



State of Oregon
Department of
Environmental
Quality

Oregon Department of Environmental Quality
May 15, 2018

Notice of Proposed Rulemaking

Increase Title V Permit Fees by the Consumer Price Index 2018

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Introduction

DEQ invites public input on proposed permanent rule amendments to chapter 340 of the Oregon Administrative Rules.

Background

DEQ proposal

DEQ proposes rule changes to OAR 340 Division 220. The proposed rules would increase Title V permit fees for 2018 and 2019 by the change in the consumer price index (CPI) as authorized by the federal Clean Air Act and state law, including the:

- Annual base fees assessed to all Title V sources regardless of emission quantities;
- Emission fees assessed per ton of emissions from individual sources per calendar year; and
- Specific activity fees assessed when a source owner or operator modifies a permit.

The proposed rules would increase fees in two phases. This approach would save administrative costs by holding a single public notice and comment period for two rulemakings.

The proposed fee increase effective for invoice year 2018 is 1.99 percent based on the Bureau of Labor Statistics September 2017 consumer price index for the period September 2016 to August 2017. DEQ would apply this CPI to permit fees on the invoices DEQ will issue in August 2018 for annual emissions during 2017 fees and the operating period Nov. 15, 2017 to Nov. 14, 2018. DEQ will present this proposal to the Environmental Quality Commission in May 2018.

The proposed fee increase for invoice year 2019 is an additional 1.99 percent. It is an estimate identical to the 2018 increase. DEQ will recalculate the percentage after the Bureau of Labor Statistics publishes the September 2018 consumer price index for the period September 2017 to August 2018. DEQ would apply the 2018 CPI to permit fees on the invoices DEQ will issue in August 2019 for annual emissions during 2018 and the operating period Nov. 15, 2019 to Nov. 14, 2020. DEQ will present this proposal to the commission in December 2018.

The proposed annual fees for the 2018 year are listed below. Specific activity fees are available in the Proposed Rules.

Annual Fee Categories	2017 fees (existing fees in rule)	Proposed 2018 fees (to be invoiced in fall 2018)	Proposed 2019 fees (to be invoiced in fall 2019) ¹
Annual base fee	\$8,010	\$8,169	\$8,331
Emission fee (per ton)	\$60.56	\$61.76	\$62.98

¹ Fees based on an estimate of the 2018 consumer price index.

The greenhouse gas reporting fee will be affected also, since it is calculated as a percentage of the base and emission fees.

Rulemaking goal

The goal of the proposed rules is to establish sufficient revenue for DEQ to provide requisite program services for the next two years, such as permitting, inspections, compliance, and enforcement operations. If amended, the rules will have met the goal if the Title V program balances its budget and is able to provide requisite program services.

DEQ requests public comment on whether to consider other options for achieving these rules' substantive goals while reducing negative economic impact of the rule on business. DEQ's Statement of fiscal and economic impact is in the Notice online at [Title V CPI 2018](#).

Who does this affect?

This rule proposal affects 105 Oregon businesses that hold Title V permits in Oregon.

More information

Information about this rulemaking is on this rulemaking's web page: [Title V CPI 2018](#)

Public Hearings

DEQ will hold a public hearing on this rulemaking.

Anyone can attend the public hearing, either in person or through teleconference. The details are listed below

3 p.m., June 19, 2018
700 NE Multnomah St., Suite 600
Conference Room 601
Portland, OR 97232

Call-in number: 888-278-0296
Participant code: 8040259

What will happen next?

DEQ will include a written response to comments in a staff report DEQ will submit to the Environmental Quality Commission. DEQ may modify the rule proposal based on the comments.

Present proposal to the EQC

Proposed rules only become effective if the Environmental Quality Commission adopts them. DEQ plans to present the proposed rules to the commission for a decision at its meeting on July 12-13, 2018.

How to comment on this rulemaking proposal

DEQ is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking. A person can submit comments through an online web page, by regular mail or at the public hearing.

Comment deadline

DEQ will only consider comments on the proposed rules that DEQ receives by 9 a.m., on June 21, 2018.

Submit comment online

[Title V CPI 2018 Comment Page](#)

Note for public university students:

ORS 192.501(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student, you may omit your email address when you complete the online form to submit a comment.

By mail

Oregon DEQ
Attn: Donald Hendrix
700 NE Multnomah St., Suite 600
Portland, OR 97232-4100

At hearing

June 19, 2018

Sign up for rulemaking notices

Get email updates about future DEQ rulemaking by signing up through [GovDelivery](#).

or on the rulemaking web site.

Accessibility information

You may review copies of all documents referenced in this announcement at:

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Portland, OR, 97232

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Overview

Short summary

DEQ proposes rules to increase Title V operating permit fees by the change in the consumer price index (CPI) as authorized by federal and state law. The proposed fee increases are necessary for DEQ to provide essential services associated with Oregon's Title V permitting program.

The proposed rules would increase the fees in two phases. This approach would save administrative costs by holding a single public notice and comment period for the two rulemakings.

