

A-Engrossed
House Bill 2952

Ordered by the House April 30
Including House Amendments dated April 30

Sponsored by COMMITTEE ON BUSINESS AND LABOR

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Adds requirement that applicant filing application to obtain loan funds for small scale local energy project include proof that any necessary electrical, plumbing or other permits have been obtained.]

Specifies conditions under which certain small scale local energy projects located in heavily polluted areas, and infrastructure related to those projects, meet air quality standards established by Environmental Quality Commission.

A BILL FOR AN ACT

1
2 Relating to small scale local energy projects; amending ORS 468A.040.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 468A.040 is amended to read:

5 468A.040. (1) By rule the Environmental Quality Commission may require permits for air con-
6 tamination sources classified by type of air contaminants, by type of air contamination source or
7 by area of the state. The permits shall be issued as provided in ORS 468.065. A permit subject to
8 the federal operating permit program shall be issued in accordance with the rules adopted under
9 ORS 468A.310.

10 (2) If a request for review of the final Department of Environmental Quality action, or any part
11 thereof, is made on an application for a permit issued under the federal operating permit program
12 established under ORS 468A.310 in accordance with the rules adopted by the commission, the effect
13 of the contested conditions and any conditions that are not severable from those contested shall be
14 stayed upon a showing that compliance with the contested conditions during the pendency of the
15 appeal would require substantial expenditures or losses that would not be incurred if the permittee
16 prevails on the merits of the review and there exists a reasonable likelihood of success on the
17 merits. The department may require that the contested conditions not be stayed if the department
18 finds that substantial endangerment of public health or welfare would result from the staying of the
19 conditions.

20 (3) Any source under an existing permit shall:

21 (a) Comply with the conditions of the existing permit during any modification or reissuance
22 proceeding; and

23 (b) To the extent conditions of any new or modified permit are stayed under subsection (2) of
24 this section, comply with the conditions of the existing permit that correspond to the stayed condi-
25 tions, unless compliance would be technologically incompatible with compliance with other condi-
26 tions of the new or modified permit that have not been stayed.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 **(4) For purposes of this section, a small scale local energy project, as defined in ORS**
2 **470.050 (16)(a), located in a maintenance area or nonattainment area, and any infrastructure**
3 **related to that project located in the same area, is considered to provide a net air quality**
4 **benefit to the extent required by this chapter if the project provides reductions in each air**
5 **contaminant in the maintenance area or nonattainment area equal to the ratio specified in**
6 **rules adopted by the commission, unless the department determines that the project will**
7 **pose a material threat to compliance with air quality standards in the maintenance area or**
8 **nonattainment area.**

9 **(5) As used in this section:**

10 **(a) “Maintenance area” has the meaning given that term in rules adopted by the com-**
11 **mission.**

12 **(b) “Nonattainment area” has the meaning given that term in rules adopted by the**
13 **commission.**

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