

2023 Climate Rulemaking Advisory Committee Meeting 1

Office of Greenhouse Gas Programs

April 4, 2023

10 a.m. – 3:45 p.m.

Zoom participation tips

Thank you for joining us today!

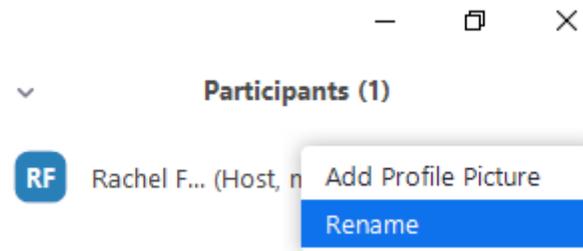
- The meeting is being recorded.
- Please join audio by either phone or computer, not both.
- Stay on mute when not speaking.
- RAC members join as panelists and members of public as attendees.
- For Zoom technical issues, email Climate.2023@DEQ.oregon.gov

How to rename and add affiliation

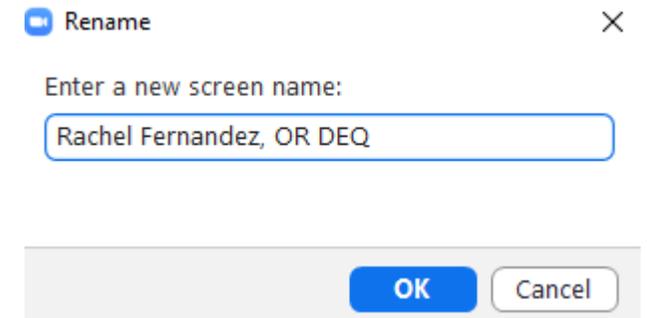
1. Hover on your name in the participation pane.



2. Right click on Rename.



3. Add your name, affiliation, pronouns (if desired)



Agenda

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10:15 a.m.	Review Climate 2023 rulemaking process and timeline
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12:45 p.m.	Lunch Break
1:45 p.m.	Public comment period
2:30 p.m.	Review and discussion of proposed GHG Reporting rule amendments for stationary sources and electricity suppliers
3:30 p.m.	Rulemaking next steps
3:45 p.m.	Adjourn meeting

Office of Greenhouse Gas Program staff

Colin McConnaha

Office Manager

Nicole Singh

Senior Climate Policy Advisor

Elizabeth Elbel

GHG Reporting Program Manager

Joe Westersund

Environmental Engineer 3

Matt Steele

Climate Policy Analyst

Rachel Fernandez

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Elizabeth Hardee

Third Party Verification Specialist

Bill Brady

Greenhouse Gas Reporting Specialist

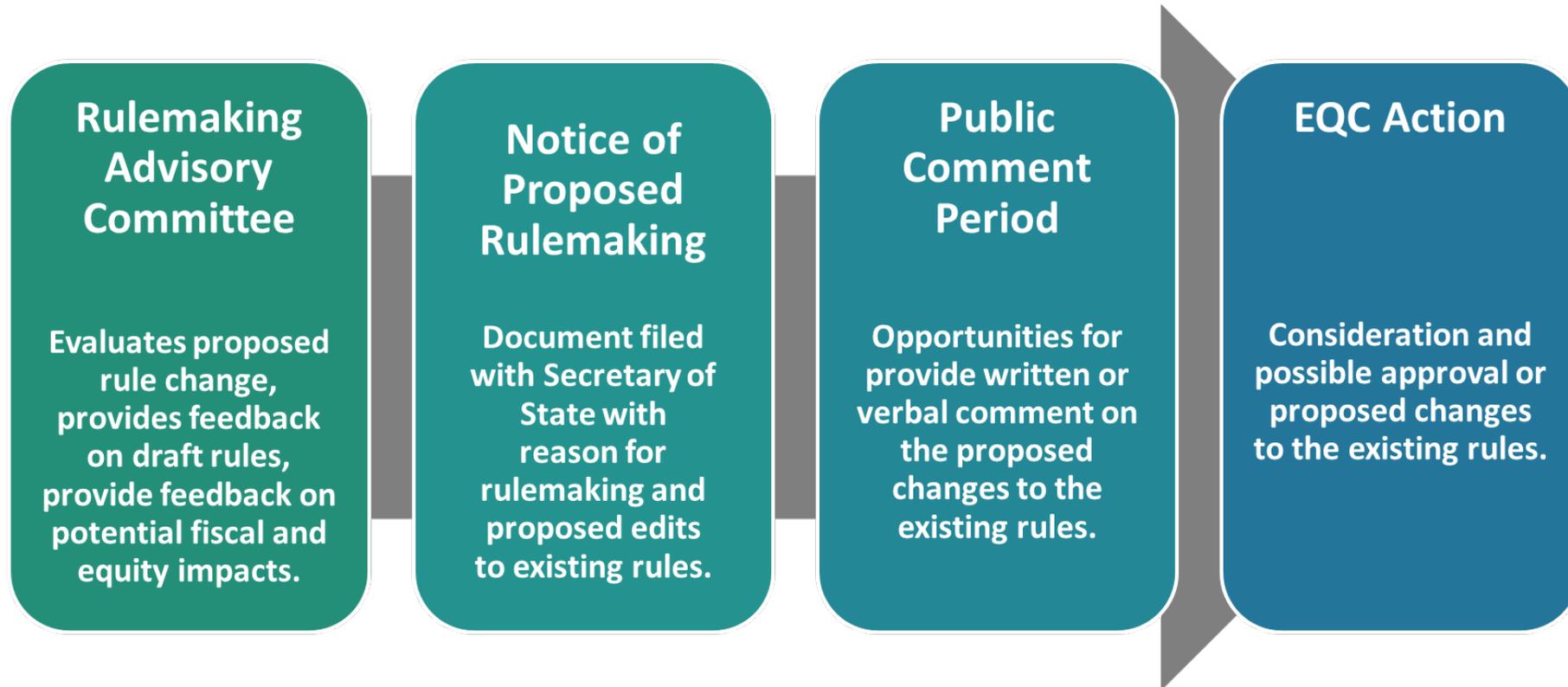
Meet our RAC members

Name	Title	Representing	Alternate
Alex Marcucci	Managing Consultant	Trinity Consultants	
Carra Sahler	Staff Attorney	Green Energy Institute (Lewis and Clark)	
Chris Huiard	Vice President of Retail	Space Age	
Jeremy Price	Lobbyist	HF Sinclair	
Marissa Bach	Commercial and Regulatory Assurance Advisor	Shell Trading US Company	
Mary Moerlins	Director of Environmental Policy & Corporate Responsibility	Northwest Natural	
Michelle Detwiler	Executive Director	Renewable Hydrogen Alliance	Martina Steinkusz
Mike Freese	Lawyer & Lobbyist	Oregon Fuels Association	
Nora Aptor	Climate Program Director	Oregon Environmental Council	
Norma Job	Environmental Manager	Ash Grove Cement Company	
Sam Wade	Director of Public Policy	Coalition for Renewable Natural Gas	
Spencer Gray	Executive Director	Northwest & Intermountain Power Producers Coalition	Irion Sanger
Zepure Shahumyan	Director of Energy and Environmental Policy	PacifiCorp	

