	Legislatively Approved FTE	Cost per FTE	Percent of Change
2015-17	$719,288	2.0	$359,644	
2025-27	$1,801,601	3.25	$554,339	54%

In addition to the increases in staffing expenditures, the program must maintain necessary funding to support technological activities which make the program efficient for both DEQ and affected parties. Additionally, since invoices for the program are issued annually, a sufficient ending balance is needed to ensure that all incurred costs of the program's operations are fully funded throughout the year.

Fee proposal alternatives considered

DEQ considered the following alternatives:

- **Alternative 1:** Delaying the fee increase. This would result in a revenue shortfall for the program, negatively affecting program operations and staffing levels. Without adequate staffing and technical support, companies regulated under the reporting rules would be impacted, potentially hindering their ability to properly comply with reporting requirements.
- **Alternative 2:** Maintaining current fee rates for each permit type while removing the existing fee cap of $4,500. While this option would generate enough revenue for the program, it would result in disproportionate impacts to certain fee payers with significant increases to several individual sources while introducing no changes in fees for many other companies.

Fee payer

The proposed fee increases would impact approximately 220 greenhouse gas reporting entities holding air quality permits. These are sources required to maintain Title V or ACDP air quality permits and are subject to requirements of the GHG reporting in OAR Chapter 340 Division 215. This includes a wide variety of industrial, institutional, and manufacturing facilities, as well as electricity generating facilities throughout Oregon.

Affected party involvement in fee-setting process

The fee increase was authorized through the 2025-2027 budget process. DEQ met with key representatives of air permit holders that would be impacted by the proposed fee adjustments. During the meetings staff and representatives worked through various proposed fee structures that could meet the need for increased revenue. These rules reflect feedback DEQ received.

DEQ convened a Rules Advisory Committee for this rulemaking with interested parties representing the impacted communities including industry, small business, and environmental organizations. Feedback from the committee and the public will inform DEQ's fiscal impact analysis.

Summary of impacts

The proposed rule amendments establish an updated fee structure and increase the costs for sources subject to Oregon's greenhouse gas reporting requirements and holding air quality permits. This includes approximately 85 Title V sources, 132 ACDP holders, and any future facilities that become subject to these requirements. The proposed fees are calculated at 20 percent of existing annual air permit fees, with a minimum of $500 and a maximum annual cap of $9,000 per source.

Based on existing invoicing data, DEQ estimates that the increase from current fees per permitted source ranges from a low of a $335 annual increase, with a maximum increase of $4,500 for the most complex permit holders. Of the 217 sources currently reporting to the program four sources would pay the $500.00 minimum fee, 29 sources would meet the requirements for the fee cap of $9,000.00, while the remaining 185 would pay 20 percent of their air permit fees.

Because the GHG reporting fee is calculated as a percentage of air quality permit fees, any modification to a permit or a change to the permit that impacts the assessed air permit fees also affects the associated GHG reporting fee. Different permit types have varying base fees, which in turn result in different GHG reporting fee amounts. In addition, if base permit fees are adjusted, GHG reporting fees would increase or decrease proportionally. For example, in January 2026, DEQ proposed an Air Contaminant Discharge Permit Fees 2026 rulemaking that would increase certain ACDP fees by 20%. If those rules are adopted, the ACDP permit fees would be modified and the GHG reporting fees for affected ACDP permit holders would correspondingly adjust to the higher permit cost.

A similar relationship exists between GHG reporting fees and DEQ's technology fee, assessed through the Your DEQ Online system. In 2021, the Oregon Legislature passed Senate Bill 58, which authorized DEQ to charge a small percentage fee on financial transactions conducted through Your DEQ Online. That fee is currently 4% of the transaction conducted. Because GHG reporting program fees are assessed through the Your DEQ Online system, those invoice transactions are subject to the 4% technology fee. Any changes to the GHG reporting would correspondingly incur a related change in the YDO technology fee. As proposed in this rulemaking, DEQ anticipates that GHG reporting entities will pay a minimum technology fee related to their GHG reporting invoices of $20 with a maximum of $360, for those GHG reporting entities paying the largest GHG reporting fees.

Fee payer concurrence with fee proposal

DEQ engaged fee payers and their representatives throughout the development of the agency's 2025-2027 biennial budget and legislative approval process. DEQ met with key representatives of fee-paying sources several times prior to the development of the proposed amendments. At these meetings, DEQ presented explanations for the need for the fee increase, options for structuring the increase, and subsequently provided updated options in response to their feedback. The proposed amendments incorporate feedback from the fee payer representatives.

