

## HB 3229 STAFF MEASURE SUMMARY

### House Committee On Climate, Energy, and Environment

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**Action Date:** 03/27/23

**Action:** Without recommendation as to passage and be referred to Ways and Means.

**Vote:** 6-4-0-0

**Yeas:** 6 - Andersen, Helm, Kropf, Levy E, Marsh, Pham K

**Nays:** 4 - Levy B, Osborne, Owens, Wallan

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

**Prepared By:** Erin Pischke, LPRO Analyst

**Meeting Dates:** 2/27, 3/27

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#### WHAT THE MEASURE DOES:

Modifies federal air quality operating permit program fees. Removes certain elements of federal operating permit program fee schedule. Authorizes Environmental Quality Commission to annually adjust federal operating permit program fees, air contaminant reporting fees, and asbestos abatement program fees by no more than three percent. Declares emergency, effective on passage.

#### ISSUES DISCUSSED:

- Program fee amounts
- Potential impact of fee increases on small businesses
- Number of entities covered by program
- Stakeholder engagement process
- Agency staffing and resources
- Federal and state responsibilities

#### EFFECT OF AMENDMENT:

No amendment.

#### BACKGROUND:

The federal Clean Air Act (CAA) addresses ambient air quality standards, toxic air pollutants, new source performance standards, and new source review—the latter requiring the best available technology in air pollution control equipment for facilities that are major sources of contaminants. In Oregon, motor vehicles, woodstoves, fireplaces, and open burning are primary sources of manmade air pollution. Industrial facilities are also sources of air pollution in the state.

The U.S. Environmental Protection Agency (EPA) has delegated implementation of most CAA requirements to the Oregon Department of Environmental Quality (DEQ), except in Lane County where the Lane Regional Air Protection Agency has primary jurisdiction. State air quality laws are codified in ORS chapter 468A. The EPA retains oversight of the program and regularly audits DEQ's program to ensure that it meets federal requirements.

According to the DEQ, the Title V Operating Permit Program of the CAA “requires each state to develop a comprehensive operating permit program for major industrial sources of air pollution....The Title V Operating Permit Program does not require any tighter emissions standards; it does, however, place a greater responsibility on the business for monitoring, reporting and certifying compliance with the conditions of the permit.”

House Bill 3229 modifies federal air quality operating permit program fees and would authorize the Environmental Quality Commission to annually adjust certain federal operating permit program fees, air

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contaminant reporting fees, and asbestos abatement program fees, as specified.