

House Bill 2336

Sponsored by Representative GREENLICK, Senator STEINER HAYWARD; Representatives FREDERICK, HOLVEY, KENY-GUYER, Senator SHIELDS (Pre-session filed.)

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 **as introduced**.

Requires Environmental Quality Commission to adopt by rule provisions requiring that certain permit applications include analysis regarding toxic air emissions.

Requires commission to adopt by rule mechanism that ensures that Department of Environmental Quality provides copies of certain permit applications to certain governing bodies of local governments.

A BILL FOR AN ACT

1
2 Relating to the federal operating permit program; amending ORS 468A.310.

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

4 **SECTION 1.** ORS 468A.310 is amended to read:

5 468A.310. (1) The Department of Environmental Quality shall prepare and submit to the Ad-
6 ministrator of the United States Environmental Protection Agency for approval a federal operating
7 permit program as required to implement Title V. The Environmental Quality Commission and the
8 department may seek interim or partial approval if appropriate.

9 (2) The commission shall adopt rules to implement the federal operating permit program.

10 (3) To the maximum extent possible, consistent with subsection (2) of this section, and within
11 budgetary constraints, rules adopted by the commission under subsection (2) of this section shall
12 include:

13 (a) Streamlined procedures for expeditious review of permit actions in accordance with section
14 502(b)(6) of the Clean Air Act;

15 (b) Assurances against unreasonable delays in accordance with section 502(b)(7) of the Clean
16 Air Act;

17 (c) In accordance with section 502(b)(10) of the Clean Air Act, provisions to allow changes
18 within a permitted facility without requiring permit revisions;

19 (d) In accordance with section 503(d) of the Clean Air Act, protection for sources that file
20 complete and timely permit applications;

21 (e) Provisions that deem compliance with a permit to be in compliance with other applicable
22 provisions of the Clean Air Act in accordance with section 504(f) of the Clean Air Act;

23 (f) In accordance with section 112(i)(5) of the Clean Air Act, a deferral for early reductions of
24 the requirement to meet standards promulgated under section 112(d) of the Clean Air Act;

25 (g) In accordance with section 504(b) of the Clean Air Act, provisions for alternatives to con-
26 tinuous emissions monitoring that provide sufficiently reliable and timely information; [*and*]

27 **(h) Provisions requiring that permit applications include an analysis of actions that the**
28 **facility may take to reduce toxic air emissions;**

29 **(i) A mechanism that ensures that at the time the department receives a permit appli-**

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 **cation, the department provides copies of the application to the governing bodies of local**
2 **governments of the areas that are affected by the facility described in the application; and**

3 [(h)] (j) Notice and opportunity for public comment as required by the Clean Air Act and for
4 objection by the administrator under section 505(b) of the Clean Air Act. If the administrator objects
5 to a proposed permit, the department shall:

6 (A) Revise the permit to meet the objection within 90 days after the date of the objection; or

7 (B) Determine not to issue the permit.

8 (4) In any discretionary rulemaking necessary to implement the federal operating permit pro-
9 gram, the commission shall consider and make publicly available a brief written statement of the
10 commission's judgment regarding:

11 (a) The need for the action and a reasonable range of alternatives that would satisfy the need;

12 (b) The environmental benefit that will be achieved, taking into consideration all environmental
13 media, including energy consumption;

14 (c) The estimated cost of the rule; and

15 (d) Other sources of the air contaminants addressed in the rule and whether regulation of the
16 other sources is possible or desirable.

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