Links to supporting documents for proposed fees

Below compares the 2015-17 Legislatively Approved Budget for the Greenhouse Gas Reporting Program to the 2025-27 Legislatively Approved Budget. The comparison is of program limitation and indirect costs divided by the number of approved full-time equivalency to determine a per FTE cost.

Budget Years	Legislatively Approved Limitation and Indirect Costs	Legislatively Approved FTE	Cost per FTE	Percent of Change
2015-17	$719,288	2.0	$359,644	
2025-27	$1,801,601	3.25	$554,339	54%

In addition to the rate of change per FTE costs, the program must maintain necessary funding to support technological activities which make the program efficient for both DEQ and affected parties. A sufficient ending balance is required to ensure program operations can continue to operate during the entire year of the invoicing cycle.

How long will the current fee sustain the program?

DEQ anticipates that under known circumstances this fee increase will be able to sustain current service level operations for a minimum of four years, or two biennia.

Current fees: Fee Last Changed: 2010		
Program costs covered by fees	$1,801,601	100%
Program costs covered by General Fund	$0	0%

Proposed fees: Expected effective date of April 2026		
Expected change in revenue (+/-)	$950,00	100%
Main GF required by statute/rule to fund program	$0	0%
Proposed fee allows General Fund replacement	$0	0%

Transactions and revenue

Biennium	Number of transactions	Number of fee payers	Impact on revenue (+/-)	Total revenue (+/-)
Current biennium 2025-2027	217	217	$950,000	$1,830,000
Next biennium 2027-2029	434	217	$1,900,000	$2,780,000

Fee schedule

Air Contamination Discharge Annual GHG Fee	
Greenhouse Gas Reporting, as required by OAR chapter 340, Division 215	$ 500 or 20% of the applicable ACDP annual fee in OAR 340-216-8020, Table 2, Part 2, whichever is greater and not to exceed $9,000.

Title V Annual GHG Fee	
DEQ will assess an annual Title V Operating Permit greenhouse gas reporting fee, as required by OAR 340-215-0060(1)	20% of the applicable annual and emissions fees under OAR 340-220, not to exceed $9,000

Statement of fiscal and economic impact

Fiscal and economic impact

Increasing the GHG reporting fees would raise costs to the affected permit holders but ensures that the program has adequate funds to support its operations. Fully funding the program ensures that the agency can provide technical and compliance assistance to those regulated entities, reducing the risk of non-compliance and related enforcement actions or costs.

Statement of cost of compliance

State agencies

The proposed rules would increase the GHG reporting fees for state agencies that own or operate an air permitted facility holding a Title V or ACDP permit and that emit emissions at or above the applicability threshold for the GHG reporting. Based on the latest invoice data for the program the fee increases would impact up to seven facilities owned or operated by the state.

Example: Oregon State Correctional Institution is an example of a State-owned facility that is required to hold an ACDP permit. It is estimated that the proposed GHG reporting program rule changes would increase their GHG RP fees by $335 annually.

Local governments

The proposed rules would increase the GHG reporting fees for local governments that own or operate an air permitted facility holding Title V or ACDP and that emit emissions at or above the applicability threshold for the GHG reporting. Based on the latest invoice data for the program the fee increases would impact up to 16 facilities owned or operated by local governments, primarily landfills operating throughout Oregon.

Public

The proposed rules include fee increases that only directly impact air permitted stationary sources meeting the GHG reporting threshold requirements. The proposal does not directly increase costs to the public.

Large businesses - businesses with more than 50 employees

Based on an analysis of DEQ 2025 invoice data and 2024 data from the Oregon Employment Department, DEQ identified approximately 187 large businesses holding air quality permits and reporting to the GHG reporting. Of the large businesses identified as reporting to the GHG reporting the change in fees from current rates ranges from an estimated increase of $335-$4,500, depending on the air quality permit type the facility holds.

Small businesses – businesses with 50 or fewer employees

Based on an analysis of DEQ invoiced data and 2024 data from the Oregon Employment Department, DEQ identified approximately 22 small businesses holding air quality permits and reporting to the GHG reporting. Of the small businesses identified as reporting to the GHG reporting the change in fees from current rates ranges from an estimated increase of $335-$4,500 depending on the air quality permit type the facility holds.