Phase one: DEQ will propose the phase one rules at the commission's meeting in July 2018. The proposed fee increase effective for the 2018 invoice year is 1.99 percent based on the Bureau of Labor Statistics September 2017 consumer price index for the period of September 2016 to August 2017. DEQ would apply this CPI increase to permit fees on the invoices DEQ will issue in August 2018 for annual emissions during 2017 and the operating period Nov. 15, 2018 to Nov. 14, 2019.

Phase two: DEQ will propose the phase two rules at a commission meeting between December 2018 and May 2019. The proposed fee increase effective for the 2019 invoice year is 1.99 percent based on the Bureau of Labor Statistics September 2018 consumer price index for the period September 2017 to August 2018. This is an estimate identical to the 2018 increase. DEQ would apply this CPI increase to permit fees on the invoices DEQ will issue in August 2019 for annual emissions during 2018 and the operating period Nov. 15, 2019 to Nov. 14, 2020.

Brief history

Title V of the federal Clean Air Act requires each state to develop and implement a comprehensive operating permit program for major industrial sources of air pollution.

Oregon's Title V program:

- Administers federal health standards, air toxic requirements and other regulations to protect air quality;
- Issues, renews or modifies Title V permits to prevent or reduce air pollution through permit requirements;
- Completes required Title V inspections;
- Ensures that existing sources of air pollution comply with state and federal air emissions standards;

- Ensures that new sources of air pollution install controls such as filtration equipment, combustion controls and vapor controls needed to protect air quality;
- Issues public notices and information about the Title V program; and
- Provides other essential services such as emission inventories, technical assistance, inspections, enforcement, rule and policy development, data management and reporting to EPA.

Regulated parties

The proposed rules would affect facilities that currently have a Title V permit and any facility that applies for this type of permit in the future.

Request for other options

During the public comment period, DEQ requests public comment on whether to consider other options for achieving the rules' substantive goals while reducing the rules' negative economic impact on business.

Statement of need

What need would the proposed rule address?

EPA delegates authority to DEQ to operate the Title V program in Oregon and regularly reviews Oregon's program for compliance with federal requirements. DEQ must comply with federal requirements to maintain a federally approved and delegated program.

The federal Clean Air Act requires each state to fully pay for its Title V program through permit fees. The Oregon Legislature established Oregon's Title V fees in three categories:

- An annual base fee assessed to all Title V sources regardless of emission quantities;
- Emission fees assessed per ton of emissions from individual sources per calendar year;
- and
- Specific activity fees assessed when a source owner or operator modifies a permit.

The fees cover DEQ's costs to operate the Title V program. Costs include a portion of air quality monitoring, planning and agency central services such as accounting and human resources. The Clean Air Act and state law authorize DEQ to increase fees by the annual change in the consumer price index to meet funding requirements by considering inflation.

Oregon's Title V operating permit program requires additional funding to provide essential program services. Costs have increased over the last two years due to inflation. The Environmental Quality Commission last increased Title V fees in 2017 calculated to provide requisite program services up to August 2018. DEQ calculates the proposed fees would allow Oregon to provide requisite program services up to August 2020. Failure to increase Title V fees could affect DEQ's ability to maintain adequate program staff and jeopardize effective program administration.

How would the proposed rule address the need?

The proposed rules would increase Title V permit fees by the change in the consumer price index, to pay for increased program costs.

How will DEQ know the rule addressed the need?

The rules will have addressed the need if the increased fees help the Title V program balance its budget and avoid a disruption in requisite services.

Rules affected, authorities, supporting documents

Lead division

Operations Division

Program or activity

Title V Operating Permit Program

Chapter 340 action

Amend - OAR

340-220-0030 340-220-0040 340-220-0050

Statutory authority - ORS

468.020 468.065 468A.025 468A.040 468A.050
 468A.310 468A.315

Statute implemented - ORS

468.065 468A.050 468A.315

Documents relied on for rulemaking

Document title	Document location
2017-2019 Legislatively approved budget	DEQ Website
Clean Air Act, including Clean Air Act Amendments of 1990	EPA Website
U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index	Bureau of Labor Statistics Website

Fee Analysis

Fee Analysis

The proposed rules would increase existing Title V fees. EQC's authority to act on the proposed fees is in ORS 468A.050.

Oregon's Title V program administers federal health standards, air toxic requirements and other regulations to reduce the number of unhealthy air days and health risks from air toxics. The program issues, renews or modifies permits to prevent or reduce air pollution through permit requirements. In addition, it ensures existing pollution sources comply with state and federal air emissions standards and new sources of air pollution install controls such as filtration equipment, combustion controls and vapor controls needed to protect air quality. Other essential services include emission inventories, technical assistance, inspections, enforcement, rule and policy development, data management and reporting to EPA.

Brief description of proposed fees

The Oregon Legislature established Oregon's Title V fees in three categories. The proposed rules would increase the annual base fees, emission fees and specific activity fees, described under the Statement of Need section above and based on the consumer price index described under the Summary section on page one.

Reasons

The proposed fees would address increased program costs.

Fee proposal alternatives considered

Federal law requires DEQ to perform requisite program services to retain delegation of the Title V program. Federal law also requires DEQ to fund the permit program entirely by permit fees. DEQ could decline to administer the program, shifting the program from DEQ to EPA; however, DEQ has chosen not to pursue this alternative to maintain regulatory consistency for the regulated public and citizens of Oregon.

