# Increase Title V Permit Fees by the Consumer Price Index

### THIS DOCUMENT INCLUDES:

* Invitation to Comment
* Rulemaking Notice
* Draft Rules

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

### DEQ proposal

DEQ proposes rule changes to OAR 340 Division 220. The proposed rules would increase Title V permit fees for 2016 and 2017 by the change in the consumer price index 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 2016 is 0.5 percent based on the Bureau of Labor Statistics September 2015 consumer price index for the period September 2014 to August 2015. DEQ would apply this CPI to permit fees on the invoices DEQ will issue in August 2016 for annual emissions during 2015 fees and the operating period Nov. 15, 2016 to Nov. 14, 2017. DEQ will present this proposal to the Environmental Quality Commission in June 2016.

The proposed fee increase for invoice year 2017 is an additional 0.5 percent. It is an estimate identical to the 2016 increase. DEQ will recalculate the percentage after the Bureau of Labor Statistics publishes the September 2016 consumer price index for the period September 2015 to August 2016. DEQ would apply the 2016 CPI to permit fees on the invoices DEQ will issue in August 2017 for annual emissions during 2016 and the operating period Nov. 15, 2017 to Nov. 14, 2018. DEQ will present this proposal to the commission in December 2016.

The proposed annual fees for the 2016 year are listed below. Specific activity fees are available in the Proposed Rules.

|  |  |  |  |
| --- | --- | --- | --- |
| Annual Fee Categories | 2015 fees(existing fees in rule) | Proposed 2016 fees(to be invoiced in fall 2016) | Proposed 2017 fees(to be invoiced in fall 2017)1 |
| Annual base fee | $7,910 | $7,946 | $7,982 |
| Emission fee (per ton) | $59.81 | $60.08 | $60.35 |

1 Fees based on an estimate of the 2016 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 <http://www.oregon.gov/deq/RulesandRegulations/Pages/2016/TVCPI.aspx.>

**Who does this affect?**

This rule proposal affects 115 Oregon businesses that hold Title V permits in Oregon.

**Attend a hearing**

DEQ invites you to attend the public hearing listed below. The presiding officer will provide a brief overview of the proposal before inviting your spoken or written comment.

**More information**

The Rule Proposal and Notice for this rulemaking are on DEQ’s website:

<http://www.oregon.gov/deq/RulesandRegulations/Pages/2016/TVCPI.aspx>

### Public Hearings

DEQ will hold the following public hearing on this rulemaking:

Portland

811 SW Sixth Avenue

DEQ Headquarters Building

Tenth Floor Hearing Room, Conference Room EQC A

Time: 5:00 p.m.

Date: Thursday, February 18, 2016

CONFERENCE CALL-IN Toll Free PHONE NUMBER: (888)-204-5984
CONFERENCE CALL PARTICIPANT ID: 257801

### 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 Thursday, February 18, 2016.

### 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.

### Comment deadline

DEQ will only consider comments on the proposed rules that DEQ receives by 4 p.m., on February 22, 2016.

#### Submit comment online

<http://www.oregon.gov/deq/RulesandRegulations/Pages/comments/titlevcpi2016.aspx>

#### Submit though optional pOptional protected email

*-only only for public university and OHSU students*

LINK TO STUDENT COMMENT MAILBOX:

Comment-TVFees2016@deq.state.or.us

#### By mail

Oregon DEQ

Attn: Susan Carlson

811 SW Sixth Avenue

Portland, OR 97204-1390

#### At hearing

Thursday, February 18, 2016

### Sign up for rulemaking notices

Get email updates about future DEQ rulemaking by signing up through (EDIT LINK TO ADD CORRECT TOPIC NUMBER): https://public.govdelivery.com/accounts/ORDEQ/subscriber/new?topic\_id=ORDEQ\_TOPICNUMBER.or on the rulemaking web site.

### Accessibility information

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

Oregon Department of Environmental Quality

811 SW Sixth Avenue

Portland, OR, 97204

To schedule a review of all websites and documents referenced in this announcement, call Susan Carlson, Portland, at 503-229-6918 (800-452-4011, ext. 5622 toll-free in Oregon).

Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ, Portland, at 503-229-5696 or call toll-free in Oregon at 1-800-452-4011, ext. 5696; fax to 503-229-6762; or email to deqinfo@deq.state.or.us. Hearing impaired persons may call 711.