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.

Using recent employment data, compared to DEQ GHG reporting invoice records, DEQ estimates the fee increase would affect approximately 22 small businesses. Examples of those types of businesses include forest products manufacturing, biogas electricity generating, and animal food processing facilities.

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 rules do not require any new or additional activities or change any reporting or recordkeeping obligations under the GHG reporting rules. Air permitted stationary sources already pay annual GHG reporting fees to DEQ, these fees would be increased under the proposed rules.

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

The proposed rules will not require any additional equipment, suppliers, labor or increased administration resources. Air permitted stationary sources already pay annual GHG reporting fees to DEQ, these fees would just be increased under the proposed rules.

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

DEQ included representatives of small businesses on the rules advisory committee meeting to discuss the fiscal impacts of the proposed fee increase. During and after the meeting committee members were encouraged to provide input on how the proposed rules impact small businesses and how these impacts could be mitigated.

DEQ will provide rulemaking notice to all fee-payers reporting to the GHG reporting. These groups included small businesses.

Documents relied on for fiscal and economic impact

- Air Contaminant Discharge Permit Fees 2026: Draft Fee Tables
- Employment Data: Employment Department, 875 Union Street NE, Salem OR 97311
- Your DEQ Online Frequently Asked Questions
- GHG Fees 2025 YDO Report_11_13_2025: DEQ HQ, 700 NE Multnomah St #600, Portland, OR 97232

- GHG Reporting Program Draft Revenue Scenarios: DEQ HQ, 700 NE Multnomah St #600, Portland, OR 97232
- Greenhouse Gas Sources 2024.xlsx: DEQ HQ, 700 NE Multnomah St #600, Portland, OR 97232
- 2025-2027 SB 5520 Budget Report and Measure Summary
- Temporary Rulemaking Action Item C: Greenhouse Gas Reporting Fee Adjustment

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 stated in the minutes dated Feb 6, 2026 on the rulemaking website.

The committee members supported DEQ's draft fiscal impact statement, agreeing with the description of impacts to small businesses and other affected stakeholders. The committee determined the proposed rules would not have a significant adverse impact on small businesses in Oregon.

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 rule amendments would have no effect on the development costs because the proposed fee adjustments apply only to a subset of air permitted facilities reporting to the GHG reporting, such as power plants and industrial facilities. These fees are part of an air permitted facilities expected operating costs and do not affect development or costs associated with materials, labor or construction.

.

Racial equity

ORS 183.335(2)(a)(F) requires state agencies to provide a statement identifying how adoption of this rule will affect racial equity in this state. There are no expected impacts to racial equity in the state resulting from the proposed amendments. The amendments adjust existing fees for all air permitted facilities required to report to the GHG reporting. The additional revenue generated is limited to maintaining the current level of program operations and does not expand or alter the program's scope, regulatory functions, or enforcement activities. As these amendments support the continued regular operation of the existing program without introducing new policies or changes to implementation, no direct or disproportionate impacts to racial equity are anticipated.

Environmental justice considerations

ORS 182.545 requires natural resource agencies to consider the effects of their actions on environmental justice issues. 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.

Climate change caused by human activities that produce greenhouse gas emissions poses significant risks to the health, safety, and welfare of all Oregonians. Accurate and verified emissions data collected through Oregon's GHG reporting is essential for identifying major sources of these emissions, quantifying and tracking them, and taking action to reduce Oregon's contribution to global emissions. This data is essential in the implementation of our state's most impactful programs to mitigate greenhouse gas emissions, co-pollutants that pose public health risks to nearby communities, and anthropogenic climate change. GHG reporting data provides the foundation for effective climate action by enabling transparency and making critical emissions information publicly accessible. Reliable and accurate data is essential for ensuring policies are implemented fairly and equitably. It supports accountability and empowers meaningful participation from our communities in shaping state and local climate policies and programs. The proposed amendments would ensure that the GHG reporting has the revenue needed to sustain program operations and implementation. These amendments are necessary for the program to continue collecting, auditing, and providing this essential emissions data to the public, and to effectively support greenhouse gas mitigation efforts.

Land use

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

DEQ shared information about this rulemaking initially with the EQC through an information item on the Legislative Session and Budget Updates during the March 14, 2025, EQC agenda.