Fee payer

Title V permit holders include many of the largest industrial facilities in the state and are the largest point sources of air pollution in the state. These facilities are mainly large employers and produce items for local and regional consumption. Title V permit holders are an important part of the Oregon economy.

Affected party involvement in fee-setting process

DEQ negotiated with Title V stakeholders when the fees were increased in the 2007 legislative session and again during the 2009 session when the statutory language related to annual Consumer Price Index increases was clarified.

During the public comment period, DEQ requests public comment on whether to consider other options for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

Summary of impacts

The proposed fee increase would affect the 105 facilities that currently have a Title V permit and any facility that applies for this type of permit in the future.

Fee payer agreement with fee proposal

DEQ has increased Title V fees regularly since the Title V program began in the early nineties. Fee payers generally do not oppose this annual fee increase equal to the rate of inflation.

How long will the current fees sustain the program?

The current fees will not sustain the program.

Biennial Program costs covered by fees	approx. \$7,069,000	100%
Program costs covered by General Fund	\$0	0%
Fees last changed	1/18/2017	

How long will the proposed fee sustain the program?

The proposed fee increase will sustain the program up to August 2020.

Phase one:

Expected change in revenue (+/-)	+ \$45,300	+1.99%
Min GF required by statute/rule to fund program	\$0	0%
Proposed fees allows General Fund replacement	\$0	0%
Expected effective date	06/2018	

Phase two:

Expected change in revenue (+/-)	+ \$74,600	+1.99%
Min GF required by statute/rule to fund program	\$0	0%
Proposed fees allows General Fund replacement	\$0	0%
Expected effective date	12/2018	

Transactions and revenue

DEQ estimated revenue forecasts and expenditures based on the assumption that DEQ identified all facilities subject to the Title V program. The number of Title V permits has decreased from 115 as invoiced in 2017 to 105 in 2018. The revenue forecasts and expenditures are also based on the assumption that the 2018 change in the consumer price index will be the same as the 2017 change in the index.

Transactions include the number of invoices DEQ issues for annual permit fees in August of each year and the number of invoices DEQ issues for specific activity fees. DEQ issues specific activity fees throughout the year depending on the number of new permit applications and changes to existing permits. These fees are a small portion of program revenue.

	Number of transactions	Number of Fee Payers	Impact on revenue (+/-)	Total revenue (+/-)
Current biennium 2017-2019	214	107	+ \$45,300	\$7,460,000
Next biennium 2019-2021	214	107	+ \$149,200	\$7,600,000

Fee schedule

The following table shows the amounts of the proposed fees.

Proposed Fees			
Fee category	2017 Fee	Proposed 2018 Fees	Proposed 2019 Fees ¹
Annual Title V Fees			
Emission Fee	\$60.56	\$61.76	\$62.98
Annual Base Fee	\$8,010	\$8,169	\$8,331
Specific Activity Fees			
Administrative Amendment	\$488	\$498	\$507
Simple Modification	\$1,953	\$1,992	\$2,031
Moderate Modification	\$14,653	\$14,944	\$15,241
Complex Modification	\$29,306	\$29,888	\$30,482
Air Monitoring Review	\$3,907	\$3,985	\$4,064

¹ Fees based on an estimate of the 2018 consumer price index.

Statement of fiscal and economic impact

Fiscal and Economic Impact

The increase in Title V permit fees would affect approximately 105 permit holders directly and increase annual program revenue by approximately 1.99 percent in the 2018 invoice year and an additional 1.99 percent in the 2019 invoice year.

The direct impact of the fee increase on permit holders is based on an assumption that emissions will remain the same in future years and that the 2018 change in the consumer price index will be the same as the 2017 change in the index.

Title V permit holders are subject to Oregon's greenhouse gas reporting program and most of the permit holders are subject to the greenhouse gas reporting fees. The greenhouse gas reporting fee is equal to 15 percent of their Title V annual base and emission fees, up to a maximum greenhouse gas reporting fee of \$4,500. Because the greenhouse gas reporting fee calculation is a percentage of the Title V fees, the proposed increase in Title V permit fees would result in a 1.99 percent increase in the greenhouse gas reporting fees for these permit holders in the invoices DEQ will issue in 2018, and an additional 1.99 percent increase in the invoices DEQ will issue in 2019. The cap of \$4,500 remains unchanged.

Statement of Cost of Compliance

State agencies

1. State and federal agencies

Direct Impacts: Oregon Health Sciences University is the only state agency that holds a Title V permit and paid Title V permit fees of \$16,315.19 in 2017. The proposed rules would increase their permit fees by about \$282 for 2018 and an additional estimated \$287 for 2019. OHSU is also subject to greenhouse gas reporting fees equal to 15 percent of its annual emission fee and base fee. OHSU paid \$2,128.07 in greenhouse gas reporting fees in 2017. Because of the proposed rules, OHSU's greenhouse gas reporting fees would increase by about \$42 in 2018 and increase by an additional estimated \$42 in 2019. No federal agencies hold Title V permits.

Indirect Impacts: Changes to fees could affect state and federal agencies indirectly if businesses holding Title V permits change the price of goods and services to offset any increased costs from paying a permit fee.