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General rulemaking process



2023 Climate Rulemaking Timeline

April 4, 2023
RAC Meeting #1



June 27, 2023
RAC Meeting #3



August 2023
DEQ publishes Notice of
Proposed Rulemaking



October 2023
DEQ revises proposed
rules



April

May

June

July

August

September

October

November

May 16, 2023
RAC Meeting #2



July 2023
DEQ finalizes
proposed rules



August-October 2023
Public comment period
Public hearing(s) in
September



November 2023
EQC votes on proposed
rules



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Roles of RAC members

- Prepare for and set aside time for the meetings and reviewing materials in advance
- Stay focused on the specific agenda topics
- Provide constructive comments
- Treat everyone and his/her/their opinions with respect



Assigning a RAC alternate

- Please inform DEQ of any assigned alternate by sending an email to Climate.2023@DEQ.oregon.gov no later than **one week prior** to each meeting.
- It is the committee member's responsibility to fully brief their alternate on relevant issues prior to committee discussions.

Ground rules

- Honor the agenda and strive to stay on topic
- Provide a balance of speaking time
- Bring ideas and any concerns up for discussion at the earliest point in the process
- Address issues and questions – focus on substance
- Seek to learn and understand everyone's perspective
- Listen and speak with respect

Public comment and engagement

- Public comment welcome at this RAC meeting, immediately following the lunch break
- Public requested to provide written input by **April 11** to Climate.2023@DEQ.oregon.gov in order to be considered prior to the next RAC meeting, May 16.



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Climate 2023 Rulemaking scope

Key Discussion Items: RAC #1

- Stationary sources
- Electricity suppliers
- Natural gas utilities

Key Discussion Items: RAC #2

- Third party verification
- Fuel suppliers natural gas utilities



Climate 2023 Rulemaking scope

Key Discussion Items: RAC #3

- Fuel Suppliers Liquid fuels and Propane

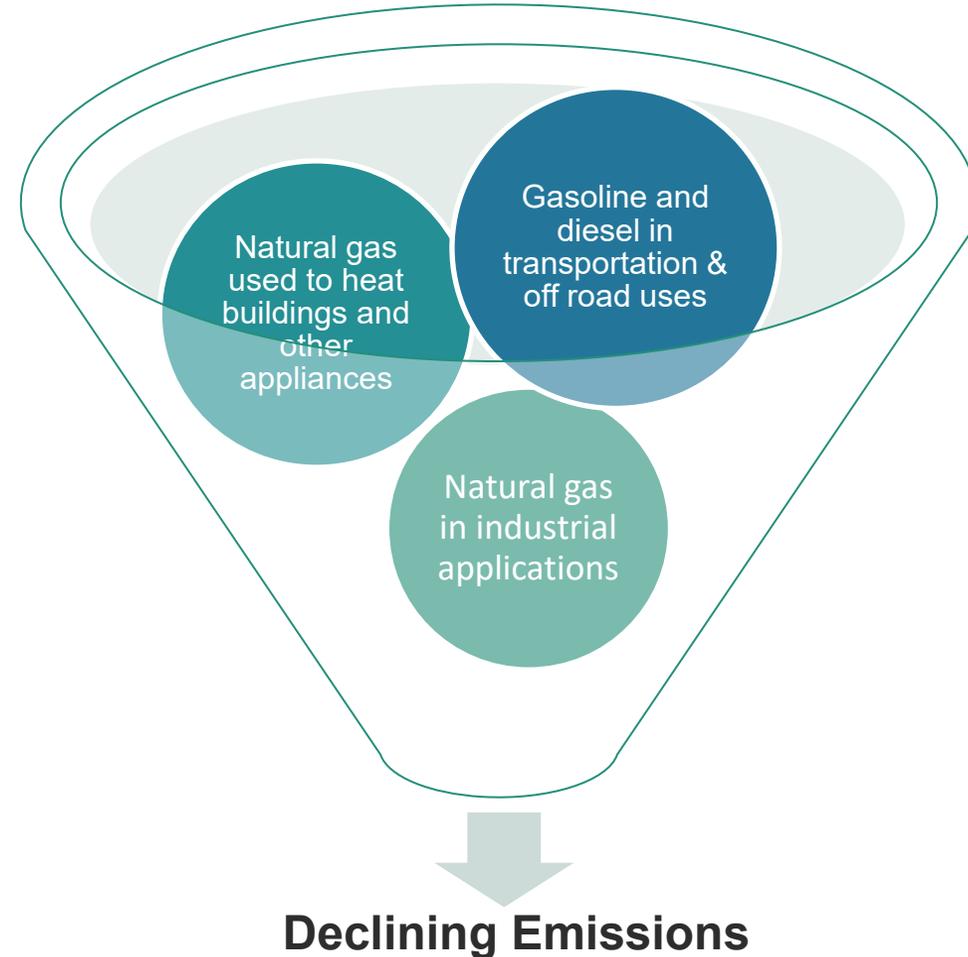


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Climate Protection Program (CPP)

- State regulatory program
- Mandatory limits on GHG emissions from fossil fuel use
 - Natural gas
 - Gasoline
 - Diesel
 - Propane

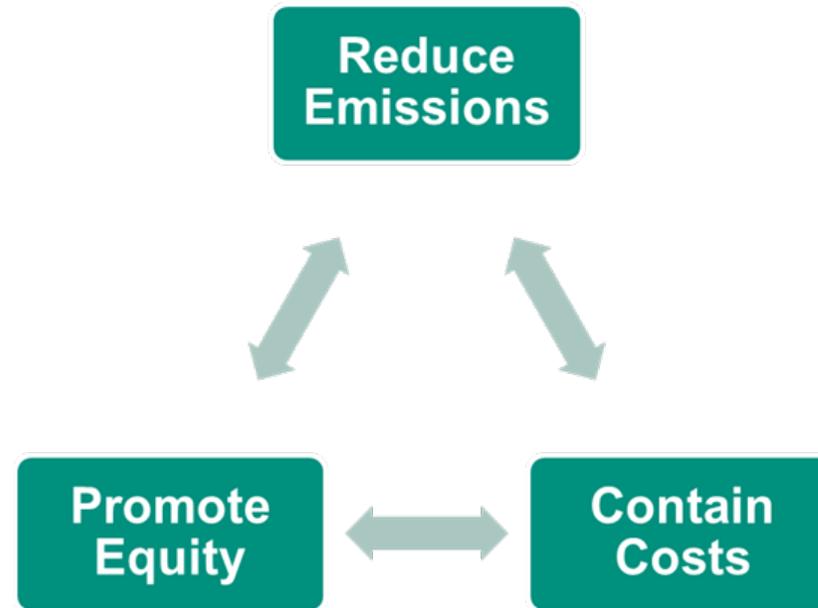


Climate Protection Program goals



Environmental justice communities include communities of color, communities experiencing lower incomes, tribal communities, rural communities, coastal communities, communities with limited infrastructure