At the July 10, 2025, EQC meeting DEQ staff proposed the temporary Greenhouse Gas Reporting Fee Adjustment rules. The temporary rules and the delegation of authority to the DEQ director to adopt permanent amendments to increase these fees was approved by EQC during this meeting.

Advisory committee

Background

DEQ convened the GHG Reporting Program Fee Update 2026 advisory committee. The committee met once and included representatives from diverse air permit holders, small businesses, and industries subject to the GHG reporting program fees, environmental organizations and community members. The committee's web page is located at: [Greenhouse Gas Reporting Program Fee Update 2026].

The committee members were:

Name	Organization	Background or Role	Representing
Jackie White	Northwest Pulp & Paper Association	Director of Regulatory and Technical Affairs	Permitted pulp & paper sources
Mike Freese	Romain Freese, LLC	Advocates on behalf of certain permitted sources	Permitted industrial sources
Sharla Moffett	Oregon Business & Industry	Senior Policy Director	Permitted sources, including small businesses
Nancy Bennett	Portland General Electric	Senior Government Affairs Manager	Permitted electricity generation
Carra Sahler	Green Energy Institute	Director and Staff Attorney	Energy and environment

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
    - Climate Protection Program
    - DEQ Public Notices
    - Greenhouse Gas Programs
    - Greenhouse Gas Reporting
    - Oregon Clean Fuels Program
    - Third Party Verification Program
- Posted meeting information and materials on the rulemaking web page.
- 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 and provided feedback, documented in Feb 6, 2026 meeting summary and submitted comments after the meeting including:

- Commenters expressed support for the fee increase given that the program fees have not been updated since 2010, despite inflation and increases to program costs and demands.
- Interested parties value the technical assistance and reporting program support for their own reporting. Accurate data is important and valuable.
- Costs to the regulated community not only occur through fee increases. DEQ's third party verification requirements increased costs to companies reporting to the GHG reporting. Based on feedback from companies obtaining verification services and comments submitted to DEQ those costs may range from $9,000 to $31,000 annually, depending on the complexity of the facility and if a site visit is required for a particular verification.
- Concern was expressed about the combined impact of multiple DEQ fee increases across programs and services. Multiple RAC members expressed interest in greater transparency from the agency, across programs, about drivers of rising costs.
- Concern was expressed that legislature assigns new responsibilities to the agency without providing adequate funding, forcing agencies to rely on fees.
- Appreciation was expressed to DEQ for proactive engagement with interested parties and efforts to develop a balanced fee proposal.

Public engagement

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

- On March 19, 2026, filing notice with the Oregon Secretary of State for publication in the April 2026 Oregon Bulletin;
- Posting the notice, invitation to comment and draft rules on the rulemaking web page.
- Emailing approximately 21,844 interested parties on the following DEQ lists through GovDelivery:
  - Rulemaking
  - Climate Protection Program
  - DEQ Public Notices
  - Greenhouse Gas Programs
  - Greenhouse Gas Reporting
  - Oregon Clean Fuels Program
  - Third Party Verification Program
- Emailing the following key legislators required under ORS 183.335:
  - Senator Kate Lieber, Co-Chair, Ways and Means
  - Representative Tawna Sanchez, Co-Chair Ways and Means
  - Senator Lew Frederick, Co-Chair, Subcommittee on Natural Resources
  - Representative Emerson Levy, Co-Chair, Subcommittee on Natural Resources
  - Emailing advisory committee members,
- Posting on the DEQ event calendar

Public hearing

DEQ held one public hearing. DEQ received no comments at the hearing. Later sections of this document include the single written comment received during the open public comment period, DEQ's response, and identification of the commenter. The original comment is on file with DEQ.

Presiding officers' record

Hearing 1

Date: Wednesday, April 22, 2026

Place: Zoom Virtual Webinar

Start time: 1 p.m. PST

End time: 1:40 p.m. PST

Presiding officer: Elizabeth Hardee

Presiding officer

The presiding officer convened the hearing, summarized procedures for the hearing, and explained that DEQ was recording the hearing. The presiding officer asked people who wanted to present verbal comments to sign the registration list, or if attending by phone, to indicate their intent to present comments. The presiding officer advised all attending parties interested in receiving future information about the rulemaking to sign up for GovDelivery email notices.

As Oregon Administrative Rule 137-001-0030 requires, the presiding officer summarized the content of the rulemaking notice.

No person presented any oral testimony or written comments.