2. DEQ

Direct Impacts: DEQ has no facilities that require a Title V permit. The proposed fee increases would affect DEQ directly by providing funding necessary to perform requisite program services.

Indirect Impacts: Changes to fees could affect DEQ indirectly if businesses change the price of goods and services to offset any increased or decreased costs from paying a permit fee.

Local governments

Direct Impacts: Oregon requires county and city local governments to obtain a Title V major source permit for municipal waste landfills. Fees would increase for two landfills operated by local governments:

- Metropolitan Service District, St. Johns Landfill paid Title V annual permit fees of \$9,768.65 in 2017. The proposed rules would increase their 2018 fees by about \$169 and an additional estimated \$172 increase for 2019. St. John's Landfill is subject to greenhouse gas reporting fees equal to 15 percent of their annual emission fee and base fee. This fee would increase by about \$25 in 2016 and increase an additional estimated \$25 in 2017.
- Deschutes County Solid Waste Department, Knott Landfill paid Title V annual permit fees of \$13,250.85 in 2017. The proposed rules would increase their 2018 fees by about \$229 and an additional estimated \$234 for 2019. Knott Landfill is subject to greenhouse gas reporting fees equal to 15 percent of their annual emission fee and base fee. This fee would increase by about \$34 in 2018 and increase an additional estimates \$34 in 2019.

Indirect Impacts: Changes to fees could affect county and city local governments indirectly if businesses holding Title V permits change the price of goods and services to offset any increased costs from paying a permit fee.

Public

Direct Impacts: Air pollution creates public health problems that can have negative economic impacts. The proposed rules could affect the public directly and positively if the proposed fee increases provide adequate resources for compliance and technical assistance and help avoid public health costs associated with lower compliance and increased air pollution.

Indirect Impacts: Changes to fees could affect the public indirectly if businesses change the price of goods and services to offset any increased or decreased costs from paying a permit fee. DEQ expects any such price increases to be small and lacks available information upon which it could accurately estimate actual potential increases.

Large businesses - businesses with more than 50 employees

Direct Impacts: Approximately 92 large businesses hold Title V permits and a fee increase would affect these permit holders directly. Estimated impacts are based on the assumption that DEQ identified all facilities subject to the Title V program and that the number of Title V permits and facility emissions remain constant.

The proposed annual base fees and emission fees are provided in the following table. The annual base fee is small in comparison to the emission fees paid by most sources. The rulemaking would also increase specific activity fees. Specific activity fees contribute a small portion of Title V program revenue.

Proposed Title V Fees For 2018 & 2019					
Fee Category	2017 Fees	Proposed 2018 Fees (to be invoiced)	Increase over 2017 Fees	Proposed 2019 Fees (to be invoiced)	Increase over 2018 Fees
Annual Base Fee	\$8,010	\$8,169	\$159	\$8,331	\$162
Emission Fee	\$60.56	\$61.76	\$1.20	\$62.98	\$1.22

¹ Fees based on an estimate of the 2018 consumer price index.

The requirement for a Title V permit is based on quantity of emissions from a facility. In general, lower emitting sources with less complex permits would experience a smaller annual dollar impact from the proposed fee increases. The table below shows the effect of the proposed fees on invoices issued to sources emitting 50, 250, 500 or 5,000 tons per year.

Result of Proposed Fees by Quantity of Emissions					
Emissions per calendar year	2017 Fees	Proposed 2018 Fees (to be invoiced)	Increase in fees	Estimated 2019 Fees (est.)	Increase in fees (est.)
50 tons/yr	\$11,038	\$11,257	\$219	\$11,480	\$223
250 tons/yr	\$23,150	\$23,609	\$459	\$24,076	\$467
500 tons/yr	\$38,290	\$39,049	\$759	\$39,821	\$772
5,000 tons/yr	\$310,810	\$316,969	\$6,159	\$323,231	\$6,262

¹ Fees based on an estimate of the 2018 consumer price index.

Indirect Impacts: Changes to fees could affect businesses indirectly if other businesses change the price of goods and services to offset any increased or decreased costs from paying a permit fee.

Small businesses – businesses with 50 or fewer employees

Direct Impacts: Most Title V permit holders are large businesses, but the requirement to hold a permit is based on potential emission levels rather than business size. Approximately 13 small businesses are required to hold Title V permits because their potential emissions exceed

Title V applicability thresholds. None of the small businesses holding Title V permits emit more than 250 tons per year in a typical year. Businesses emitting 250 tons per year would experience a fee increase of \$459 in 2018 over existing fees and an additional fee increase of \$467 in 2019 over 2018 fees. None of the small businesses are subject to greenhouse gas reporting fees.

Indirect Impacts: Changes to fees could affect small businesses if other businesses holding Title V permits change the price of goods and services to offset any increased costs from paying a permit fee.

a. Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule.

DEQ estimates that approximately 12 percent of Title V permit holders (about 13 businesses) are small businesses with 50 or fewer employees, such as such as fiberglass reinforced plastic facilities and smaller wood refinishing operations.

b. Projected reporting, recordkeeping and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule.

The proposed rule amendments do not establish any additional reporting, recordkeeping or other administrative activities.

c. Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule.

