

Enrolled House Bill 2748

Sponsored by Representatives JOHNSON, KENY-GUYER; Representative GREENLICK

CHAPTER

AN ACT

Relating to the Residential Solid Fuel Heating Air Quality Improvement Fund; amending ORS 468A.490; and declaring an emergency.

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

SECTION 1. ORS 468A.490 is amended to read:

468A.490. (1) There is established within the State Treasury a fund known as the Residential Solid Fuel Heating Air Quality Improvement Fund, separate and distinct from the General Fund.

(2) All moneys appropriated or received [*as gifts or grants for the purposes of this section*] **from any source, public or private, for the purpose of reducing the emission of air contaminants from solid fuel burning devices** shall be credited to the Residential Solid Fuel Heating Air Quality Improvement Fund.

(3) The State Treasurer may invest and reinvest the moneys in the fund as provided in ORS 293.701 to 293.857. Interest from the moneys deposited in the fund and earnings from investment of the moneys in the fund shall accrue to the fund.

(4) All moneys in the fund are continuously appropriated to the Department of Environmental Quality to:

(a) Pay all costs incurred by the department for evaluating projects and programs, including projects and programs proposed by local communities or qualifying organizations, for project management and oversight of funds awarded for projects and programs selected in accordance with this section and for documenting the benefit to air quality from such projects;

(b) Fund the [*program*] **programs** established under [*subsection (5)*] **subsections (5) and (6)** of this section;

(c) Fund activities to enhance enforcement of ORS 468A.460 to 468A.515;

(d) Fund public education programs related to compliance with ORS 468A.460 to 468A.515; [*and*]

(e) Fund public education programs related to the benefits of the use of solid fuel burning devices certified pursuant to ORS 468A.460 to 468A.515[.]; **and**

(f) Fund programs for replacing or removing solid fuel burning devices that are not certified by the department pursuant to ORS 468A.465.

(5) The department shall use moneys available under subsection (4) of this section to establish a program designed to reduce the emission of air contaminants by providing grants, loans, **rebates** or other subsidies for the replacement or removal of solid fuel burning devices that were not certified by the department pursuant to ORS 468A.465. In addition to any other requirements established by rules adopted by the Environmental Quality Commission, the program shall provide that:

(a) [All] Forms of new high-efficiency, low air contaminant-emitting heating systems are allowed, [except vent-free heating appliances] as determined by the department;

(b) Any solid fuel burning device removed under the program must be destroyed;

(c) Any replacement device selected under the program must be installed in conformance with building code requirements and the manufacturer's specifications including but not limited to venting specifications; and

(d) To be eligible, program participants shall participate in any home energy audit program provided at no charge to the homeowner and shall obtain all information available regarding subsidies for cost-effective weatherization. The department shall make the information required in this subsection readily available to program participants.

(6) The department shall use moneys available under subsection (4) of this section to establish a program designed to reduce the emission of air contaminants from solid fuel burning devices by providing grants, loans, rebates or other subsidies to make dry wood or cleaner fuel available to communities or individuals.

(7) In establishing the programs pursuant to subsections (5) and (6) of this section, the department shall prioritize allocating grants, loans, rebates or other subsidies within:

(a) Nonattainment areas in this state that do not attain compliance with the standards for particulate matter established by the commission pursuant to ORS 468A.025; and

(b) Areas in this state that the department determines are at substantial risk of being designated nonattainment areas due to particulate matter emissions.

[(6)] (8) The department may:

(a) Enter into an agreement with a local government or a regional authority in order to implement the program established under subsection (5) of this section[.]; and

(b) Enter into an agreement with a local government in order to implement the program established under subsection (6) of this section.

SECTION 2. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect July 1, 2017.

Passed by House April 12, 2017

Received by Governor:

Repassed by House May 11, 2017

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Approved:

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Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2017

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Tina Kotek, Speaker of House

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Kate Brown, Governor

Passed by Senate May 9, 2017

Filed in Office of Secretary of State:

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Peter Courtney, President of Senate

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Dennis Richardson, Secretary of State