Summary of public comments and DEQ responses

Public comment period

DEQ accepted public comment on the proposed rulemaking from March 19, 2026 until 4 p.m. on April, 24 2026.

DEQ received one written comment during the public comment period. The comment is listed below and DEQ's response follows the summary. The original comment is on file with DEQ.

DEQ did not change the proposed rules in response to comments.

Comments received by close of public comment period

Commenter 1 Toby Bayard

Affiliation: Member of the public

This individual submitted comments supporting DEQ's increase of greenhouse gas reporting program fees. The commenter expressed concern with greenhouse gas emissions and a desire for a stable climate.

Response

DEQ appreciates the input and your comment.

Implementation

Notification

The proposed rules would become effective upon filing on approximately June 1, 2026. DEQ would notify affected parties through:

- GovDelivery, a web-based subscription service that allows DEQ to provide updates to the public via email.
- Emailing responsible officials and contacts from DEQ's Your DEQ Online for impacted fee payers.

Compliance and enforcement

There are no new or different compliance and enforcement requirements related to the proposed amendments. No changes to implementation to compliance and enforcement are needed.

Measuring, sampling, monitoring and reporting

There are no new or different measuring, sampling, monitoring or reporting requirements related to the proposed amendments. No changes to implementation are needed.

Systems

DEQ will update its Your DEQ Online system with the adopted fee increases for the annual GHG RP invoicing process. DEQ will also update any external websites with updated information.

Training

No additional internal or external training is needed, the proposed amendments do not impact the processes in place to conduct invoicing with our existing systems.

Five-year review

Requirement

Oregon law requires DEQ to review new rules within five years after EQC adopts them. The law also exempts some rules from review. DEQ determined whether the rules described in this report are subject to the five-year review. DEQ based its analysis on the law in effect when EQC adopted these rules.

Exemption from five-year rule review

The Administrative Procedures Act exempts all of the proposed rules from the five-year review because the proposed rules would:

- Amend or repeal an existing rule. ORS 183.405(4).

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.

For translation or other formats, visit DEQ's Civil Rights and Environmental Justice page.

Attachment A:

Draft Rules – Edits Highlighted

Key to identifying changed text:

- ~~Deleted Text~~
- **New/inserted text**

Division 216
AIR CONTAMINANT DISCHARGE PERMITS

340-216-8020
Table 2 — Air Contaminant Discharge Permits

(1) Sources referred to in Table 1 of OAR 340-216-8010 are subject to air contaminant discharge permit fees in Table 2. Title V sources may be subject to the Cleaner Air Oregon annual fees and the specific activity permit fees in Table 2, if applicable.

(2) Requests for waiver of fees must be made in writing to the Director, on a case-by-case basis, and be based upon financial hardship. Applicants for waivers must describe the reason for the request and certify financial hardship. The Director may waive part or all of a fee.

[NOTE: For the history of these tables prior to 2014 see the history under OAR 340-216-0020.]

[ED. NOTE: To view attachments referenced in rule text, click here for PDF copy.]

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.040 & 468A.310
Statutes/Other Implemented: ORS 468A

OAR 340-216-8020

Table 2: Air Contaminant Discharge Permits

OAR 340-216-8020 Table 2: Air Contaminant Discharge Permits		
Part 1. Initial Permitting Application Fees: (in addition to first annual fee)		
Short Term Activity ACDP		$4,500.00
Basic ACDP		$180.00
Assignment to General ACDP [1]		$1,800.00
Simple ACDP		$9,000.00
Construction ACDP		$14,400.00
Standard ACDP		$18,000.00
Standard ACDP (Major NSR or Type A State NSR)		$63,000.00
1. DEQ may waive the assignment fee for an existing source requesting to be assigned to a General ACDP because the source is subject to a newly adopted area source NESHAP as long as the existing source requests assignment within 90 days of notification by DEQ.		
Part 2. Annual Fees: (Due date 12/1[1] for 1/1 to 12/31 of the following year) (applicable July 1, 2022)		
Registration – Motor vehicle surface coating operations		$288.00
Registration - Dry cleaners using perchloroethylene		$216.00
Short Term Activity ACDP		$0
Basic ACDP	(A) #1-7 OAR 340-216-8010 Table 1 Part A	$648.00
	(B) #8-9 OAR 340-216-8010 Table 1 Part A	$1,469.00
General ACDP	(A) Fee Class One	$1,469.00
	(B) Fee Class Two	$2,644.00
	(C) Fee Class Three	$3,818.00
	(D) Fee Class Four	$734.00
	(E) Fee Class Five	$245.00
	(F) Fee Class Six	$490.00

