



Frequently Asked Questions

DEQ's Use of Enforcement Discretion and No Penalty Justification Under the Heavy-Duty Low NOx Omnibus Rules for New School Bus and Solid Waste Collection Vehicles and Engines Sold in Oregon¹

What is the meaning of enforcement discretion as applied to the Heavy-Duty Low NOx Omnibus Rules?

Enforcement discretion in this case means that DEQ will not pursue enforcement or assess civil penalties for new school bus and solid waste collection vehicle engines that are sold or delivered for sale in Oregon in violation of:

- OAR 340-261-0040 Requirement to Meet California Vehicle Emission Standards
- OAR 340-261-0050 Incorporation by Reference, sections (1), (2) and (3)
- OAR 340-261-0070 Recalls

Why is DEQ using enforcement discretion for school buses and solid waste collection vehicles under the Heavy-Duty Omnibus rules?

DEQ's discussions with school bus and solid waste collection fleets as part of the recent HD Omnibus rulemaking amendment process led DEQ to conclude that additional action was necessary beyond the recently adopted 2024 amendments. DEQ determined that despite the additional compliance flexibilities for legacy engine sales that were included in the adopted CARB amendments the market supply for these specialized vehicle sectors is likely to continue to be limited.

Under what circumstances and to whom does the enforcement discretion apply?

DEQ will exercise enforcement discretion with respect to entities that manufacture and sell or deliver for sale in Oregon new heavy-duty engines used in school buses and solid waste collection vehicles in Oregon. This enforcement discretion is not directly applicable to government agencies or private businesses that purchase new heavy-duty vehicles and engines since the Heavy-Duty Omnibus rules only apply to manufacturers and sellers of medium- and heavy-duty vehicle engines.

¹ This FAQ document is informational only and is not a statement of DEQ's policy on this matter. DEQ staff will follow the enforcement discretion and no penalty justification [memorandum](#) approved on 7/30/2024.

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How long will the enforcement discretion last?

This enforcement discretion will remain in place through the earlier of:

- the end of 2025
- when the Oregon Environmental Quality Commission or its designee adopts rule amendments, or
- the enforcement discretion memorandum is modified or rescinded

Why is enforcement discretion time-limited?

DEQ intends to propose rule amendments in the near-term that would temporarily exempt the school bus and solid waste collection vehicle sectors from the rule. However, because vendor delivery timelines are currently extending out from 1.5 to 2.5 years, DEQ has decided to notify manufacturers that it intends to use enforcement discretion regarding engines for school buses and solid waste collection vehicles. DEQ anticipates a formal decision from the EQC or its designee on new rule amendments to occur by the first quarter of 2025.

What is the expected impact of DEQ's use of enforcement discretion on engine manufacturers and sellers?

DEQ will refrain from enforcing the legacy engine excess emission offset requirements related to the sale of new school bus and solid waste collection vehicle engines in Oregon, such that they will be effectively treated as other engine types that are currently exempt from the Heavy-Duty Omnibus rules (i.e. transit bus diesel engines or emergency vehicle engines). This will result in the increase of the total number of new legacy engines that manufacturers and sellers would be able to sell in Oregon under the Omnibus rule for all other vehicle sectors.

What is the expected impact of DEQ's use of enforcement discretion on fleets who purchase new vehicles with heavy-duty engines and on businesses that sell these vehicles?

DEQ expects that its policy not to enforce the above-described requirements will eliminate any impact of the Heavy-Duty Omnibus rules on the supply of new school buses and solid waste collection vehicles during the period of enforcement discretion. DEQ anticipates an increased supply of available new school buses and solid waste collection vehicles for sale in Oregon. Additionally, DEQ anticipates an increase in the total number of new legacy engines that would be available for sale in Oregon under the Omnibus rule for all other vehicle sectors.

Similarly, DEQ expects that its use of enforcement discretion will result in eliminating the impact of the Heavy-Duty Omnibus rules on private businesses that sell school buses and solid waste collection vehicles (who are not also the manufacturer of the vehicle engine) during the period of enforcement discretion. For businesses that sell new vehicles with heavy-duty engines, other than school buses and solid waste collection vehicles, DEQ anticipates an increase of the total number of new legacy engines that would be available for sale by these businesses in Oregon.

Are manufacturers still required to report the volume of school bus and solid waste collection vehicle engines sold in Oregon?

During this temporary enforcement discretion manufacturers would continue to be required to report to DEQ the number of school bus and solid waste collection vehicle engines that are sold in Oregon for each engine model year. This requirement is critical to ensure manufacturer compliance with the Omnibus rules.

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