



April 9, 2021

## MEMORANDUM

**TO:** Senator Kathleen Taylor and Representative Jeff Reardon, Co-Chairs  
Joint Committee on Way and Means Subcommittee on Natural Resources

**CC:** John Terpening, Legislative Fiscal Office

**FROM:** Richard Whitman, Director

**SUBJECT:** Response to Questions from Budget Hearing on April 5 & 7, 2021

During the April 5 and 7 Joint Committee on Way and Means Subcommittee on Natural Resources hearings on the Department of Environmental Quality's Budget, committee members asked several important questions. Responses are provided below.

### **How far along is the Department in the implementation of HB 2007? How many vehicles have been retrofitted and how much has been invested?**

HB 2007 (passed in 2019) established deadlines after which older medium and heavy duty diesel trucks may not be registered or titled within Clackamas, Multnomah, and Washington counties. Based on statutory directives, implementation of this law is in the early stages.

#### Specific Deadlines:

- **January 1 2023:** A medium-duty or a heavy-duty truck powered by a model year 1996 or older diesel engine cannot be registered.
- **January 1 2025:** A medium-duty truck powered by a model year 2009 or older diesel engine cannot be titled and a heavy-duty truck powered by a model year 2006 or older diesel engine cannot be titled.
- **January 2029:** A medium-duty truck powered by a model year 2009 or older diesel engine cannot be registered. Publicly owned heavy-duty trucks powered by a model year 2009 or older diesel engine cannot be registered. Privately owned heavy-duty trucks powered by a model year 2006 or older diesel engine cannot be registered.

These deadlines are part of the motor vehicle code and will be implemented and enforced by ODOT.

The legislation created an exemption for trucks that are retrofitted with equipment certified by the Environmental Quality Commission. Based on current registration data, DEQ expects approximately 1,000 trucks will be subject to the first deadline in 2023. We expect approximately 5,400 trucks will be subject to the 2029 deadlines. It is unclear how many trucks owners will opt for retrofitting, but the agency is required to establish rules and develop a program to handle retrofits. DEQ will encourage the use of Volkswagen Settlement Grants, which can fund 100% of the costs to purchase and install a retrofit device.

Draft rules detailing allowable retrofit technologies are open for public comment right now. The rules are expected to be brought to the Environmental Quality Commission for their consideration in July 2021. The program would begin implementation upon adoption of the rules.

### **Is Johnson Creek, located in Southeast Portland and near industrial areas, safe for public use?**

Johnson Creek has been assessed for many different pollutants over the years and bacteria is a key concern for human contact. While Johnson Creek has a restoration plan addressing elevated levels of pollutants (i.e., TMDL), the water quality conditions have not yet been restored. However, with growing houseless populations in the vicinity of Johnson Creek, we need to collect additional data on bacteria. This will be part of our upcoming assessment.

Additionally, the Oregon Health Authority (OHA) conducted a public health assessment in 2016 of the area around the Precision Castparts Corporation (PCC) campus in Southeast Portland, which is adjacent to Johnson Creek. The assessment was initiated in response to a neighborhood advocacy group's request to OHA to evaluate the health risks for the area surrounding PCC, including Johnson Creek.

The assessment measured concentrations of chemicals in surface water of Johnson Creek near the PCC campus and found they are not likely to harm health. They also measured concentrations of chemicals in the sediment of Johnson Creek and found they are not likely to harm the health of people who occasionally encounter it. Finally, the assessment determined people may safely eat up to five meals of crayfish per month (40 ounces for adults) from Johnson Creek.

Subsequent to the OHA assessment, a segment of Johnson creek that had previously been affected by contaminated stormwater was significantly modified by a City of Portland construction project. Samples were taken during and after the project that revealed low to non-detected concentrations of contaminants.

## **What do we know about GHG emissions in 2020 and did they go down?**

It is too soon to know the full extent of potential GHG emissions reductions in 2020, as they are just beginning to be reported to DEQ. We will have a full report later this year.

However, quarterly data on transportation fuels reported to our Clean Fuels Program suggest that emissions in Oregon's largest emissions sector did decline, at least briefly, in response to the economic downturn resulting from the pandemic. Specifically, gasoline, which is mostly used for personal vehicles, dipped sharply by 30% year-over-year in Q2 2020. Diesel use however, remained relatively constant.

## **What was the impact of the 2020 wildfire seasons on Oregon's emissions?**

DEQ does not directly calculate or receive reports on wildfire GHG emissions. Wildfire is just one of several important factors that influence the net flux of carbon in Oregon's forests. There is forest growth/sequestration, along with several types of removal from harvest, wildfire and other mortality.

## **How is wildfire affecting the future carbon sequestration potential of Oregon's forests?**

This is a question being explored by the Oregon Global Warming Commission and being studied by the Oregon Department of Forestry in the broader context of factors influencing carbon sequestration in Oregon forests. A couple links to some of their related work:

- Forest Carbon Accounting OGWC Report (2018):  
<https://www.oregon.gov/ODF/ForestBenefits/Documents/Forest%20Carbon%20Study/OGWC-Forest-Carbon-Project-Report-2018.pdf>
- ODF Forest Carbon accounting web page (includes other reports):<https://www.oregon.gov/odf/ForestBenefits/Pages/ForestCarbonStudy.aspx>
- Link to the 2020 forest acres burned  
ODF:<https://www.oregon.gov/odf/Documents/fire/odf-century-fire-history-chart.pdf>
- Main ODF page wildfire data:  
<https://www.oregon.gov/odf/fire/pages/firestats.aspx>
- Current OGWC "Natural and Working Lands" work:  
<https://www.keeporegoncool.org/natural-working-lands>