- ↑ Greater pollution exposure
- ↑ Greater impacts of climate change
- ↓ Less representation in public processes
- ↓ Less access to new, clean technologies



Climate Protection Program covered entities

Covered Entities

Fuel Suppliers
(Cap approach)

Stationary Sources
(BAER approach)

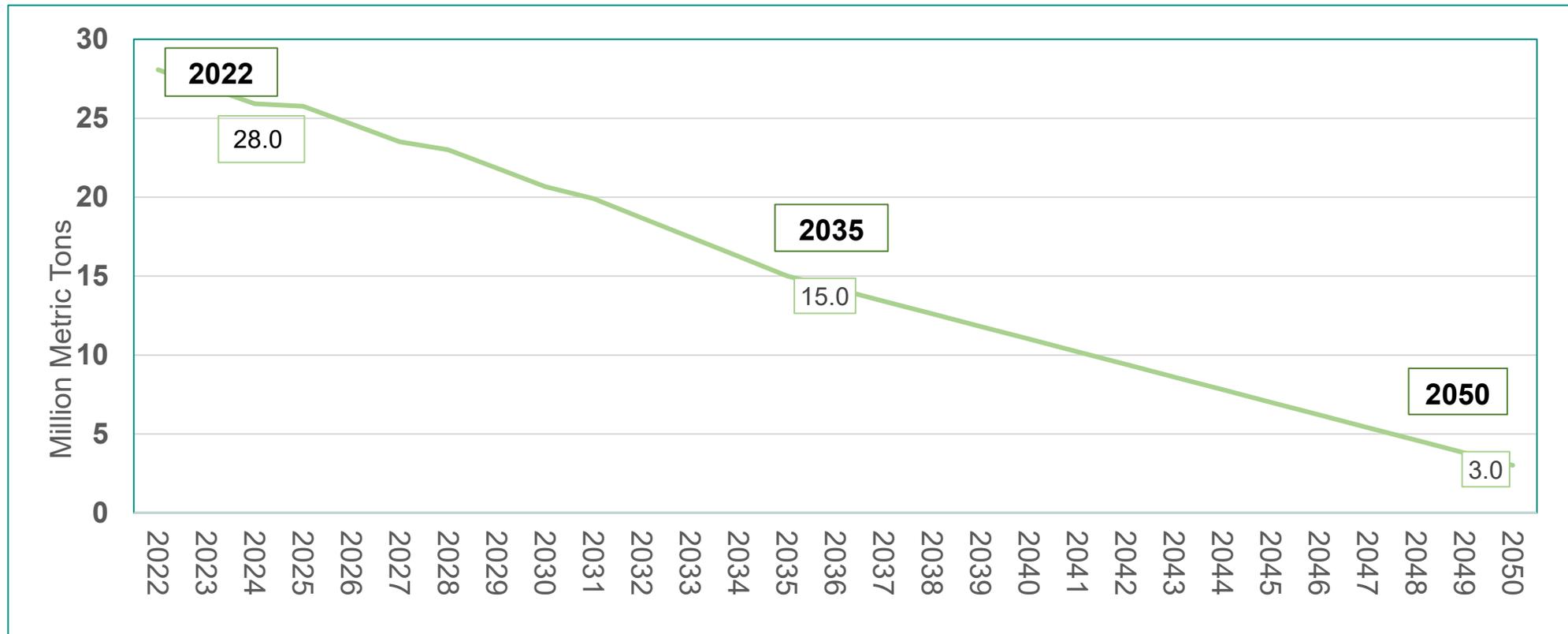
Suppliers of fuels
(gasoline, diesel, propane,
kerosene)

Natural gas utilities

Climate Protection Program cap

50% emissions reduction by 2035

90% emissions reduction by 2050



CPP covered fuel supplier emissions

Covered fuel supplier type	Covered emissions	Applicability thresholds
Natural gas utilities	<p>Anthropogenic greenhouse gas emissions from natural gas supplied</p> <p>Excludes:</p> <ul style="list-style-type: none"> Natural gas used at electricity generating facilities Biomass-derived fuels 	No threshold
Non-natural gas fuel suppliers	<p>Anthropogenic greenhouse gas emissions from fossil fuels supplied</p> <p>Excludes:</p> <ul style="list-style-type: none"> Aviation fuels Biomass-derived fuels 	<p>Declining threshold (MT CO₂e) over time</p> <p>For 2022-2024: 200,000</p>

CPP 2022 Temporary Rule

- Covered emissions for natural gas utilities
 - OAR 340-271-0110(4)(b)
- (b) Except as provided in paragraph (B), covered emissions include emissions described in paragraph (A).
- (A) Covered emissions include emissions of anthropogenic greenhouse gases in metric tons of CO₂e that would result from the complete combustion or oxidation of the annual quantity of natural gas imported, sold, or distributed for use in this state.

Revisions to OAR 340-271-0110(4)(b)

(B) Covered emissions do not include:

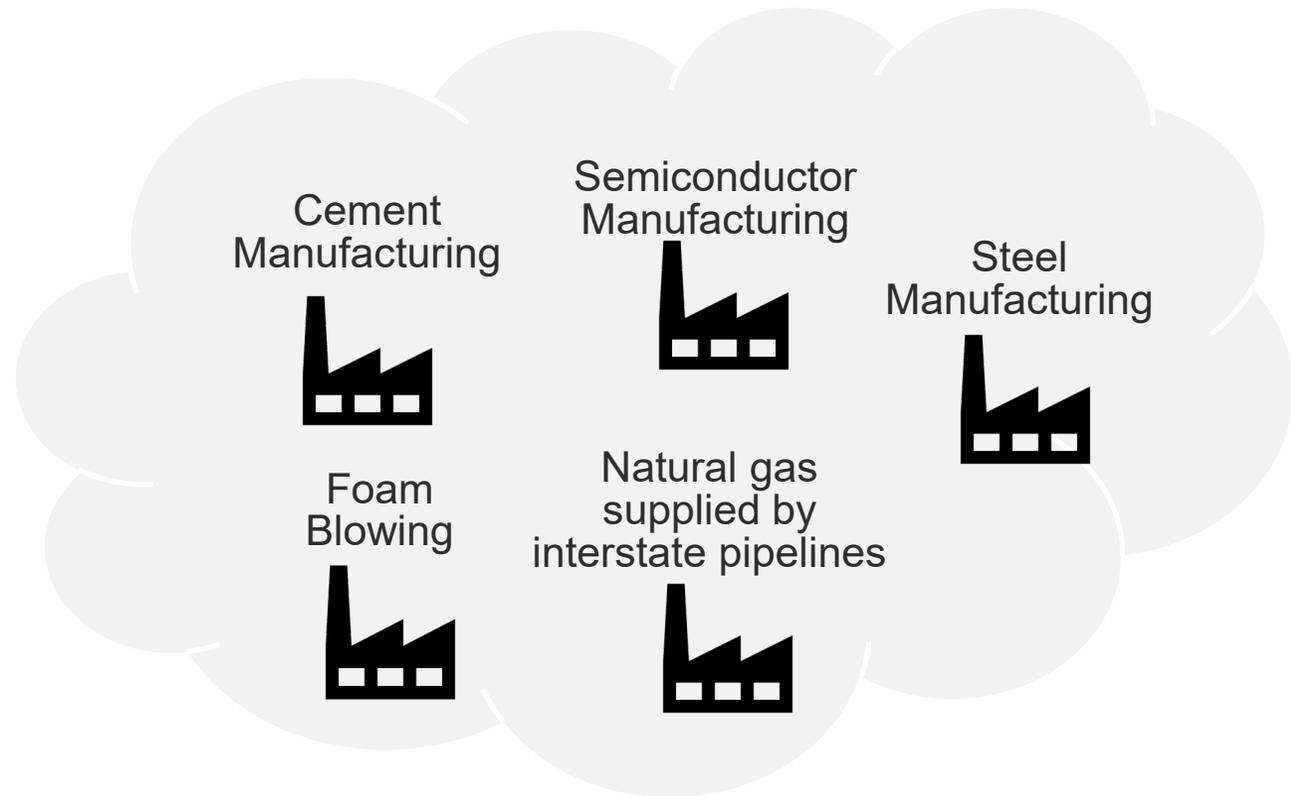
- (i) Emissions that are from the combustion of biomass-derived fuels;
- (ii) Emissions described in 40 CFR part 98 subpart W – Petroleum and Natural Gas Systems;
- (iii) Emissions avoided where the use of natural gas results in greenhouse gas emissions captured and stored, if sufficiently documented by information provided to DEQ; and
- (iv) Emissions from natural gas delivered to an air contamination source that is an electric power generating plant with a total nominal electric generating capacity greater than or equal to 25 megawatts.

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Best Available Emissions Reductions (BAER)

- Site-specific evaluations of technologies & practices to reduce certain “covered emissions” not covered by cap



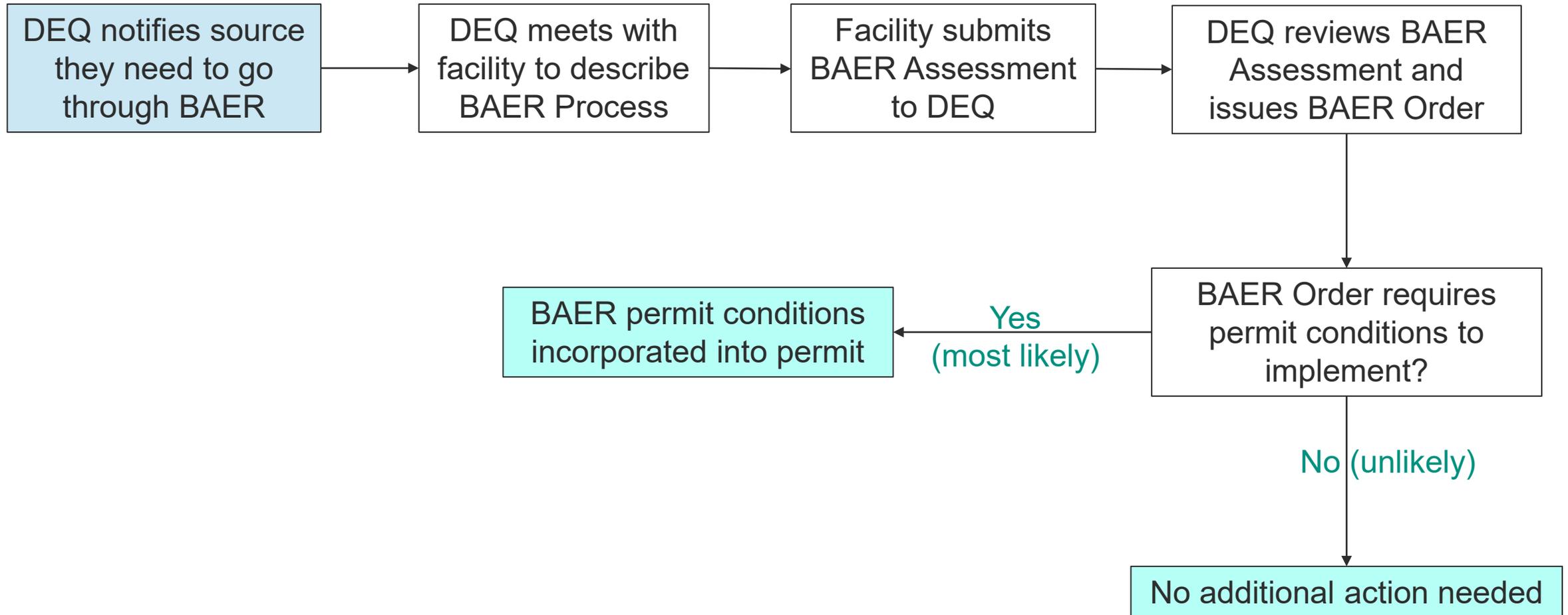
BAER covered emissions include

- Industrial process emissions
 - GHGs produced as part of process
 - GHGs released or leaked in process
- Use of solid fuels
 - Examples: coal, tires
- Emissions from natural gas not sourced from natural gas utility

BAER covered emissions do not include

- Emissions from natural gas sourced from natural gas utility
- Combustion of liquid fuels, propane or biomass
- Emissions from
 - Municipal Solid Waste or Industrial Waste landfills
 - Interstate NG pipelines or compressor stations
 - Power plants ≥ 25 MW

BAER process



Opportunities for public engagement

- Members of the public can submit comments when:
 - DEQ receives draft BAER assessment
 - DEQ presents review of BAER assessment and publishes draft BAER Order
 - DEQ publishes draft permit / permit modification

BAER applicability

- Facility is a covered stationary source if:
 - Constructed before 2022 (“existing source”) with actual covered emissions $\geq 25,000$ MT CO₂e in any year
 - Constructed after 2021 (“new source”) with covered emissions PTE $\geq 25,000$ MT CO₂e / year
- PTE is potential to emit
 - Max amount facility could emit, considering their capacity & permit limits. May be same as or lower than capacity.
- Proposing to change definition of “new source” and how BAER applies to modifications

Proposed BAER rules – Division 271

- Proposed changes in Division 271:
 - Definition of "new source"
 - Current rules define "new source" = "constructed after 2021"
 - Sources permanently treated differently under rules
 - Proposing change so that "new source" = "doesn't have air permit yet"
 - Permit modifications
 - Source would have to go through BAER before a mod that would:
 - increase covered emissions PTE by $\geq 10,000$ MT CO₂e / year
 - AND result in covered emissions PTE $\geq 25,000$ MT CO₂e / year afterwards

Proposed BAER rules – Division 216

- Proposed change #1:

- Add line to [OAR 340-216-8010](#) Table 1, Part A:

9) All stationary sources not listed elsewhere in this table which would have the capacity to emit 25,000 metric tons of CO₂e or more of covered emissions as defined at OAR 340-271-0020 in a calendar year.