OAR 340-216-8020 Table 2: Air Contaminant Discharge Permits		
Simple ACDP	(A) Low Fee	$3,917.00
	(B) High Fee	$7,834.00
Standard ACDP		$15,759.00
Greenhouse Gas Reporting, as required by OAR chapter 340, Division 215		~~7.31~~ $500.00 or 20% of the applicable ACDP annual fee in Part 2, whichever is greater and not to exceed $9,000
Part 3. Cleaner Air Oregon Annual Fees: (Due date 12/1 for 1/1 to 12/31 of the following year)		
Basic ACDP	(A) #1-7 OAR 340-216-8010 Table 1 Part A	$159.00
	(B) #8-9 OAR 340-216-8010 Table 1 Part A	$316.00
General ACDP	(A) Fee Class One	$315.00
	(B) Fee Class Two	$569.00
	(C) Fee Class Three	$823.00
	(D) Fee Class Four	$159.00
	(E) Fee Class Five	$53.00
	(F) Fee Class Six	$105.00
Simple ACDP	(A) Low Fee	$844.00
	(B) High Fee	$1,687.00
Standard ACDP		$3,377.00
1. DEQ may extend the payment due date for dry cleaners or gasoline dispensing facilities until March 1st.		
Part 4. Specific Activity Fees:		
Notice of Intent to Construct Type 2[1]		$720.00
Permit Modification	(A) Non-Technical	$432.00
	(B) Basic Technical	$540.00
	(C) Simple Technical	$1,800.00
	(D) Moderate Technical	$9,000.00
	(E) Complex Technical	$18,000.00

OAR 340-216-8020 **Table 2: Air Contaminant Discharge Permits**		
Toxic Air Contaminant Permit Addendum Modification	(A) Non-Technical	$452.00
	(B) Basic Technical	$452.00
	(C) Simple Technical	$1,507.00
	(D) Moderate Technical	$7,538.00
	(E) Complex Technical	$15,118.00
Major NSR or Type A State NSR Permit Modification		$63,000.00
Modeling Review (outside Major NSR or Type A State NSR)		$9,000.00
Public Hearing at Source's Request		$3,600.00
State MACT Determination		$9,000.00
Compliance Order Monitoring [2]		$180.00/month
Part 5. Late Fees:		
8-30 days late		5%
31-60 days late		10%
61 or more days late		20%

1. The Type 2 Notice of Intent to Construct does not apply to existing Basic ACDP or General ACDP sources.
2. This is a one-time fee payable when a compliance order is established in a permit or a DEQ order containing a compliance schedule becomes a final order of DEQ and is based on the number of months DEQ will have to oversee the order.

NOTE: See history of this table under OAR 340-216-0020.

340-220-0050
Specific Activity Fees

(1) DEQ will assess specific activity fees for an Oregon Title V Operating Permit program source for the period of August 1, 2024 to July 31, 2025 as follows:

(a) Existing source permit revisions:

(A) Administrative* — $975;

(B) Simple — $3,903;

(C) Moderate — $29,276;

(D) Complex — $58,552; and

(b) Ambient air monitoring review — $7,807.

(2) DEQ will assess specific activity fees for an Oregon Title V Operating Permit program source as of August 1, 2025 as follows:

(a) Existing source permit revisions:

(A) Administrative* — $1,004;

(B) Simple — $4,020;

(C) Moderate — $30,154;

(D) Complex — $60,308; and

(b) Ambient air monitoring review — $8,041.

(3) DEQ will assess the following specific activity fee for an Oregon Title V Operating Permit program source for annual greenhouse gas reporting, as required by OAR 340-215-0060(1) — ~~15~~ 20 percent of the following, not to exceed $~~4,500~~9,000*:

(a) The applicable annual base fee under OAR 340-220-0030 (for the period of November 15 of the current year to November 14 of the following year); and

(b) The applicable annual emission fee under OAR 340-220-0040.

(4) DEQ will assess the following specific activity fees for an Oregon Title V Operating Permit for Cleaner Air Oregon program implementation, as required by OAR 340-245-0400:

(a) The annual base fee of $2,994; and

(b) The annual emission fee of $22.63 per ton of each regulated pollutant for emissions during the previous calendar year, up to and including 7,000 tons of such emissions per year. The emission fee will be applied to emissions based on the elections made under OAR 340-220-0090.