The proposed rule amendments do not require any additional equipment, supplies, labor or increased administration.

d. Describe how DEQ involved small businesses in developing this proposed rule.

DEQ provided notice of the proposed rules to all Title V permit holders, including those that are small businesses.

Documents relied on for fiscal and economic impact

Document title	Document location
2015-2017 Legislatively approved budget	DEQ Website
Clean Air Act, including Clean Air Act Amendments of 1990	EPA Website
U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index	Bureau of Labor Statistics Website

Advisory committee

DEQ did not appoint an advisory committee for the proposed rules because federal law and Oregon statute authorize the fee increases.

Housing cost

As ORS 183.534 requires, DEQ evaluated whether the proposed rules would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel. It is possible that a permit holder could change the price of goods and services to pass on any fee changes to consumers, though any estimate of the possible impact would be speculative using information available at this time.

Request for other options

During the public comment period, DEQ requests public comment on whether to consider other options for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

Federal relationship

Relationship to federal requirements

This section complies with OAR 340-011-0029 and ORS 468A.327 to clearly identify the relationship between the proposed rules and applicable federal requirements.

The proposed rulemaking is not different from, or in addition to, applicable federal requirements and impose stringency equivalent to federal requirements. The proposed rules implement federal requirements of the Clean Air Act and EPA rules (40 CFR Part 70) that Oregon's Title V operating permit program be fully funded through permit fees.

What alternatives did DEQ consider if any?

During the public comment period, DEQ requests public comment on whether to consider other options for achieving the rule's substantive goals while reducing negative economic impact of the rule on business. Federal law requires DEQ to perform requisite program services to retain delegation of the Title V program. Federal law also requires DEQ to fund the permit program entirely by permit fees. DEQ could decline to administer the program, shifting the program from DEQ to EPA; however, DEQ has chosen not to pursue this alternative to maintain regulatory consistency for the regulated public and citizens of Oregon.

Land use

Land-use considerations

In adopting new or amended rules, ORS 197.180 and OAR 340-018-0070 require DEQ to determine whether the proposed rules significantly affect land use. If so, DEQ must explain how the proposed rules comply with state wide land-use planning goals and local acknowledged comprehensive plans.

Under OAR 660-030-0005 and OAR 340 Division 18, DEQ considers that rules affect land use if:

- The statewide land use planning goals specifically refer to the rule or program, or
- The rule or program is reasonably expected to have significant effects on:
 - Resources, objectives or areas identified in the statewide planning goals, or
 - Present or future land uses identified in acknowledged comprehensive plans

To determine whether the proposed rules involve programs or actions that affect land use, DEQ reviewed its Statewide Agency Coordination plan, which describes the DEQ programs that have been determined to significantly affect land use. DEQ considers that its programs specifically relate to the following statewide goals:

Goal	Title
5	Open Spaces, Scenic and Historic Areas, and Natural Resources
6	Air, Water and Land Resources Quality
9	Ocean Resources
11	Public Facilities and Services
16	Estuarial Resources

Statewide goals also specifically reference the following DEQ programs:

- Nonpoint source discharge water quality program – Goal 16
- Water quality and sewage disposal systems – Goal 16
- Water quality permits and oil spill regulations – Goal 19

Determination

DEQ determined that these proposed rules do not affect land use under OAR 340-018-0030 or DEQ's State Agency Coordination Program.

Stakeholder and public involvement

Advisory committee

DEQ did not convene an advisory committee because federal law and Oregon statute authorize the fee increases.

EQC prior involvement

DEQ shares general rulemaking information with EQC through the monthly Director's Report. DEQ did not present additional information specific to this proposed rule revision.

Public notice and hearings

Public notice

DEQ provided notice of the proposed rulemaking and rulemaking hearing on May 15, 2018 by:

- On May 15, 2018: Filing notice with the Oregon Secretary of State for publication in the June 2018 Oregon Bulletin;
- Posting the Notice, Invitation to Comment and Draft Rules on the web page for this rulemaking, located at: [Title V CPI 2018](#);
- Emailing approximately 9,200 interested parties on the following DEQ lists through GovDelivery:
 - Rulemaking
 - Title V Permit Program
 - DEQ Public Notices
- Emailing the following key legislators required under [ORS 183.335](#):
 - Senator Lew Fredrick, Co-Chair, Ways and Means Sub-Committee, Natural Resources
 - Representative Brad Witt, Co-Chair, Ways and Means Sub-Committee, Natural Resources
- Postings on Twitter and Facebook
- Posting on the DEQ event calendar: [DEQ Calendar](#)

Public hearings

DEQ plans to hold one public hearing. The details are listed below. Anyone can attend a hearing in person, or by webinar or teleconference.

DEQ will consider all written comments received at the hearings listed below before completing the draft rules. DEQ will summarize all comments and respond to comments in the Environmental Quality Commission staff report.