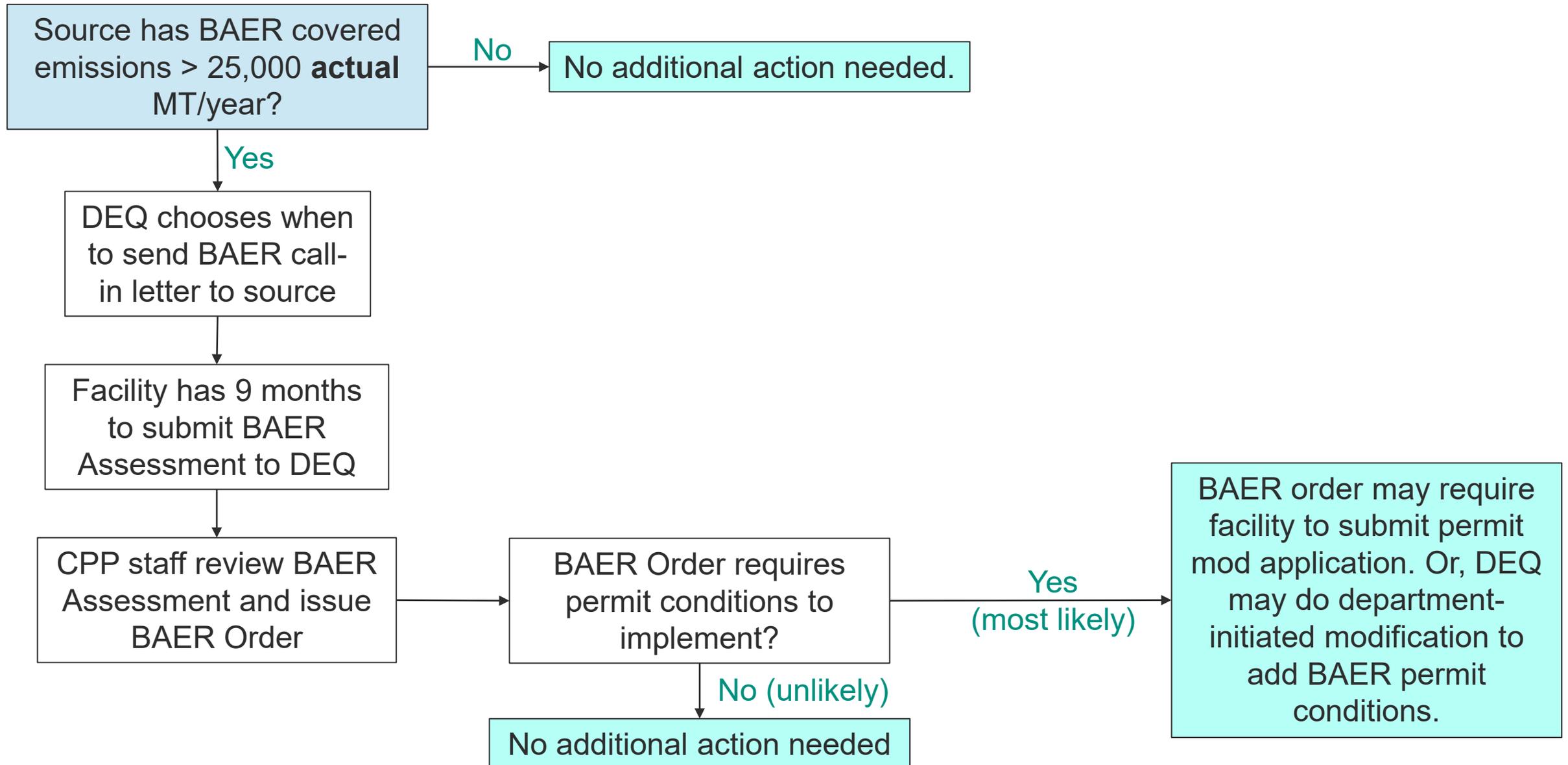
- BAER applies to sources that need ACDP or TV because of non-GHG emissions
- Source could have high BAER emissions but not need a permit
- Change would require sources of that type to get Basic ACDP and go through BAER
- DEQ doesn't know of any current facilities that would be affected

Proposed BAER rules – Division 216

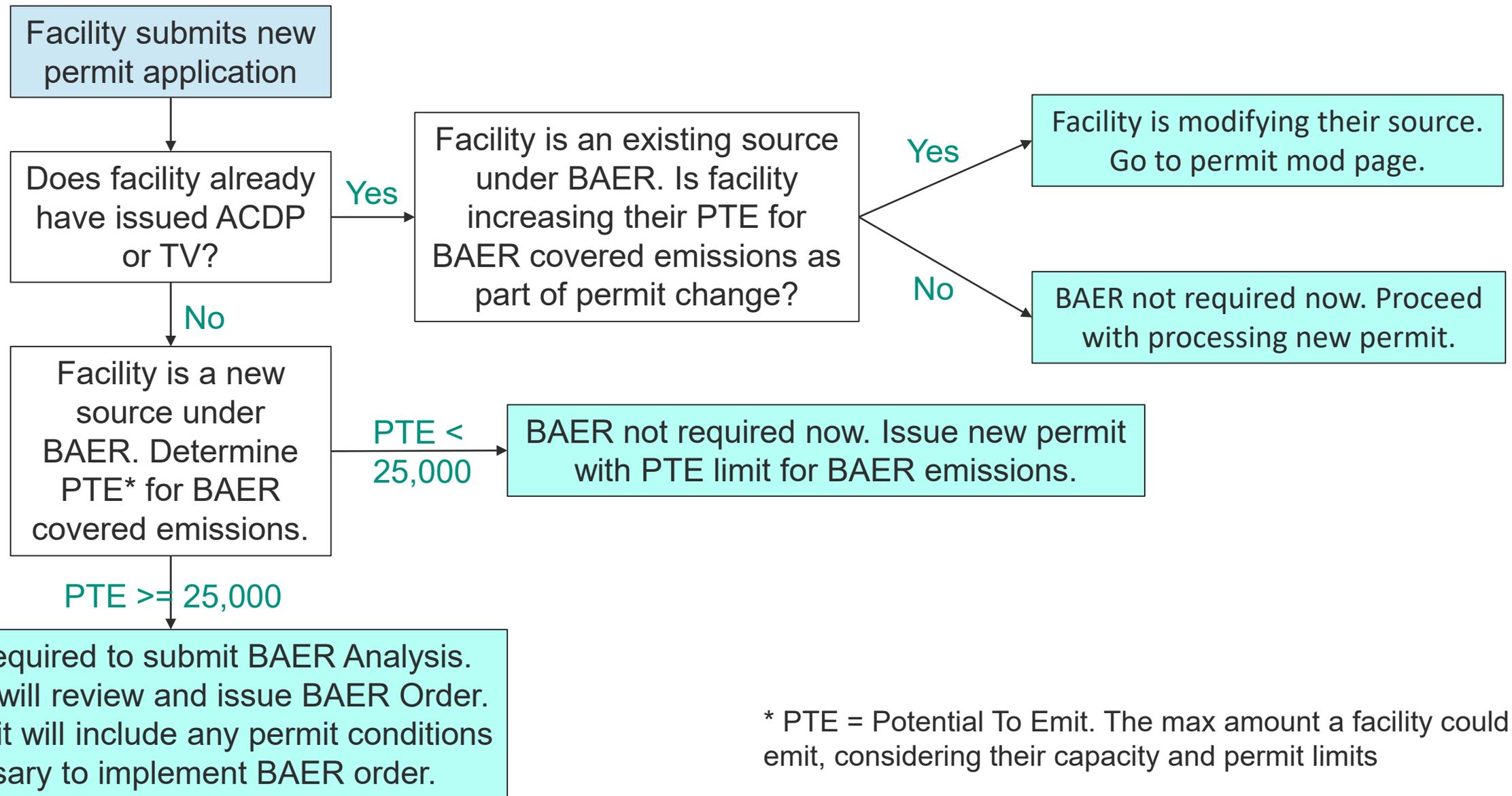
- Proposed change #2:
 - Edit OAR 340-216-8020 Table 2
 - Different fees for Basic types #1-7 vs Basic type #8
 - Proposing that fees for new type #9 would be same as #8

