



State of Oregon Department of Environmental Quality

# Draft Rules – Edits Highlighted

Title V Fee Increase 2023

## Key to Identifying Changed Text:

~~Deleted Text~~

New/inserted text

### Department of Environmental Quality

#### Chapter 340

#### Division 220

### OREGON TITLE V OPERATING PERMIT FEES

#### 340-220-0030

#### Annual Base Fee

(1) DEQ will assess an annual base fee of \$~~12,504~~<sup>8,744</sup> for each source subject to the Oregon Title V Operating Permit program for the period of November 15, 2023~~2~~ to November 14, 2024~~3~~.

(2) DEQ will assess an annual base fee of \$~~16,002~~<sup>12,504</sup> for each source subject to the Oregon Title V Operating Permit program for the period of November 15, 2024~~3~~ to November 14, 2025~~4~~, and for each annual period thereafter.

**Statutory/Other Authority:** ORS 468 & 468A

**Statutes/Other Implemented:** ORS 468 & 468A

#### History:

[DEQ 9-2023, temporary amend filed 07/20/2023, effective 08/01/2023 through 01/27/2024](#)

DEQ 14-2022, amend filed 08/16/2022, effective 08/16/2022

DEQ 10-2021, amend filed 07/23/2021, effective 07/23/2021

DEQ 12-2019, amend filed 05/16/2019, effective 05/16/2019

DEQ 189-2018, amend filed 07/13/2018, effective 07/13/2018

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) For operations during the period of November 15, 2023~~2~~ to November 14, 2024~~3~~, DEQ will assess an emission fee of \$~~95.00~~~~66.10~~ per ton of each regulated pollutant emitted during calendar year 2022~~4~~ to each source subject to the Oregon Title V Operating Permit Program.

(2) For operations during the period of November 15, 2024~~3~~ to November 14, 2025~~4~~, DEQ will assess an emission fee of \$~~121~~~~95~~ per ton of each regulated pollutant emitted during calendar year 2023~~2~~ to each source subject to the Oregon Title V Operating Permit Program. DEQ will assess the same per ton emission fee for operations in subsequent comparable November 15 to November 14 operating periods, based on subsequent calendar year's emissions of regulated pollutants, respectively, 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 9-2023, temporary amend filed 07/20/2023, effective 08/01/2023 through 01/27/2024  
DEQ 14-2022, amend filed 08/16/2022, effective 08/16/2022  
DEQ 10-2021, amend filed 07/23/2021, effective 07/23/2021  
DEQ 12-2019, amend filed 05/16/2019, effective 05/16/2019  
DEQ 189-2018, amend filed 07/13/2018, effective 07/13/2018  
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 16-2010, f. & cert. ef. 12-20-10  
DEQ 4-2009(Temp), f. & cert. ef. 8-27-09 thru 2-20-10  
DEQ 10-2008, f. & cert. ef. 8-25-08  
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 8-2000, f. & cert. ef. 6-6-00  
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2590  
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

### **340-220-0050**

#### **Specific Activity Fees**

(1) DEQ will assess specific activity fees for an Oregon Title V Operating Permit program source for the period of July 27, 2023~~2~~ to August 1, 2024~~3~~ as follows:

(a) Existing source permit revisions:

(A) Administrative\* — \$~~762,533~~;

(B) Simple — \$~~3,050,133~~;

(C) Moderate — \$~~22,873,15,995~~;

(D) Complex — \$~~45,744,31,989~~; and

(b) Ambient air monitoring review — \$~~6,099,4,265~~.

(2) DEQ will assess specific activity fees for an Oregon Title V Operating Permit program source as of August 1, 2024~~3~~ as follows:

(a) Existing source permit revisions:

(A) Administrative\* — \$~~975,762~~;

(B) Simple — ~~\$3,903~~3,050;

(C) Moderate — ~~\$29,276~~22,873;

(D) Complex — ~~\$58,552~~45,744; and

(b) Ambient air monitoring review — ~~\$7,807~~6,099.

(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 under OAR 340-220-0030 (for the period of November 15 of the current year to November 14 of the following year); and

(b) The applicable annual emission fee under OAR 340-220-0040.

(4) DEQ will assess the following specific activity fees for an Oregon Title V Operating Permit for Cleaner Air Oregon program implementation, as required by OAR 340-245-0400:

(a) The annual base fee of \$2,859; and

(b) The annual emission fee of \$21.61 per ton of each regulated pollutant for emissions during the previous calendar year, up to and including 7,000 tons of such emissions per year. The emission fee will be applied to emissions based on the elections made under OAR 340-220-0090.

[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.]

**Statutory/Other Authority:** ORS 468 & 468A

**Statutes/Other Implemented:** ORS 468 & 468A

**History:**

DEQ 9-2023, temporary amend filed 07/20/2023, effective 08/01/2023 through 01/27/2024

DEQ 14-2022, amend filed 08/16/2022, effective 08/16/2022

DEQ 10-2021, amend filed 07/23/2021, effective 07/23/2021

DEQ 23-2019, amend filed 10/08/2019, effective 10/08/2019

DEQ 12-2019, amend filed 05/16/2019, effective 05/16/2019

DEQ 7-2019, amend filed 02/15/2019, effective 02/15/2019

DEQ 197-2018, amend filed 11/16/2018, effective 11/16/2018

DEQ 189-2018, amend filed 07/13/2018, effective 07/13/2018

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

### **340-220-0070**

#### **Exclusions**

- (1) DEQ will not assess emission fees on newly permitted major sources that have not begun initial operation.
- (2) DEQ will not assess emission fees on carbon monoxide. However, sources that emit or are permitted to emit 100 tons or more per year of carbon monoxide are subject to the emission fees on all other regulated pollutants pursuant to OAR 340-220-0010.
- (3) DEQ will not assess emission fees on any device or activity that did not operate at any time during the calendar year.
- (4) If an owner or operator of an Oregon Title V Operating Permit program source operates a device or activity for less than 5% of the permitted operating schedule, the owner or operator may elect to report emissions based on a proration of the permitted emissions for the actual operating time.
- (5) DEQ will not assess emission fees on emissions categorized as credits or unassigned emissions within an Oregon Title V Operating Permit.
- (6) DEQ will not assess emission fees on categorically insignificant emissions as defined in OAR 340-200-0020.

**Statutory/Other Authority:** ORS 468.020, 468.065, 468A.310 & 468A.315

**Statutes/Other Implemented:** ORS 468.065 & 468A.315

**History:**

DEQ 7-2015, f. & cert. ef. 4-16-15  
DEQ 10-2008, f. & cert. ef. 8-25-08  
Reverted to DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01  
DEQ 6-2007(Temp), f. & cert. ef. 8-17-07 thru 2-12-08  
DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01  
DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-2620  
DEQ 10-1999, f. & cert. ef. 7-1-99  
DEQ 19-1996, f. & cert. ef. 9-24-96  
DEQ 22-1995, f. & cert. ef. 10-6-95  
DEQ 24-1994, f. & ef. 10-28-94  
DEQ 13-1994, f. & cert. ef. 5-19-94  
DEQ 20-1993(Temp), f. & cert. ef. 11-4-93