Hearing 1	
Date	June 19, 2018
Time	3 p.m.
Street Address	700 NE Multnomah St., Suite 600, Conference Room 601
City	Portland
Presiding Officer	DEQ Staff

Staff Presenter	Don Hendrix
Call-in Phone Number	888-278-0296
Participant ID	8040259

How to comment on the proposed rules:

Submit comment online

[Title V CPI 2018 Comment Page](#)

Note for public university students:

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By mail

Oregon DEQ
Attn: Donald Hendrix
700 NE Multnomah St., Suite 600
Portland, OR 97232-4100

At the hearing

Close of public comment period

The comment period will close 9 a.m. on June 21, 2018

Accessibility Information

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Draft Rules - With Edits Highlighted

Key to Identifying Changed Text:

~~Deleted Text~~

New/inserted text

~~Text deleted from one location~~ - and moved to another location

DEPARTMENT OF ENVIRONMENTAL QUALITY

Division 220

OREGON TITLE V OPERATING PERMIT FEES

340-220-0030

Annual Base Fee

(1) DEQ will assess an annual base fee of ~~\$7,946~~\$8,169 for each source subject to the Oregon Title V Operating Permit program for the period of November 15, ~~2016~~2018 to November 14, ~~2017~~2019, and for each annual period thereafter.

(2) DEQ will assess an annual base fee of ~~\$8,010~~\$8,331 for each source subject to the Oregon Title V Operating Permit program for the period of November 15, ~~2017~~2019 to November 14, ~~2018~~2020, and for each annual period thereafter.

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468 & 468A

History:

DEQ 1-2017, f. & cert. ef. 1-19-17

DEQ 7-2016, f. & cert. ef. 6-9-16

DEQ 2-2015, f. & cert. ef. 1-7-15

DEQ 10-2014, f. & cert. ef. 9-4-14

DEQ 9-2012, f. & cert. ef. 12-11-12

DEQ 5-2012, f. & cert. ef. 7-2-12

DEQ 16-2010, f. & cert. ef. 12-20-10

Reverted to DEQ 10-2008, f. & cert. ef. 8-25-08

DEQ 4-2009(Temp), f. & cert. ef. 8-27-09 thru 2-20-10

DEQ 10-2008, f. & cert. ef. 8-25-08

Reverted to DEQ 7-2006, f. & cert. ef. 6-30-06

DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08

DEQ 7-2006, f. & cert. ef. 6-30-06

DEQ 6-2005, f. & cert. ef. 7-11-05

DEQ 6-2004, f. & cert. ef. 7-29-04

DEQ 11-2003, f. & cert. ef. 7-23-03
DEQ 7-2001, f. 6-28-01, cert. ef. 7-1-01
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 8-2000, f. & cert. ef. 6-6-00
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2580
DEQ 10-1999, f. & cert. ef. 7-1-99
DEQ 12-1998, f. & cert. ef. 6-30-98
DEQ 9-1997, f. & cert. ef. 5-9-97
DEQ 7-1996, f. & cert. ef. 5-31-96
DEQ 22-1995, f. & cert. ef. 10-6-95
DEQ 12-1995, f. & cert. ef. 5-23-95
DEQ 13-1994, f. & cert. ef. 5-19-94
DEQ 20-1993(Temp), f. & cert. ef. 11-4-93

340-220-0040 Emission Fee

(1) DEQ will assess an emission fee of ~~\$60.08~~61.76 per ton of each regulated pollutant emitted during calendar year 20157 and for each year thereafter to each source subject to the Oregon Title V Operating Permit Program.

(2) DEQ will assess an emission fee of ~~\$60.56~~62.98 per ton of each regulated pollutant emitted during calendar year 20168 and for each calendar year thereafter to each source subject to the Oregon Title V Operating Permit Program.

(3) The emission fee will be applied to emissions based on the elections made according to OAR 340-220-0090.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468 & 468A

History:

DEQ 1-2017, f. & cert. ef. 1-19-17
DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 12-1995, f. & cert. ef. 5-23-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 7-1996, f. & cert. ef. 5-31-96; DEQ 9-1997, f. & cert. ef. 5-9-97; DEQ 12-1998, f. & cert. ef. 6-30-98; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2590; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2001, f. 6-28-01, cert. ef. 7-1-01; DEQ 11-2003, f. & cert. ef. 7-23-03; DEQ 6-2004, f. & cert. ef. 7-29-04; DEQ 6-2005, f. & cert. ef. 7-11-05; DEQ 7-2006, f. & cert. ef. 6-30-06; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08; DEQ 4-2009(Temp), f. & cert. ef. 8-27-09 thru 2-20-10; Administrative correction 3-18-10; DEQ 16-2010, f. & cert. ef. 12-20-10; DEQ 5-2012, f. & cert. ef. 7-2-12; DEQ 9-2012, f. & cert. ef. 12-11-12; DEQ 10-2014, f. & cert. ef. 9-4-14; DEQ 2-2015, f. & cert. ef. 1-7-15; DEQ 7-2016, f. & cert. ef. 6-9-16

340-220-0050

Specific Activity Fees

(1) DEQ will assess specific activity fees for an Oregon Title V Operating Permit program source for the period of ~~June 15, 2016~~January 20, 2017 to ~~January 19, 2017~~May 13, 2018 as follows:

(a) Existing source permit revisions:

(A) Administrative* — \$~~484~~488;

(B) Simple — \$~~1,938~~1,953;

(C) Moderate — \$~~14,536~~14,653;

(D) Complex — \$~~29,072~~29,306.

(b) Ambient air monitoring review — \$~~3,876~~3,907.