Basic ACDP type	Application Fee	ACDP Annual Fee	CAO Annual fee	GHG Annual Fee
Types #1-7	\$180	\$648	\$151	7.31% of ACDP annual fee
Type #8	\$180	\$1,469	\$302	7.31% of ACDP annual fee

Proposed new BAER Process – Existing Source

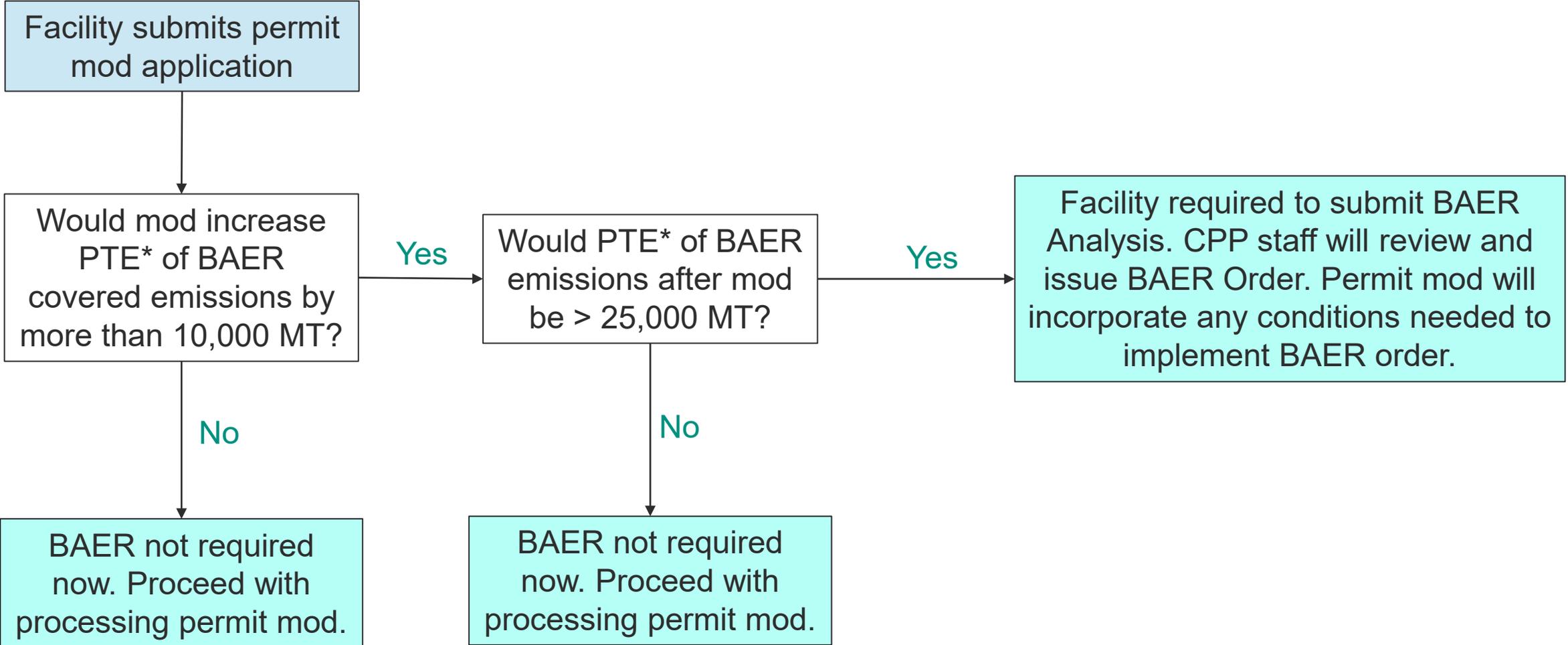


Proposed new BAER Process - New Permit Application



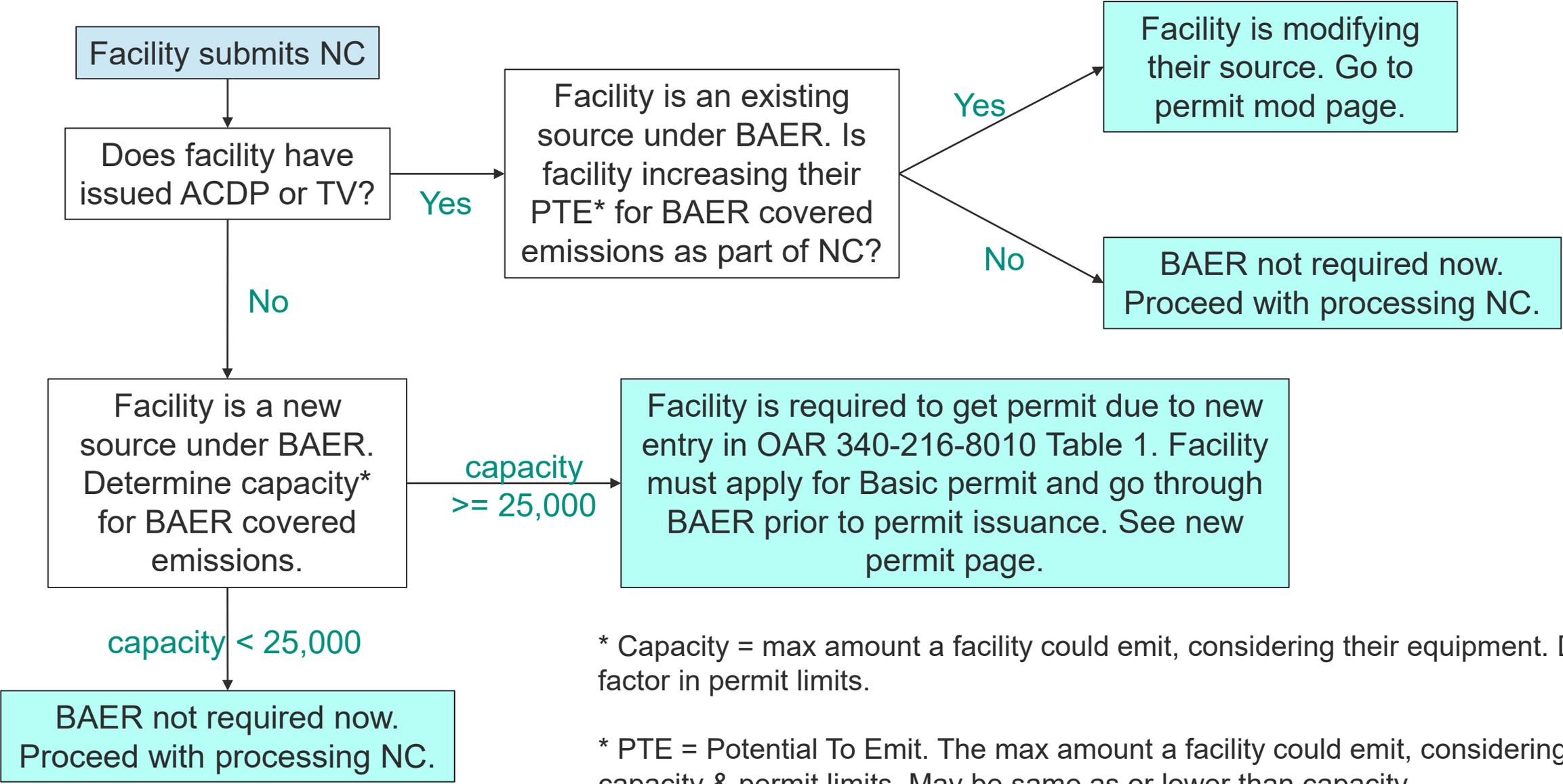
* PTE = Potential To Emit. The max amount a facility could emit, considering their capacity and permit limits

Proposed new BAER Process – Permit Modification



* PTE = Potential To Emit. The max amount a facility could emit, considering their capacity and permit limits.

Proposed new BAER Process – Notice of Intent to Construct (NC)



* Capacity = max amount a facility could emit, considering their equipment. Does not factor in permit limits.

* PTE = Potential To Emit. The max amount a facility could emit, considering their capacity & permit limits. May be same as or lower than capacity.



BAER RAC discussion questions

- Clarifying questions?
- Do the proposed changes to new source and applicability language accomplish the goal discussed in this presentation?
- Does the 2-part threshold make sense for requiring pre-construction BAER review for a notice to construct or permit modification?