[NOTE: *Includes revisions specified in OAR 340-218-0150(1)(a) through (g). Other revisions specified in OAR 340-218-0150 are subject to simple, moderate or complex revision fees.]

Statutory/Other Authority: ORS 468 & 468A
Statutes/Other Implemented: ORS 468 & 468A

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.

For translation or other formats, visit DEQ's Civil Rights and Environmental Justice page.

Draft Rules – Edits Incorporated

Division 216
AIR CONTAMINANT DISCHARGE PERMITS

340-216-8020
Table 2 — Air Contaminant Discharge Permits

(1) Sources referred to in Table 1 of OAR 340-216-8010 are subject to air contaminant discharge permit fees in Table 2. Title V sources may be subject to the Cleaner Air Oregon annual fees and the specific activity permit fees in Table 2, if applicable.

(2) Requests for waiver of fees must be made in writing to the Director, on a case-by-case basis, and be based upon financial hardship. Applicants for waivers must describe the reason for the request and certify financial hardship. The Director may waive part or all of a fee.

[NOTE: For the history of these tables prior to 2014 see the history under OAR 340-216-0020.]

[ED. NOTE: To view attachments referenced in rule text, click here for PDF copy.]

Statutory/Other Authority: ORS 468.020, 468A.025, 468A.040 & 468A.310
Statutes/Other Implemented: ORS 468A

OAR 340-216-8020

Table 2: Air Contaminant Discharge Permits

<table>
<tr><th colspan="3">OAR 340-216-8020
Table 2: Air Contaminant Discharge Permits</th></tr>
<tr><th colspan="3">Part 1. Initial Permitting Application Fees: (in addition to first annual fee)</th></tr>
<tr><td colspan="2">Short Term Activity ACDP</td><td>$4,500.00</td></tr>
<tr><td colspan="2">Basic ACDP</td><td>$180.00</td></tr>
<tr><td colspan="2">Assignment to General ACDP [1]</td><td>$1,800.00</td></tr>
<tr><td colspan="2">Simple ACDP</td><td>$9,000.00</td></tr>
<tr><td colspan="2">Construction ACDP</td><td>$14,400.00</td></tr>
<tr><td colspan="2">Standard ACDP</td><td>$18,000.00</td></tr>
<tr><td colspan="2">Standard ACDP (Major NSR or Type A State NSR)</td><td>$63,000.00</td></tr>
<tr><td colspan="3">1. DEQ may waive the assignment fee for an existing source requesting to be assigned to a General ACDP because the source is subject to a newly adopted area source NESHAP as long as the existing source requests assignment within 90 days of notification by DEQ.</td></tr>
<tr><th colspan="3">Part 2. Annual Fees: (Due date 12/1[1] for 1/1 to 12/31 of the following year)
(applicable July 1, 2022)</th></tr>
<tr><td colspan="2">Registration – Motor vehicle surface coating operations</td><td>$288.00</td></tr>
<tr><td colspan="2">Registration - Dry cleaners using perchloroethylene</td><td>$216.00</td></tr>
<tr><td colspan="2">Short Term Activity ACDP</td><td>$0</td></tr>
<tr><td rowspan="2">Basic ACDP</td><td>(A) #1-7
OAR 340-216-8010 Table 1
Part A</td><td>$648.00</td></tr>
<tr><td>(B) #8-9
OAR 340-216-8010 Table 1
Part A</td><td>$1,469.00</td></tr>
<tr><td rowspan="6">General ACDP</td><td>(A) Fee Class One</td><td>$1,469.00</td></tr>
<tr><td>(B) Fee Class Two</td><td>$2,644.00</td></tr>
<tr><td>(C) Fee Class Three</td><td>$3,818.00</td></tr>
<tr><td>(D) Fee Class Four</td><td>$734.00</td></tr>
<tr><td>(E) Fee Class Five</td><td>$245.00</td></tr>
<tr><td>(F) Fee Class Six</td><td>$490.00</td></tr>
</table>