(2) DEQ will assess specific activity fees for an Oregon Title V Operating Permit program source as of ~~January 20, 2017~~May 14, 2018 as follows:

(a) Existing source permit revisions:

(A) Administrative* — \$~~488~~498;

(B) Simple — \$~~1,953~~1,992;

(C) Moderate — \$~~14,653~~14,944;

(D) Complex — \$~~29,306~~29,888;

(b) Ambient air monitoring review — \$~~3,907~~3,985.

NOTE: *Includes revisions specified in OAR 340-218-0150(1)(a) through (g). Other revisions specified in OAR 340-218-0150 are subject to simple, moderate or complex revision fees.

(3) DEQ will assess the following specific activity fee for an Oregon Title V Operating Permit program source for annual greenhouse gas reporting, as required by OAR 340-215-0060(1) — 15 percent of the following, not to exceed \$4,500:

(a) The applicable annual base fee (for the period of November 15 of the current year to November 14 of the following year); and

(b) The applicable annual emission fee (for emissions during the previous calendar year).

Statutory/Other Authority: ORS 468 & 468A
Statutes/Other Implemented: ORS 468 & 468A

History:

DEQ 1-2017, f. & cert. ef. 1-19-17
DEQ 7-2016, f. & cert. ef. 6-9-16
DEQ 2-2015, f. & cert. ef. 1-7-15
DEQ 10-2014, f. & cert. ef. 9-4-14
DEQ 9-2012, f. & cert. ef. 12-11-12
DEQ 5-2012, f. & cert. ef. 7-2-12
DEQ 12-2011, f. & cert. ef. 7-21-11
DEQ 11-2011, f. & cert. ef. 7-21-11
DEQ 16-2010, f. & cert. ef. 12-20-10
DEQ 12-2010, f. & cert. ef. 10-27-10
Reverted to DEQ 10-2008, f. & cert. ef. 8-25-08
DEQ 9-2009(Temp), f. 12-24-09, cert. ef. 1-1-10 thru 6-30-10
DEQ 4-2009(Temp), f. & cert. ef. 8-27-09 thru 2-20-10
DEQ 10-2008, f. & cert. ef. 8-25-08
Reverted to DEQ 7-2006, f. & cert. ef. 6-30-06
DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08
DEQ 7-2006, f. & cert. ef. 6-30-06
DEQ 6-2005, f. & cert. ef. 7-11-05
DEQ 6-2004, f. & cert. ef. 7-29-04
DEQ 11-2003, f. & cert. ef. 7-23-03
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 7-2001, f. 6-28-01, cert. ef. 7-1-01
DEQ 8-2000, f. & cert. ef. 6-6-00
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2600
DEQ 10-1999, f. & cert. ef. 7-1-99
DEQ 12-1998, f. & cert. ef. 6-30-98
DEQ 13-1994, f. & cert. ef. 5-19-94
DEQ 20-1993(Temp), f. & cert. ef. 11-4-93

DEPARTMENT OF ENVIRONMENTAL QUALITY

Division 220

OREGON TITLE V OPERATING PERMIT FEES

340-220-0030

Annual Base Fee

(1) DEQ will assess an annual base fee of \$8,169 for each source subject to the Oregon Title V Operating Permit program for the period of November 15, 2018 to November 14, 2019, and for each annual period thereafter.

(2) DEQ will assess an annual base fee of \$8,331 for each source subject to the Oregon Title V Operating Permit program for the period of November 15, 2019 to November 14, 2020, and for each annual period thereafter.

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468 & 468A

History:

DEQ 1-2017, f. & cert. ef. 1-19-17

DEQ 7-2016, f. & cert. ef. 6-9-16

DEQ 2-2015, f. & cert. ef. 1-7-15

DEQ 10-2014, f. & cert. ef. 9-4-14

DEQ 9-2012, f. & cert. ef. 12-11-12

DEQ 5-2012, f. & cert. ef. 7-2-12

DEQ 16-2010, f. & cert. ef. 12-20-10

Reverted to DEQ 10-2008, f. & cert. ef. 8-25-08

DEQ 4-2009(Temp), f. & cert. ef. 8-27-09 thru 2-20-10

DEQ 10-2008, f. & cert. ef. 8-25-08

Reverted to DEQ 7-2006, f. & cert. ef. 6-30-06

DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08

DEQ 7-2006, f. & cert. ef. 6-30-06

DEQ 6-2005, f. & cert. ef. 7-11-05

DEQ 6-2004, f. & cert. ef. 7-29-04

DEQ 11-2003, f. & cert. ef. 7-23-03

DEQ 7-2001, f. 6-28-01, cert. ef. 7-1-01

DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01

DEQ 8-2000, f. & cert. ef. 6-6-00

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2580
DEQ 10-1999, f. & cert. ef. 7-1-99
DEQ 12-1998, f. & cert. ef. 6-30-98
DEQ 9-1997, f. & cert. ef. 5-9-97
DEQ 7-1996, f. & cert. ef. 5-31-96
DEQ 22-1995, f. & cert. ef. 10-6-95
DEQ 12-1995, f. & cert. ef. 5-23-95
DEQ 13-1994, f. & cert. ef. 5-19-94
DEQ 20-1993(Temp), f. & cert. ef. 11-4-93

340-220-0040

Emission Fee

(1) DEQ will assess an emission fee of \$61.76 per ton of each regulated pollutant emitted during calendar year 2017 and for each year thereafter to each source subject to the Oregon Title V Operating Permit Program.

