

HB 4002 A STAFF MEASURE SUMMARY
House Committee On Energy and Environment

Action Date: 02/14/18
Action: Do pass with amendments and be referred to Rules. (Printed A-Eng.)
Vote: 5-4-0-0
Yeas: 5 - Barnhart, Helm, Holvey, Marsh, Power
Nays: 4 - Bonham, Findley, Reschke, Smith DB
Fiscal: Fiscal impact issued
Revenue: No revenue impact
Prepared By: Beth Reiley, LPRO Analyst

WHAT THE MEASURE DOES:

Specifies that fee schedules required in ORS 468.025(2) include a fee that is reasonably calculated to cover the direct and indirect costs of the Department of Environmental Quality (DEQ) and the Environmental Quality Commission (Commission) to develop and implement a program and rules to reduce public health risks of toxic air contaminants from industrial and commercial sources. Requires fee to apply to any class of air contamination source required to obtain a permit under state air quality laws or subject to federal operating permit program and that fee be in addition to, not in lieu of, other air quality fees. Directs Commission to consider total fees for each air contamination source class before establishing fees. Requires fees be collected concurrent with fee for other permits. Requires any rule provisions related to late payments to be applied to fees authorized in this Act in same manner as other permit for late payment of specified fees. Authorizes DEQ to refuse to issue, suspend, revoke, or refuse to renew other specified air quality permits for late payment of fees authorized in this Act. Limits total amount of fees collected during biennium beginning July 1, 2017, to \$2,000,000.

ISSUES DISCUSSED:

- Cleaner Air Oregon program rulemaking process
- Funding for agency staff to implement program
- Other policy options being considered by Legislative Assembly

EFFECT OF AMENDMENT:

Changes statutory reference for program authority. Specifies collection of fees is to be concurrent with other fee collection.

BACKGROUND:

On April 6, 2016, Governor Brown directed the Oregon Department of Environmental Quality (DEQ) and the Oregon Health Authority (OHA) to develop a health risk-based air toxics permitting program. According to DEQ, the goal of this program, known as "Cleaner Air Oregon," is to "evaluate potential health risks to people near commercial and industrial facilities that emit regulated air toxics, and ultimately reduce those risks below health-based standards. Affected facilities could include some that are not currently permitted for their air contaminant emissions, in addition to those that already have air quality permits." The agencies have undertaken a rulemaking process that is expected to conclude in July, 2018, when the Environmental Quality Commission (EQC) considers adoption of the proposed permitting rules.

House Bill 4002 A requires the Environmental Quality Commission to establish a fee applicable to certain air contamination sources to cover the direct and indirect costs of the DEQ and EQC in developing and implementing program and rules to reduce public health risks of emissions of toxic air contaminants from industrial and commercial air contamination sources.