OAR 340-216-8020 **Table 2: Air Contaminant Discharge Permits**		
Simple ACDP	(A) Low Fee	$3,917.00
	(B) High Fee	$7,834.00
Standard ACDP		$15,759.00
Greenhouse Gas Reporting, as required by OAR chapter 340, Division 215		$500.00 or 20% of the applicable ACDP annual fee in Part 2, whichever is greater and not to exceed $9,000
Part 3. Cleaner Air Oregon Annual Fees: (Due date 12/1 for 1/1 to 12/31 of the following year)		
Basic ACDP	(A) #1-7 OAR 340-216-8010 Table 1 Part A	$159.00
	(B) #8-9 OAR 340-216-8010 Table 1 Part A	$316.00
General ACDP	(A) Fee Class One	$315.00
	(B) Fee Class Two	$569.00
	(C) Fee Class Three	$823.00
	(D) Fee Class Four	$159.00
	(E) Fee Class Five	$53.00
	(F) Fee Class Six	$105.00
Simple ACDP	(A) Low Fee	$844.00
	(B) High Fee	$1,687.00
Standard ACDP		$3,377.00
1. DEQ may extend the payment due date for dry cleaners or gasoline dispensing facilities until March 1st.		
Part 4. Specific Activity Fees:		
Notice of Intent to Construct Type 2[1]		$720.00
Permit Modification	(A) Non-Technical	$432.00
	(B) Basic Technical	$540.00
	(C) Simple Technical	$1,800.00
	(D) Moderate Technical	$9,000.00
	(E) Complex Technical	$18,000.00

OAR 340-216-8020 Table 2: Air Contaminant Discharge Permits		
Toxic Air Contaminant Permit Addendum Modification	(A) Non-Technical	$452.00
	(B) Basic Technical	$452.00
	(C) Simple Technical	$1,507.00
	(D) Moderate Technical	$7,538.00
	(E) Complex Technical	$15,118.00
Major NSR or Type A State NSR Permit Modification		$63,000.00
Modeling Review (outside Major NSR or Type A State NSR)		$9,000.00
Public Hearing at Source's Request		$3,600.00
State MACT Determination		$9,000.00
Compliance Order Monitoring [2]		$180.00/month
Part 5. Late Fees:		
8-30 days late		5%
31-60 days late		10%
61 or more days late		20%

3. The Type 2 Notice of Intent to Construct does not apply to existing Basic ACDP or General ACDP sources.
4. This is a one-time fee payable when a compliance order is established in a permit or a DEQ order containing a compliance schedule becomes a final order of DEQ and is based on the number of months DEQ will have to oversee the order.

NOTE: See history of this table under OAR 340-216-0020.

340-220-0050
Specific Activity Fees

(1) DEQ will assess specific activity fees for an Oregon Title V Operating Permit program source for the period of August 1, 2024 to July 31, 2025 as follows:

(a) Existing source permit revisions:

(A) Administrative* — $975;

(B) Simple — $3,903;

(C) Moderate — $29,276;

(D) Complex — $58,552; and

(b) Ambient air monitoring review — $7,807.

(2) DEQ will assess specific activity fees for an Oregon Title V Operating Permit program source as of August 1, 2025 as follows:

(a) Existing source permit revisions:

(A) Administrative* — $1,004;

(B) Simple — $4,020;

(C) Moderate — $30,154;

(D) Complex — $60,308; and

(b) Ambient air monitoring review — $8,041.

(3) DEQ will assess the following specific activity fee for an Oregon Title V Operating Permit program source for annual greenhouse gas reporting, as required by OAR 340-215-0060(1) — 20 percent of the following, not to exceed $9,000*:

(a) The applicable annual base fee under OAR 340-220-0030 (for the period of November 15 of the current year to November 14 of the following year); and

(b) The applicable annual emission fee under OAR 340-220-0040.

(4) DEQ will assess the following specific activity fees for an Oregon Title V Operating Permit for Cleaner Air Oregon program implementation, as required by OAR 340-245-0400:

(a) The annual base fee of $2,994; and

(b) The annual emission fee of $22.63 per ton of each regulated pollutant for emissions during the previous calendar year, up to and including 7,000 tons of such emissions per year. The emission fee will be applied to emissions based on the elections made under OAR 340-220-0090.

[NOTE: *Includes revisions specified in OAR 340-218-0150(1)(a) through (g). Other revisions specified in OAR 340-218-0150 are subject to simple, moderate or complex revision fees.]

Statutory/Other Authority: ORS 468 & 468A
Statutes/Other Implemented: ORS 468 & 468A

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.

For translation or other formats, visit DEQ's Civil Rights and Environmental Justice page.