- Are you aware of facilities that have high covered emissions but currently aren't required to get a DEQ air permit?
- Would a requirement to get a Basic ACDP be appropriate for those facilities?

Lunch Break

The meeting will resume at 1:45 p.m.

For Zoom technical issues, email Climate.2023@DEQ.oregon.gov

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Public Comment

We are taking public comments at this time.

Raise your hand  or press *9 to be called to give oral comment.

Please say your name and affiliation before speaking and respect any time limits and ground rules.

You may also send written comment on today's RAC discussion topics by April 11 to Climate.2023@DEQ.oregon.gov.

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GHG Reporting Program: Division 215 introduction

The purpose of the program is to collect complete and accurate greenhouse gas emissions data and related information from Oregon's largest sources of greenhouse gasses. This information is intended to support our understanding of Oregon's contribution to global greenhouse gases and inform mitigation strategies, policies and programs.



Fuel suppliers (100)



Natural gas suppliers (3 utilities; 3 pipelines; 1 importer)



Petroleum and natural gas systems (5 system operators)

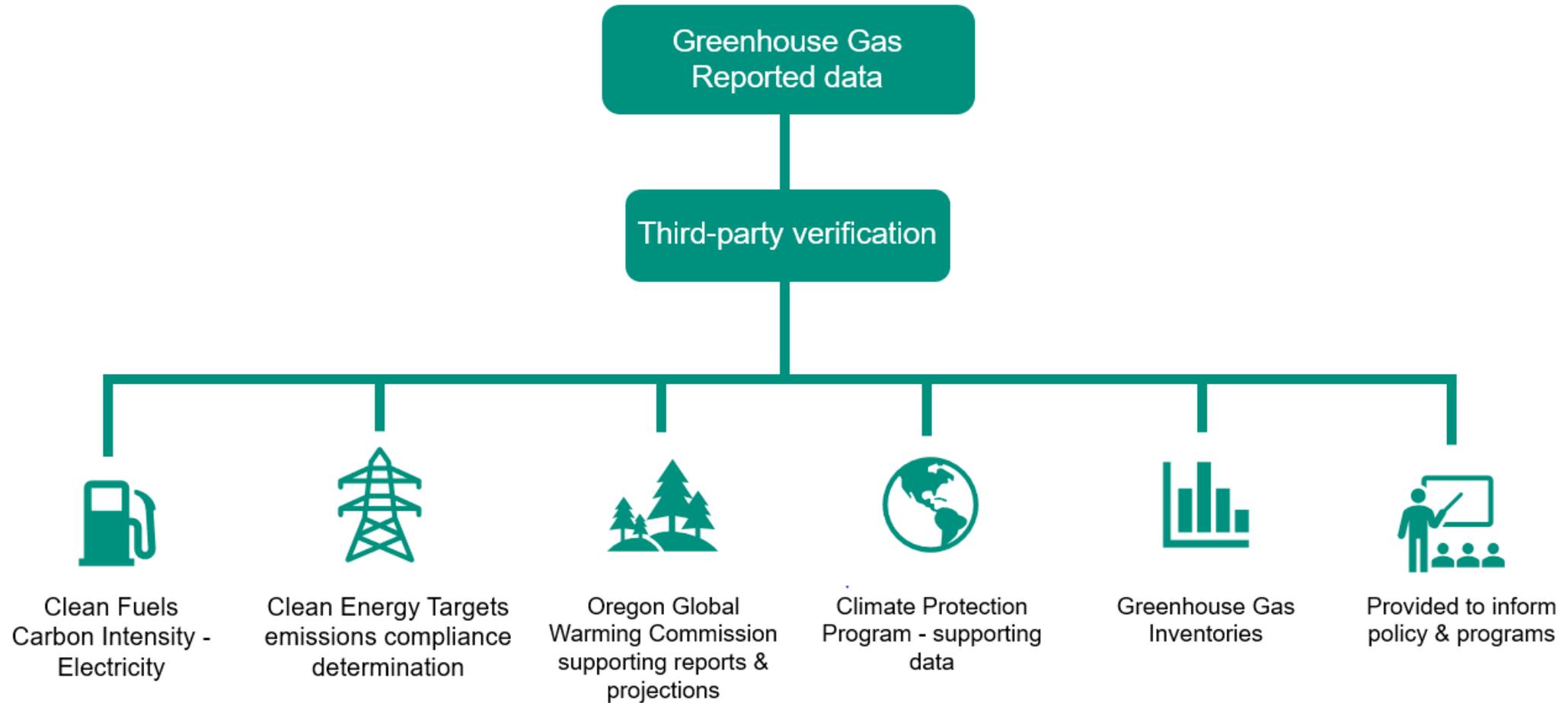


Permitted air contamination sources (220 +)