(2) DEQ will assess an emission fee of \$62.98 per ton of each regulated pollutant emitted during calendar year 2018 and for each calendar year thereafter to each source subject to the Oregon Title V Operating Permit Program.

(3) The emission fee will be applied to emissions based on the elections made according to OAR 340-220-0090.

Statutory/Other Authority: ORS 468.020

Statutes/Other Implemented: ORS 468 & 468A

History:

DEQ 1-2017, f. & cert. ef. 1-19-17

DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 12-1995, f. & cert. ef. 5-23-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 7-1996, f. & cert. ef. 5-31-96; DEQ 9-1997, f. & cert. ef. 5-9-97; DEQ 12-1998, f. & cert. ef. 6-30-98; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2590; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 7-2001, f. 6-28-01, cert. ef. 7-1-01; DEQ 11-2003, f. & cert. ef. 7-23-03; DEQ 6-2004, f. & cert. ef. 7-29-04; DEQ 6-2005, f. & cert. ef. 7-11-05; DEQ 7-2006, f. & cert. ef. 6-30-06; DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08; Administrative correction 2-22-08; DEQ 10-2008, f. & cert. ef. 8-25-08; DEQ 4-2009(Temp), f. & cert. ef. 8-27-09 thru 2-20-10; Administrative correction 3-18-10; DEQ 16-2010, f. & cert. ef. 12-20-10; DEQ 5-2012, f. & cert. ef. 7-2-12; DEQ 9-2012, f. & cert. ef. 12-11-12; DEQ 10-2014, f. & cert. ef. 9-4-14; DEQ 2-2015, f. & cert. ef. 1-7-15; DEQ 7-2016, f. & cert. ef. 6-9-16

340-220-0050

Specific Activity Fees

(1) DEQ will assess specific activity fees for an Oregon Title V Operating Permit program source for the period of January 20, 2017 to May 13, 2018 as follows:

(a) Existing source permit revisions:

(A) Administrative* — \$488;

(B) Simple — \$1,953;

(C) Moderate — \$14,653;

(D) Complex — \$29,306.

(b) Ambient air monitoring review — \$3,907.

(2) DEQ will assess specific activity fees for an Oregon Title V Operating Permit program source as of May 14, 2018 as follows:

(a) Existing source permit revisions:

(A) Administrative* — \$498;

(B) Simple — \$1,992;

(C) Moderate — \$14,944;

(D) Complex — \$29,888;

(b) Ambient air monitoring review — \$3,985.

NOTE: *Includes revisions specified in OAR 340-218-0150(1)(a) through (g). Other revisions specified in OAR 340-218-0150 are subject to simple, moderate or complex revision fees.

(3) DEQ will assess the following specific activity fee for an Oregon Title V Operating Permit program source for annual greenhouse gas reporting, as required by OAR 340-215-0060(1) — 15 percent of the following, not to exceed \$4,500:

(a) The applicable annual base fee (for the period of November 15 of the current year to November 14 of the following year); and

(b) The applicable annual emission fee (for emissions during the previous calendar year).

Statutory/Other Authority: ORS 468 & 468A

Statutes/Other Implemented: ORS 468 & 468A

History:

DEQ 1-2017, f. & cert. ef. 1-19-17

DEQ 7-2016, f. & cert. ef. 6-9-16

DEQ 2-2015, f. & cert. ef. 1-7-15

DEQ 10-2014, f. & cert. ef. 9-4-14
DEQ 9-2012, f. & cert. ef. 12-11-12
DEQ 5-2012, f. & cert. ef. 7-2-12
DEQ 12-2011, f. & cert. ef. 7-21-11
DEQ 11-2011, f. & cert. ef. 7-21-11
DEQ 16-2010, f. & cert. ef. 12-20-10
DEQ 12-2010, f. & cert. ef. 10-27-10
Reverted to DEQ 10-2008, f. & cert. ef. 8-25-08
DEQ 9-2009(Temp), f. 12-24-09, cert. ef. 1-1-10 thru 6-30-10
DEQ 4-2009(Temp), f. & cert. ef. 8-27-09 thru 2-20-10
DEQ 10-2008, f. & cert. ef. 8-25-08
Reverted to DEQ 7-2006, f. & cert. ef. 6-30-06
DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08
DEQ 7-2006, f. & cert. ef. 6-30-06
DEQ 6-2005, f. & cert. ef. 7-11-05
DEQ 6-2004, f. & cert. ef. 7-29-04
DEQ 11-2003, f. & cert. ef. 7-23-03
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01
DEQ 7-2001, f. 6-28-01, cert. ef. 7-1-01
DEQ 8-2000, f. & cert. ef. 6-6-00
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2600
DEQ 10-1999, f. & cert. ef. 7-1-99
DEQ 12-1998, f. & cert. ef. 6-30-98
DEQ 13-1994, f. & cert. ef. 5-19-94
DEQ 20-1993(Temp), f. & cert. ef. 11-4-93