



The League of Women Voters of Oregon is a 102-year-old grassroots nonpartisan political organization that encourages informed and active participation in government. We envision informed Oregonians participating in a fully accessible, responsive, and transparent government to achieve the common good. LWVOR Legislative Action is based on advocacy positions formed through studies and member consensus. The League never supports or opposes any candidate or political party.

October 26, 2022

To: cpp.info@deq.oregon.gov

Re: **LWVOR Comments on Climate Protection Program Temporary Rulemaking**

Deadline for comments: October 31, 2022, by 4 PM

Because the League of Women Voters of Oregon (LWVOR) believes that climate change is a serious threat facing our nation and planet, LWVOR supports climate goals and policies that are consistent with the best available climate science and that will ensure a stable climate system for future generations.

The Department of Environmental Quality (DEQ) has discovered that in the Rules as adopted by the Environmental Quality Commission in December 2021, the section titled “Covered emissions do not include” has a loophole which may allow the emission of significant amounts of unregulated greenhouse gases.

Members of LWVOR participated in the development of the Climate Protection Program (CPP) and testimony on behalf of LWVOR was submitted several times. The [testimony](#) for the first RAC meeting is most applicable to these comments.

We do agree that a change needs to be made immediately. However, we have a suggestion for a change in the [temporary rules](#) and would also like to see a broader scope to the Rulemaking process for the permanent rules.

Temporary Rules

Original text

- 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.
- 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 that result from non-combustion-related processes that use natural gas, as determined by 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.

Proposed change:

- iii Emissions avoided where the use of natural gas results in greenhouse gases emissions captured and stored within a product if sufficiently documented by information provided to DEQ;

The concern was raised because “combustion and oxidation” are explicitly mentioned in A, but only “combustion” is mentioned in B. DEQ found that some sources interpreted that to mean that oxidation does not produce covered emissions. That was not DEQ’s intent when the Rules were adopted. We therefore support changing the Rules to include oxidation.

One of the public commenters at the public hearing on October 24 suggested that the term “stored within a product” could be used to exclude the emissions even if the storage were only short-term. We, therefore, recommend that the draft rules be modified to exclude this possibility.

Instead of just adding “non-oxidation,” DEQ made the rule more general, which we support as it may lead to more greenhouse gas emissions being covered. The issue of whether the emissions resulting from the use of natural gas to make hydrogen would be considered covered emissions was raised at the public hearing, but not clearly answered. We expect this question will be responded to when the final rules are published for the EQC.

Permanent Rules

The Rules as adopted by the EQC for stationary sources using natural gas are somewhat cryptic, especially item ii. We understand that its effect is that stationary sources receiving their natural gas from one of the three utilities regulated by the PUC are not regulated by the CPP, while those that receive their natural gas from another source are regulated by the CPP.

The LWVOR testimony referenced above included the following statement:

“We believe that large stationary sources should be regulated for both their on-site combustion of natural gas and their emissions generated by their industrial processes.”

We still support this statement and request the DEQ to include reconsideration of this during the permanent Rulemaking process.

Thank you for the opportunity to provide comments.



Rebecca Gladstone
LWVOR President



Claudia Keith, Kathy Moyd
LWVOR Climate Emergency Portfolio