

HB 2269 -1 Amendment

Section One of HB 2269 As Introduced

Delete Section 1 and remove from the bill.

Community Response (Policy Option Package 112) / Title V Fee Increases

Create a new Section 1 in the bill. Revise ORS 468A.315(1) to add a new subsection (d):

(d) Special activity fees to fund the investigation of complaints related to sources subject to the federal operating permit program. These special activity fees shall be limited to \$317 and \$0.37 per ton of each regulated pollutant emitted during the prior calendar year as determined under subsection (2) of this section, subject to annual fee increases as set forth in paragraph (e) of this subsection.

Also, revise ORS 468A.315(1)(d) as follows:

(e) An annual increase in the fees set forth in paragraphs (a) to (d) of this subsection by the percentage, if any, by which the Consumer Price Index exceeds the Consumer Price Index as of the close of the 12-month period ending on August 31, 1989, if the commission determines by rule that the increased fees are necessary to cover all reasonable direct and indirect costs of implementing the federal operating permit program.

Cleaner Air Oregon (Policy Option Package 116) / One-time fees for Title V & ACDP Permits

Create a new Section 2 in the bill to authorize DEQ to collect one-time supplemental fees from ACDP and Title V permitted sources.

(1) Each air contamination source that has been issued, or is required to obtain, a permit under either [ORS 468A.040](#) or [ORS 468A.310](#) shall pay one-time, supplemental fees for the period July 1, 2017 through June 30, 2018 for the development and implementation of a program and rules to reduce the public health risks of emissions of toxic air pollutants from industrial sources. The amount of the fees shall be:

(a) For a source subject to the federal operating permit program established under [ORS 468A.310](#), a supplemental fee of \$1,256 and an emission fee of \$9.49 per ton of each regulated pollutant emitted during the prior calendar year as provided in department rules;

(b) For a source that has been issued a Basic Air Contaminant Discharge Permit required under ORS 468A.040 and Oregon Administrative Rules division 216 (filed and certified effective April 16, 2015), a supplemental fee of \$ 68;

(c) For a source that has been issued a General, Class I, Air Contaminant Discharge Permit required under ORS 468A.040 and Oregon Administrative Rules division 216 (filed and certified effective April 16, 2015), a supplemental fee of \$ 137;

(d) For a source that has been issued a General, Class II, Air Contaminant Discharge Permit required under ORS 468A.040 and Oregon Administrative Rules division 216 (filed and certified effective April 16, 2015), a supplemental fee of \$ 246;

(e) For a source that has been issued a General, Class III, Air Contaminant Discharge Permit required under ORS 468A.040 and Oregon Administrative Rules division 216 (filed and certified effective April 16, 2015), a supplemental fee of \$ 355;

(f) For a source that has been issued a General, Class IV, Air Contaminant Discharge Permit required under ORS 468A.040 and Oregon Administrative Rules division 216 (filed and certified effective April 16, 2015), a supplemental fee of \$ 68;

(g) For a source that has been issued a General, Class V, Air Contaminant Discharge Permit required under ORS 468A.040 and Oregon Administrative Rules division 216 (filed and certified effective April 16, 2015), a supplemental fee of \$ 23;

(h) For a source that has been issued a General, Class VI, Air Contaminant Discharge Permit required under ORS 468A.040 and Oregon Administrative Rules division 216 (filed and certified effective April 16, 2015), a supplemental fee of \$ 46;

(i) For a source that has been issued a Simple Air Contaminant Discharge Permit required under ORS 468A.040 and Oregon Administrative Rules (OAR) division 216 (filed and certified effective April 16, 2015), and that qualifies to pay a "Low Fee" under OAR 340-216-0064 a supplemental fee of \$ 364;

(j) For a source that has been issued a Simple Air Contaminant Discharge Permit required under ORS 468A.040 and Oregon Administrative Rules (OAR) division 216 (filed and certified effective April 16, 2015), and that qualifies to pay a "High Fee" under OAR 340-216-0064 a supplemental fee of \$ 728; or

(k) For a source that has been issued a Standard Air Contaminant Discharge Permit required under ORS 468A.040 and Oregon Administrative Rules division 216 (filed and certified effective April 16, 2015), a supplemental fee of \$ 1,456.

(2) The fees established in this Act are notwithstanding, in addition to, and not in lieu of, any fees due under:

(a) The fee schedule required under ORS 468.065(2) for an air contamination source required to obtain a permit under ORS 468A.040; and

(b) Fees established in ORS 468A.315 for a source subject to the federal operating permit program.

(3) Fees required under Section (1) of this Act are one-time supplemental fees that shall be due and payable by each permitted source upon receipt of an invoice for payment from the department. The fees shall be payable by the source within 30 days of the date the department mails the invoice to the source. Fees not paid within 30 days shall be subject to the late fee schedule adopted by the Environmental Quality Commission under ORS 468.065(2). The department may terminate a permit if a source has not paid the fees within 90 days of the date the department mails the invoice to the source. The department may provide a source with an invoice for such fees separate from other fees the source is required to pay or at the same time that the department provides a source with an invoice for annual fees. Any air contamination source that applies for permits to commence operations during this period shall include payment of the appropriate supplemental fees with its permit application submitted to the department.

(4) Any fees collected under this Act shall be deposited in the State Treasury to the credit of an account of the department. The fees are continuously appropriated to meet the expenses of the program to develop and begin implementation of a program and new rules to reduce the public health risks of emissions of toxic air pollutants from industrial sources.

(5) The supplemental fees provided in this section of this 2017 Act do not affect annual greenhouse gas reporting fees paid by an air contamination source from July 1, 2017 to June 30, 2018.

Diesel Engines

On page 7, replace lines 40 – 42 with the following:

(d) Any other moneys deposited in the fund from any sources

On page 9, between lines 22 and 23, add another vehicle category as follows:

(b) Owners and operators of the following categories of motor vehicles powered by diesel engines, subject to the preferences for grant awards established under section 12 (1)(b) of this 2017 Act:

(A) Drayage trucks.

(B) Delivery trucks.

(C) Waste hauling trucks.

(D) Transit buses.

(E) Vehicles owned and operated by the federal government or a local government.

Permitting “Highest & Best” Practicable Treatment & Control

Delete Section 13 and remove from the bill.

Motor Vehicle Emission Standards

No changes to Section 14.