Electricity suppliers (40+)

GHG Reporting Program: Division 215 introduction



GHG Reporting Program: Rulemaking topics

RAC #1 Division 215 Topics	RAC #2 Division 215 Topics	RAC #3 Division 215 Topics
Improved definitions and general clarifications	Biofuel reporting requirements and recordkeeping	Clarification for fuel supplier reporting, reviewing terms and definitions
Air permitted sources reporting	Updates needed related to third-party verification	Fiscal and equity impact discussion
Electricity supplier reporting		

GHG Reporting Program: RAC #1 topics

- New definitions
- General clarifications
- Air contamination sources
 - Applicability and exemptions
 - Update foam blowing GHG emissions calculation
- Electricity suppliers
 - Update data requirements to align with Clean Energy Target data needs
 - Multi-jurisdictional system calculation

Proposed amendment: Definition examples

- **340-215-0020 Definitions**

(XX) “**Carbon dioxide supplier**” means a facility with production process units that capture a CO₂ stream for commercial application or for purposes of supplying CO₂ to another, entity or facility or that capture the CO₂ stream in order to utilize it for geologic sequestration where capture refers to the initial separation and removal of CO₂ from a manufacturing process or any other process. The definition does not include transportation or distribution of CO₂; purification, compression, or processing of CO₂; or on-site use of CO₂ captured on-site

(XX) “**Gross generation**” or “gross power generated” means the total electrical output of the generating facility or unit, expressed in megawatt hours (MWh) per year.

(XX) “**Net generation**” or “net power generated” means the gross generation minus station service or unit service power requirements, expressed in megawatt hours (MWh) per year. In the case of cogeneration, this value is intended to include internal consumption of electricity for the purposes of a production process, as well as power put on the grid.

Proposed amendment: General clarification - examples

- **340-215-0030** Applicability relating to solid waste facilities

(A) Solid waste disposal facilities required to obtain a permit issued under OAR chapter 340, divisions 93 through 96, excluding facilities that meet all of the following conditions:

- (i) Did not accept waste during the previous year; and
- (ii) Are not required to report greenhouse gas emissions to EPA under 40 C.F.R. part 98; and
- (iii) Are not required to report methane generation rates under OAR 340, division 239;

- **340-215-0046(4)** Reporting deadlines occurring on weekends and holidays

(4) If a reporting deadline occurs on a Saturday, Sunday, or a state holiday, the deadline is extended to the following business day.

Proposed amendment:

Air contamination sources requirements and exclusions

340-215-0105(1) Requirements for Air Contamination Sources

(1) Calculate and report greenhouse gas emissions using quantification methodologies and report data and information described in 40 C.F.R. part 98 subparts C through UU, as applicable, unless otherwise specified in this rule. Emissions data reports submitted to DEQ must include all emissions with calculation methodology in 40 C.F.R. part 98 subparts C through UU or listed in this division; and

(a) Regulated entities may exclude emissions from categorically insignificant activities as defined in OAR 340-200-0020. If categorically insignificant activities cannot be separated from other activities, entities may report aggregate emissions that include categorically insignificant activities; and

(b) Regulated entities that are in-state producers may exclude data and information described in 40 C.F.R. part 98 subpart NN and MM from an emissions data report for an air contamination source and must comply with OAR 340-215-0110 and OAR 340-215-0115, as applicable; and

(c) Regulated entities that are carbon dioxide suppliers report data and information described in 40 C.F.R. part 98 subpart PP;

Proposed amendment: Update closed-cell foam blowing calculation

- **340-215-0105(6)(d)**
- **Background:** EPA's GHG reporting program does not have a subpart that accounts for fluorinated GHG emissions from the use of foam-blowing agents.
- In 2019, DEQ adopted rules to require reporting of emissions from foam-blowing related to manufacturing closed-cell foam board and prescribed a calculation method based on the American Carbon Registry. In practice, the adopted calculation did not accurately account for emissions from operations at Oregon's facilities.
- The proposed amendment modifies the current formula to more accurately capture emissions and the addition 340-215-105(6)(e) specifically directs sources to pursue approval from DEQ if an alternative method is needed.

Proposed amendment: Electricity suppliers

- **340-215-0120(1)(e)** Clean Energy Targets data requirements

(e) Electric companies as defined in ORS 757.600 and subject to ORS 469A.210 must separately report and identify electricity (MWh) and greenhouse gas emissions associated with electricity acquired from net metering of customer resources or a qualifying facility under the terms of the Federal Energy Regulatory Commission's PURPA Qualifying Facility program.

Proposed amendment: Multi-jurisdictional utility system emissions

- **340-215-0120(6)(c)**

Clarifies that a multi-jurisdictional (MJ) utility system emission factor must be calculated consistent with a cost allocation methodology approved by the Public Utility Commission for reporting emissions allocated in the state.

- Aligns with reporting program authorizing statute, OAR 468A.280
- Supports implementation of HB 2021, Clean Energy Targets, which requires that a MJ utility submit a clean energy plan developed consistent with an approved cost-allocation methodology

Definitions for the calculations now include the following language:

“pursuant to a cost allocation methodology approved by the Oregon Public Utility Commission.”

GHG Reporting Program: Discussion questions

- Are there any clarifying questions?
- What additional definitions are needed to support the rule?
- Are there other areas in the rule that would benefit from additional specification or clarification?
- Based on your past experience with reporting, what other implementation issues related to stationary sources or the electricity sector need to be addressed in division 215?

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Rulemaking next steps

- DEQ is accepting written comment on today's discussion items.
- This presentation with the discussion questions is available on rulemaking website.
- Please submit comments by April 11 to Climate.2023@deq.oregon.gov.
- Next rulemaking advisory committee meeting (#2) is on May 16, 2023 from 10 a.m. to 4 p.m. PT.

Rulemaking resources

- Rulemaking web page: [Department of Environmental Quality : Climate 2023 : Rulemaking at DEQ : State of Oregon](#)
- Rulemaking contact: Climate.2023@deq.oregon.gov
- [Sign up for rulemaking notifications via email or text](#)

Thank You

Title VI and alternative formats

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